To require the Administrator of the Environmental Protection Agency to carry out certain activities to protect communities from the harmful effects of plastics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Huffman introduced the following bill; which was referred to the Committee on

A BILL

To require the Administrator of the Environmental Protection Agency to carry out certain activities to protect communities from the harmful effects of plastics, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Communities from Plastics Act”.

SEC. 2. FINDINGS.

Congress finds that—

(Original Signature of Member)
(1) plastics production is exacerbating the climate crisis and driving environmental injustice in vulnerable communities located near petrochemical facilities;

(2) plastics production is on track to double in the decade following the date of enactment of this Act, locking in harmful emissions for decades;

(3) plastics and other petrochemicals are forecasted to become the largest driver of oil and hydraulically fractured gas demand by 2050;

(4) some studies have projected that the plastics industry will emit more greenhouse gas emissions than coal plants in the United States by 2030;

(5) petrochemical facilities that produce plastics are more likely to be located in low-income communities and communities of color, disproportionately exposing those communities to harmful pollutants;

(6) plastics production and certain disposal facilities pollute surrounding communities with chemicals that are known to cause cancer, birth defects, and other serious illnesses;

(7) transitioning off fossil fuels for power generation and transportation only to replace that demand with more fossil fuel-based plastics production
is not a viable strategy and fails to protect communities;

(8) plastics carry impacts throughout their lifecycles, including the impacts of—

   (A) oil and gas extraction;
   (B) plastics refining, manufacturing, and certain methods of disposal; and
   (C) plastics pollution that ends up in communities and in the environment, where the degrading plastics leach chemical additives and emit greenhouse gases;

(9) addressing the plastics crisis requires a shift away from single-use plastics in nonessential settings; and

(10) technologies that convert plastics to fuel, use plastics for energy generation, generate feedstocks for the chemical industry, or produce hazardous waste and toxic air pollution are not a sustainable solution to the plastics crisis.

SEC. 3. DEFINITIONS.

In this Act:

   (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

   (2) PLASTIC.—
(A) IN GENERAL.—The term “plastic” means a synthetic or semisynthetic material that—

(i) is synthesized by the polymerization of organic substances; and

(ii) is capable of being shaped into various rigid and flexible forms.

(B) INCLUSIONS.—The term “plastic” includes coatings and adhesives described in sub-
paragraph (A).

(C) EXCLUSIONS.—The term “plastic” does not include—

(i) natural rubber; or

(ii) naturally occurring polymers, such as proteins or starches.

(3) REUSABLE; REFILLABLE; REUSE; REFILL.—The terms “reusable”, “refillable”, “reuse”, and “refill” mean—

(A) with respect to packaging or food service ware that is reused or refilled by a producer, that the packaging or food service ware is—

(i) explicitly designed and marketed to be utilized for not less than the number of cycles that the Administrator determines to be appropriate, for the same product, or
for another purposeful packaging use in a supply chain;

(ii) designed for durability to function properly in its original condition for multiple cycles;

(iii) composed of materials that do not contain—

(I) toxic heavy metals;

(II) pathogens;

(III) additives; or

(IV) chemical substances designated as high-priority substances under section 6(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2605(b)(1)), including the chemicals or mixtures of chemicals described in section 4(g)(3);

(iv) supported by adequate infrastructure to ensure the packaging or food service ware can be conveniently and safely reused or refilled for multiple cycles; and

(v) repeatedly recovered, inspected, and repaired, if necessary, and reissued into the supply chain for reuse or refill for multiple cycles; and
(B) with respect to packaging or food service ware that is reused or refilled by a consumer, that the packaging or food service ware is—

   (i) explicitly designed and marketed to be utilized for not less than the number of cycles that the Administrator determines to be appropriate, for the same product;

   (ii) designed for durability to function properly in its original condition for multiple cycles;

   (iii) composed of materials that do not contain—

      (I) toxic heavy metals;

      (II) pathogens;

      (III) additives; or

      (IV) chemical substances designated as high-priority substances under section 6(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2605(b)(1)), including the chemicals or mixtures of chemicals described in section 4(g)(3); and

   (iv) supported by adequate and convenient availability of, and retail infra-
structure for, bulk or large format pack-
aging that may be refilled to ensure the
packaging or food service ware can be con-
veniently and safely reused or refilled by
the consumer for multiple cycles, as need-
ed.

(4) SINGLE-USE PLASTIC.—

(A) IN GENERAL.—The term “single-use
plastic” means a plastic product or packaging
that—

(i) is routinely disposed of, recycled,
or otherwise discarded after a single use;
or

(ii) is not sufficiently durable or wash-
able to be, or is not intended to be, reus-
able or refillable.

(B) EXCLUSIONS.—The term “single-use
plastic” does not include—

(i) medical equipment, medical de-
vices, consumer personal protective equip-
ment, or other products determined by the
Secretary of Health and Human Services
to necessarily be made of plastic for the
protection of public health or for people
with disabilities;
(ii) packaging that is—

(I) for any product described in clause (i) that is determined by the Secretary of Health and Human Services to necessarily be used for the protection of public health or for people with disabilities; or

(II) used for the shipment of hazardous materials that is prohibited from being composed of used materials under section 178.509 or 178.522 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(iii) personal hygiene products that, due to the intended use of the products, could become unsafe or unsanitary to recycle, such as diapers.

SEC. 4. ENVIRONMENTAL JUSTICE PROTECTIONS AT COVERED FACILITIES.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY OF COLOR.—The term “community of color” means a geographically distinct area in which the percentage of the population of the community represented by people of color is higher
than the percentage of the population of the State represented by people of color.

(2) CONSULTATION.—The term “consultation” means the meaningful and timely process of—

(A) seeking, discussing, and carefully considering the views of fenceline communities in a manner that is cognizant of the values of all parties; and

(B) when feasible, seeking agreement among the parties.

(3) COVERED FACILITY.—The term “covered facility” means—

(A) an industrial facility that transforms petrochemical gas and liquids into ethylene and propylene for later conversion into plastic polymers;

(B) an industrial facility that transforms ethylene and propylene into any other chemical for later conversion into plastic polymers;

(C) a plastic polymerization or polymer production facility;

(D) an industrial facility that depolymerizes or otherwise breaks down plastic polymers into chemical feedstocks for use in new products or as fuel;
(E) an industrial facility that converts, including through pyrolysis or gasification, plastic polymers into chemical feedstocks; and

(F) an industrial facility that generates fuel or energy from plastic polymers through waste-to-fuel technology, an incinerator, or other similar technology, as determined by the Administrator.

(4) COVERED PRODUCT.—The term “covered product” means—

(A) ethylene;

(B) propylene; and

(C) raw plastic materials in any form, including pellets, resin, nurdles, powder, and flakes, including—

(i) polyethylene terephthalate (commonly referred to as “PET”);

(ii) high density polyethylene (commonly referred to as “HDPE”);

(iii) low density polyethylene (commonly referred to as “LDPE”);

(iv) polypropylene (commonly referred to as “PP”);

(v) polyvinyl chloride (commonly referred to as “PVC”).
(vi) polystyrene (commonly referred to as "PS"); and
(vii) any other plastic polymer determined to be appropriate by the Administrator.

(5) ENVIRONMENTAL JUSTICE.—The term "environmental justice" means the fair treatment and meaningful involvement of all individuals, regardless of race, color, national origin, educational level, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies to ensure that—

(A) communities of color, indigenous communities, and low-income communities have access to public information and opportunities for meaningful public participation with respect to human health and environmental planning, regulations, and enforcement;

(B) no community of color, indigenous community, or low-income community is exposed to a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards; and
(C) the 17 principles described in the document entitled “The Principles of Environmental Justice”, written and adopted at the First National People of Color Environmental Leadership Summit held on October 24 through 27, 1991, in Washington, DC, are upheld.

(6) FENCELINE COMMUNITY.—

(A) IN GENERAL.—The term “fenceline community” means a community located near a covered facility that has experienced systemic socioeconomic disparities or other forms of injustice.

(B) INCLUSIONS.—The term “fenceline community” includes a low-income community, an indigenous community, and a community of color.

(7) FENCELINE MONITORING.—The term “fenceline monitoring” means continuous, real-time monitoring of ambient air quality around the entire perimeter of a facility.

(8) INDIGENOUS COMMUNITY.—The term “indigenous community” means—

(A) a federally recognized Indian Tribe;

(B) a State-recognized Indian Tribe;
(C) an Alaska Native or Native Hawaiian community or organization; and

(D) any other community of indigenous people, including communities in other countries.

(9) LIMITED ENGLISH PROFICIENCY INDIVIDUAL.—The term “limited English proficiency individual” means an individual that—

(A) does not speak English as their primary language; or

(B) has a limited ability to read, speak, write, or understand English.

(10) LOW-INCOME COMMUNITY.—The term “low-income community” means any census block group in which 30 percent or more of the population are individuals with an annual household income equal to, or less than, the greater of—

(A) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and

(B) 200 percent of the Federal poverty line.

(11) MATERIAL RECOVERY FACILITY.—The term “material recovery facility” means a solid
waste management facility that processes materials for reuse or recycling.

(12) MEANINGFUL.—The term “meaningful,” with respect to involvement by the public in a determination by a Federal agency, means that—

(A) potentially affected residents of a community have an appropriate opportunity to participate in decisions relating to a proposed activity that will affect the environment or public health of the community;

(B) the public contribution can influence the determination by the Federal agency;

(C) the concerns of all participants involved are taken into consideration in the decision-making process; and

(D) the Federal agency—

   (i) provides to potentially affected members of the public accurate information, including identifying limited English proficiency individuals who need language assistance, implementing accessible language assistance measures, and providing notice to limited English proficiency individuals for effective engagement in decisions; and
(ii) facilitates the involvement of potentially affected members of the public.

(13) TEMPORARY PAUSE PERIOD.—The term “temporary pause period” means the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the date that is the first date on which—

(i) all regulations and final rules required under subsections (d), (e), and (f) are in effect; and

(ii) the amendments made by subsection (i) are fully implemented.

(b) NATIONAL ACADEMIES STUDY OF PLASTICS INDUSTRY.—

(1) IN GENERAL.—

(A) AGREEMENT.—The Administrator shall offer to enter into an agreement with the National Academy of Sciences and the National Institutes of Health to conduct a study of—

(i) the existing and planned expansion of the industry of the producers of covered products, including the entire supply chain, the extraction and refining of fossil fuels and polymer feedstocks, chemical recycling
efforts, end uses, disposal fate, and
lifecycle impacts of covered products;

(ii) the environmental, public health,
and environmental justice and pollution
impacts of covered facilities and the prod-
ucts of covered facilities;

(iii) the use of toxic additives in the
production of covered products and the
consequences of those additives on public
health;

(iv) the existing standard technologies
and practices of covered facilities with re-
spect to the discharge and emission of pol-
lutants into the environment;

(v) the best available technologies and
practices that reduce or eliminate the envi-
ronmental justice and pollution impacts of
covered facilities, associated infrastructure
of covered facilities, and the products of
covered facilities; and

(vi) the toxicity of plastic polymers,
additives, and chemicals (including byprod-
ucts), including the impacts of those poly-
mers, additives, and chemicals on—

(I) public health;
(II) the recyclability of plastic;

and

(III) the ability to use recycled content.

(B) Failure to enter agreement.—If the Administrator fails to enter into an agree-
ment described in subparagraph (A), the Ad-
ministrator shall conduct the study described in
that subparagraph.

(2) Requirements.—The study under para-
graph (1) shall—

(A) consider—

(i) the direct, indirect, and cumulative
environmental impacts of industries, in-
cluding plastic production industries,
chemical recycling industries, and the in-
dustries of other covered facilities, to date;
and

(ii) the impacts of the planned expan-
sion of those industries, including local, re-
gional, national, and international air,
water, waste, climate change, public health,
and environmental justice impacts of those
industries; and
(B) recommend technologies, regulations, standards, and practices, including recommendations for technologies, regulations, standards, and practices that will best carry out the regulatory modifications required under subsections (d), (e), and (g), to remediate or eliminate the local, regional, national, and international air, water, waste, climate change, public health, and environmental justice impacts of the industries described in subparagraph (A)(i).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences and the National Institutes of Health such sums as are necessary to carry out this subsection.

(e) PERMITTING MORATORIUM FOR COVERED FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), during the temporary pause period, notwithstanding any other provision of law—
(A) the Administrator shall not issue a new permit for a covered facility under—

(i) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(ii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Secretary of the Army, acting through the Chief of Engineers, shall not issue a new permit for a covered facility under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) the Administrator shall object in writing under subsections (b) and (c) of section 505 of the Clean Air Act (42 U.S.C. 7661d) or section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)), as applicable, to any new permit issued to a covered facility by a State agency delegated authority under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) the export of covered products is prohibited.
(2) Exception.—Paragraph (1) does not apply to a permit described in that paragraph for a facility that is—

(A) a material recovery facility;

(B) a mechanical recycling facility; or

(C) a compost facility.

(d) Clean Air Requirements for Covered Facilities.—

(1) Timely Revision of Emissions Standards.—Section 111(b)(1)(B) of the Clean Air Act (42 U.S.C. 7411(b)(1)(B)) is amended by striking the fifth sentence.

(2) New Source Performance Standards for Certain Facilities.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule—

(A) designating petrochemical feedstock and polymer production facilities as a category of stationary source under section 111(b)(1)(A) of the Clean Air Act (42 U.S.C. 7411(b)(1)(A)); and

(B) establishing new source performance standards for the category of stationary source designated under subparagraph (A) under sec-
tion 111(f)(1) of the Clean Air Act (42 U.S.C. 7411(f)(1)).

(3) Storage vessels for covered products.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule modifying section 60.112b(a) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that an owner or operator of a storage vessel containing liquid with a vapor pressure of equal to or more than 5 millimeters of mercury under actual storage conditions that is regulated under that section uses—

(A) an internal floating roof tank connected to a volatile organic compound control device; or

(B) a fixed-roof tank connected to a volatile organic compound control device.

(4) Flaring.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate a final rule—

(A) modifying title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that flaring, either at ground-level or elevated, shall only be per-
mitted when necessary solely for safety reasons; 
and

(B) modifying sections 60.112b(a)(3)(ii), 60.115b(d)(1), 60.482–10a(d), 60.662(b), 
60.702(b), and 60.562–1(a)(1)(i)(C) of title 40, 
Code of Federal Regulations (as in effect on the 
date of enactment of this Act), to ensure that— 

(i) references to flare standards under 
those sections refer to the flare standards 
established under subparagraph (A); and

(ii) the flare standards under those 
sections are, without exception, continu-
ously applied.

(5) SOCMI EQUIPMENT LEAKS.—Not later 
than 3 years after the date of enactment of this Act, 
the Administrator shall promulgate a final rule— 

(A) modifying section 60.482–1a of title 
40, Code of Federal Regulations (as in effect on 
the date of enactment of this Act), to ensure 
that owners and operators use process units 
and components with a leak-less or seal-less de-
sign;

(B) modifying section 60.482–1a(f) of title 
40, Code of Federal Regulations (as in effect on 
the date of enactment of this Act), to ensure
that owners and operators use optical gas imaging monitoring pursuant to section 60.5397a of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), on a quarterly basis, unless the owner or operator receives approval from the Administrator in writing to use Method 21 of the Environmental Protection Agency (as described in appendix A–7 of part 60 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) with a repair threshold of 500 parts per million;

(C) modifying 60.482–6a of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the use of open-ended valves or lines is prohibited except if a showing is made that the use of an open-ended valve or line is necessary for safety reasons; and

(D) modifying subpart VVa of part 60 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act) to ensure that—

(i) the term “no detectable emissions” is defined to mean an instrument reading
of less than 50 parts per million above background concentrations; and

(ii) the term “leak” is defined to mean an instrument reading of greater than or equal to 50 parts per million above background concentrations.

(6) NATURAL-GAS FIRED STEAM BOILERS.—

Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule revising subpart Db of part 60 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that boilers or heaters located at an affected covered facility regulated under that subpart may only burn gaseous fuels, not solid fuels or liquid fuels.

(7) NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS IMPLEMENTATION IMPROVEMENTS.—

(A) EQUIPMENT LEAKS OF BENZENE.—

Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule modifying section 61.112 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act) that strikes subsection (c).
(B) BENZENE WASTE OPERATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule modifying subpart FF of part 61 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that—

(i) the term “no detectable emissions” is defined to mean an instrument reading of less than 50 parts per million above background concentrations; and

(ii) the term “leak” is defined to mean an instrument reading of greater than or equal to 50 parts per million above background concentrations.

(C) MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY STANDARDS FOR COVERED FACILITIES.—Not later than 3 years after the date of enactment of this Act, the Administrator shall—

(i) promulgate a final rule modifying subpart YY of part 63 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that—
(I) the generic maximum achievable control technology standards described in that subpart—

(aa) require no detectable emissions of hazardous air pollutants, unless the Administrator—

(AA) determines that the maximum degree of reduction in emissions of hazardous air pollutants achievable pursuant to section 112(d)(2) of the Clean Air Act (42 U.S.C. 7412(d)(2)) justifies higher limits; and

(BB) publishes the determination under subitem (AA) and the proposed higher limits in a rulemaking;

(bb) ensure an ample margin of safety to protect public health and prevent an adverse environmental effect; and

(cc) prevent adverse cumulative effects to fetal health, the
health of children, and the health
of vulnerable subpopulations; and

(II) the term “no detectable
emissions”, as required under sub-
clause (I)(aa), is defined to mean an
instrument reading of less than 50
parts per million above background
concentrations; and

(ii) in promulgating the final rule re-
quired in clause (i)(I), consider—

(I) the effects and risks of expo-
sure from cumulative sources of haz-
ardous air pollutants under the sub-
part modified under that clause; and

(II) the best available science, in-
cluding science provided by the Na-
tional Academies of Science.

(8) MONITORING.—Not later than 3 years after
the date of enactment of this Act, the Administrator
shall promulgate a final rule revising subparts DDD,
NNN, RRR, and other relevant subparts of part 60
of title 40, Code of Federal Regulations (as in effect
on the date of enactment of this Act)—

(A) to require continuous emissions moni-
toring of benzene, nitrogen oxides, sulfur diox-
ide, carbon monoxide, and filterable particulate matter for all combustion devices except for non-enclosed flares, including during startups, shutdowns, and malfunctions of the facilities regulated by those subparts;

(B) to require—

(i) accurate and continuous record-keeping when continuous emissions monitoring is required under subparagraph (A);

and

(ii) the records required under clause (i) to be made available to the public in real time;

(C) to require continuous fenceline monitoring of emissions from combustion devices under section 63.658 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), for nitrogen oxides, sulfur dioxide, carbon monoxide, filterable and condensable particulate matter, and all other relevant hazardous air pollutants; and

(D) to ensure that the continuous monitoring of combustion devices required under subparagraphs (A) and (C) are used to determine the compliance of facilities regulated by
those subparts with the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) CLEAN WATER REQUIREMENTS FOR COVERED FACILITIES.—

(1) BAT AND NSPS STANDARDS FOR PLASTIC POLYMER PRODUCTION.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule—

(A) that ensures that the best available technology limitations described in part 414 of title 40, Code of Federal Regulations (as modified under subparagraph (B)) applies to covered facilities that produce fewer than 5,000,001 pounds of covered products per year;

(B) modifying part 414 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the best available technology and new source performance standard requirements under that part reflect updated best available technology and best available demonstrated control technology for all pollutants discharged by covered facilities that produce covered products, including pollutants of concern that are not regulated on the date of enactment of this Act; and
(C) modifying sections 414.91(b), 414.101(b), and 414.111(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act) to ensure that—

(i) for new source performance standards for applicable covered facilities producing covered products, the maximum effluent limit for any 1 day and for any monthly average for the priority pollutants described in appendix A to part 423 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), is 0 milligrams per liter unless the Administrator—

(I) determines that higher limits are justified using best available demonstrated control technology; and

(II) publishes the determination under subclause (I) and the proposed higher limits in a rulemaking; and

(ii) for best available technology and new source performance standards, the maximum effluent limit for any 1 day and for any monthly average for total plastic
pellets and other plastic material is 0 milli-
grams per liter.

(2) REVISED EFFLUENT LIMITATIONS GUIDE-
LINES FOR PETROCHEMICAL FEEDSTOCK AND POLY-
MER PRODUCTION.—

(A) BAT AND NSPS STANDARDS.—Not
later than 3 years after the date of enactment
of this Act, the Administrator shall promulgate
a final rule—

(i) modifying sections 419.23, 419.26,
419.33, and 419.36 of title 40, Code of
Federal Regulations (as in effect on the
date of enactment of this Act), to ensure
that the best available technology and new
source performance standards reflect up-
dated best available technology and best
available demonstrated control technology
for all pollutants discharged by covered fa-
cilities producing petrochemical feedstocks
and polymers; and

(ii) modifying sections 419.26(a) and
419.36(a) of title 40, Code of Federal Reg-
ulations (as in effect on the date of enact-
ment of this Act), to ensure that the new
source performance standards for any 1
day and for average of daily values for 30 consecutive days for the priority pollutants described in appendix A to part 423 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), is 0 milligrams per liter unless the Administrator—

(I) determines that higher limits are necessary based on the best available demonstrated control technology; and

(II) the Administrator publishes the determination under subclause (I) and the proposed higher limits in a rulemaking.

(B) Runoff Limitations for Ethylene and Propylene Production.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule modifying sections 419.26(e) and 419.36(e) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that runoff limitations that reflect best available demonstrated control technology are included.
(f) **ENVIRONMENTAL JUSTICE REQUIREMENTS FOR COVERED FACILITIES.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule to ensure that—

(A) any proposed permit to be issued by the Administrator or by a State agency delegated authority under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with respect to a covered facility is accompanied by an environmental justice assessment that—

(i) assesses the direct, indirect, and cumulative economic, environmental, and public health impacts of the proposed permit on fenceline communities; and

(ii) proposes changes or alterations to the proposed permit that would, to the maximum extent practicable, eliminate or mitigate the impacts described in clause (i);

(B) each proposed permit and environmental justice assessment described in subparagraph (A) is delivered to applicable fenceline communities at the beginning of the public com-
ment period for the proposed permit for purposes of notification and consultation, which shall include—

(i) prompt notification—

   (I) through direct means, including in non-English languages for limited English proficiency individuals;

   (II) through publications likely to be obtained by residents of the fenceline community, including non-English language publications; and

   (III) in the form of a public hearing in the fenceline community—

      (aa) for which public notice is provided—

         (AA) not less than 60 days before the date on which the public hearing is to be held; and

         (BB) using the means described in subclauses (I) and (II);

      (bb) for which translation services are provided; and
(cc) that is accessible through live-streaming or alternative video streaming services for which translation services are provided; and

(ii) after the prompt notification required under clause (i), consultation that—

(I) facilitates effective collaboration and informed policymaking that further recognizes the importance of regular communication and collaboration with fenceline communities, regardless of whether specific regulatory or policy changes are being considered;

(II) seeks information and input from fenceline communities by soliciting the collaboration, cooperation, and participation of those fenceline communities;

(III) includes an in-person meeting or a telephone conference that—

(aa) is in a location, if applicable, that is selected by those engaged in the consultation to be
mutually accessible to representatives of fenceline communities and applicable State or Federal government participants;

(bb) removes institutional and procedural impediments that adversely affect working directly with fenceline communities;

(IV) ensures that any health or environmental concerns raised by fenceline communities with be properly invested and considered in decisions to grant or deny the proposed permit; and

(V) explains to the representatives of the fenceline community the range of resulting actions that the Administrator or State agency may take; and

(C) the Administrator or a State agency delegated authority under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable, shall not approve a proposed permit described in subparagraph (A) unless—
(i) changes or alterations have been incorporated into the revised proposed permit that, to the maximum extent practicable, eliminate or mitigate the environmental justice impacts described in subparagraph (A)(i);

(ii) the changes or alterations described in clause (i) have been developed with meaningful input from residents or representatives of the fenceline community in which the covered facility to which the proposed permit would apply is located or seeks to locate; and

(iii) the permit includes a community benefit agreement that—

(I) has been entered into after the prompt notification and consultation required under clauses (i) and (ii), respectively, of subparagraph (B); and

(II) stipulates the benefits the covered facility agrees to fund or furnish in exchange for community support for the covered facility, which may include—
(aa) commitments to hire directly from a community;

(bb) contributions to economic and health trust funds;

(cc) local workforce training guarantees;

(dd) increased pollution control technologies;

(ee) operation restrictions;

(ff) financial assurances;

and

(gg) siting restrictions;

(D) the Administrator or a State agency delegated authority under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable, shall not approve a proposed permit described in subparagraph (A) during the 45-day period beginning on the date on which a public hearing described in subparagraph (B)(i)(III) is held for the proposed permit; and

(E) the approval of a proposed permit described in subparagraph (A) is conditioned on the covered facility providing comprehensive third-party fenceline monitoring and response
strategies that fully protect public health and safety and the environment in fenceline communities, for which the affected fenceline communities have the opportunity to provide meaningful input.

(2) REQUIREMENTS.—

(A) REQUIRED INPUT.—The Administrator shall develop the final rule required under paragraph (1) with meaningful input from—

(i) residents of fenceline communities;

and

(ii) representatives of fenceline communities.

(B) COMMUNITY CONSULTATION REQUIREMENT.—In carrying out the consultation required under paragraph (1)(B)(ii), the Administrator and each State agency delegated authority under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall establish a dedicated position that—

(i) supports fenceline communities in understanding the technical nuances of the permit and regulatory process; and
(ii) accounts for limited English proficiency individuals.

(3) REPORT TO CONGRESS ON STATE PERMITTING PROGRAMS.—Not later than 2 years after the date on which the final rule required under paragraph (1) is published in the Federal Register, and every 5 years thereafter, the Administrator shall submit to Congress a report evaluating how States are implementing required environmental justice considerations pursuant to that final rule into their permitting programs under the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(g) TOXIC SUBSTANCES.—

(1) INVENTORY AND REPORTING.—Section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)) is amended by adding at the end the following:

“(11) PLASTICS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) COVERED FACILITY; COVERED PRODUCT.—The terms ‘covered facility’ and ‘covered product’ have the meanings given those terms in section 4(a) of the Protecting Communities from Plastics Act.
“(ii) **PLASTIC; SINGLE-USE PLASTIC.**—The terms ‘plastic’ and ‘single-use plastic’ have the meanings given those terms in section 3 of the Protecting Communities from Plastics Act.

“(B) **PUBLICATION.**—Not later than April 1, 2025, and every 3 years thereafter, the Administrator shall publish in the Federal Register an inventory of plastic manufacturing, distribution in commerce, and trade in the United States.

“(C) **PROCESS.**—In carrying out the inventory under subparagraph (B), the Administrator shall—

“(i) identify—

“(I) each covered facility; and

“(II) any other manufacturer of plastic products;

“(ii) identify—

“(I) the polymers associated with plastic production;

“(II) the types or uses of plastic products manufactured; and
“(III) the associated quantities of polymer and product manufacture and uses;

“(iii) quantify the single-use plastics manufactured—

“(I) in the aggregate; and

“(II) by use category;

“(iv) quantify the percentage of post-consumer recycled content of the feedstocks for the manufacture of the types of plastic products identified under clause (ii)(II);

“(v) provide information and quantified estimates on the fate of the plastic products at the end of their useful life;

“(vi) identify the chemicals used in polymer or plastic production that may pose a potential risk to human health and the environment, taking into account the data reported under subparagraph (D)(i), which shall include, at a minimum, the information described in subparagraphs (A) through (G) of subsection (a)(2);

“(vii) specify any chemicals identified under clause (vi)—
“(I) that are undergoing regulatory action under section 6; or

“(II) for which regulatory action under section 6 is anticipated during the next 3 years;

“(viii) for each chemical identified under clause (vi) that is not specified under clause (vii), provide a timetable for regulatory action under section 6 and any other recommended actions, including proposed revisions of Federal law or regulations, to achieve further reductions in plastic manufacture or distribution in commerce; and

“(ix) propose revisions to Federal law or regulations to achieve further reductions in plastic manufacture or distribution in commerce.

“(D) REPORTING.—

“(i) IN GENERAL.—To assist in the preparation of the inventory under subparagraph (B), notwithstanding section 3(2)(B), any person who manufactures a covered product used in plastic production, and any person who manufactures a plastic
product, shall submit to the Administrator periodic reports at such time and including such information as the Administrator shall determine by rule.

“(ii) Promulgation of rule.—Not later than July 1, 2024, the Administrator shall promulgate the rule described in clause (i).

“(iii) Previously submitted information.—To avoid duplication, information previously submitted to the Administrator under this section may be considered partially compliant with the reporting requirements of this subparagraph if the information previously submitted is an accurate reflection of the current information.

“(iv) Public availability.—The Administrator shall make available to the public in an accessible database the reports submitted under clause (i), consistent with section 14.”.

(2) Cumulative health risks posed by covered facilities.—

(A) Definitions.—In this paragraph:
(i) **Chemical substance; mixture.**—The terms “chemical substance” and “mixture” have the meanings given the terms in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(ii) **Covered facility.**—The term “covered facility” means a covered facility identified in the inventory.

(iii) **Fenceline community.**—The term “fenceline community” has the meaning given the term in section 4(a).

(iv) **Inventory.**—The term “inventory” means the inventory published under paragraph (11) of section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)).

(B) **Assessment.**—Not later than April 1, 2027, taking into account the inventory, the Administrator shall conduct a single assessment of the aggregate, cumulative public health impacts on fenceline communities at covered facilities.

(C) **Requirements.**—The assessment under subparagraph (B) shall—
(i) ascertain the potentially exposed or susceptible subpopulations;

(ii) estimate the magnitude of the potential health impacts on—

(I) fenceline communities generally; and

(II) more exposed or susceptible subpopulations specifically;

(iii) determine which chemical substances or mixtures may be causing or contributing to potential adverse public health impacts;

(iv) include an assessment of—

(I) the cumulative exposures associated with covered facilities from all chemicals used to make plastic polymers;

(II) the chemical substances (including plastic polymers, additives, and byproducts) produced from—

(aa) the use of the plastic polymers as feedstocks for other chemicals; and

(bb) waste-to-fuel technology; and
(III) the impact of chemical substances (including plastic polymers, additives, and byproducts) on—

(aa) the recyclability of plastics;

(bb) the use of recycled content in food contact products and packaging; and

(cc) public health; and

(v) focus on—

(I) communities located near covered facilities;

(II) workers at covered facilities; and

(III) other potentially exposed or susceptible subpopulations.

(D) PROCEDURAL REQUIREMENTS.—The assessment under subparagraph (B) shall be subject to—

(i) public notice and an opportunity for public comment; and

(ii) peer review by the Science Advisory Committee on Chemicals established under section 26(o) of the Toxic Substances Control Act (15 U.S.C. 2625(o)).
(3) HIGH-PRIORITY SUBSTANCES.—

(A) STYRENE AND VINYL CHLORIDE.—Not later than 2 years after the date of enactment of this Act, the Administrator shall, after public notice and an opportunity for public comment, make a final prioritization determination under section 6(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2605(b)(1)) relating to—

(i) styrene (including polystyrene); and

(ii) vinyl chloride (including polyvinyl chloride).

(B) OTHER CHEMICALS OR MIXTURES.— With respect to any chemical substances or mixtures (as those terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602)) not described in subparagraph (A) and identified in the assessment under paragraph (2) as causing or contributing to potential adverse public health impacts, the Administrator shall—

(i) include those chemical substances or mixtures in any subsequently published inventory; and
(ii) specify applicable timetables for action as part of the inventory in accordance with clause (vii) or (viii) of paragraph (11) of section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)).

(4) Authorization of Appropriations.—

(A) In General.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this subsection and the amendments made by this subsection.

(B) Maintenance of Funding.—The funding provided under this paragraph shall supplement (and not supplant) other Federal funding to carry out the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

(h) Hazardous Waste.—Not later than 180 days after the date of enactment of this Act, the Administrator shall initiate a rulemaking to list discarded polyvinyl chloride as a hazardous waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(i) Cumulative Impact Requirements for Covered Facilities.—

(1) Federal Water Pollution Control Act.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended—
(A) by striking the section designation and heading and all that follows through “Except as” in subsection (a)(1) and inserting the following:

“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

“(a) PERMITS ISSUED BY ADMINISTRATOR.—

“(1) IN GENERAL.—Except as’’;

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by striking “upon condition that such discharge will meet either (A) all” and inserting the following:

“subject to the conditions that—

“(A) the discharge will achieve compliance with—

“(i) all”;

(II) by striking “403 of this Act, or (B) prior” and inserting the following: “403; or

“(ii) prior”; and

(III) by striking “this Act.” and inserting the following: “this Act; and

“(B) as applicable, with respect to the issuance or renewal of the permit to a covered
facility (as defined in section 4(a) of the Protecting Communities from Plastics Act)—

“(i) based on an analysis by the Administrator of existing water quality and the potential cumulative impacts (as defined in section 501 of the Clean Air Act (42 U.S.C. 7661)) of the discharge from the covered facility (as so defined), considered in conjunction with the designated and actual uses of the impacted navigable water, there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation; or

“(ii) if the Administrator determines that, due to those potential cumulative impacts, there does not exist a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, the permit or renewal includes such terms and conditions as the Administrator determines to be necessary to ensure a reasonable certainty of no harm.”; and
(ii) in paragraph (2), by striking “assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting, and such other requirements as he deems appropriate.” and inserting the following: “ensure compliance with the requirements of paragraph (1), including—

“(A) conditions relating to—

“(i) data and information collection;

“(ii) reporting; and

“(iii) such other requirements as the Administrator determines to be appropriate; and

“(B) with respect to covered facilities (as defined in section 4(a) of the Protecting Communities from Plastics Act) additional controls or pollution prevention requirements.”; and

(C) in subsection (b)—

(i) in each of paragraphs (1)(D), (2)(B), and (3) through (7), by striking the semicolon at the end and inserting a period;
(ii) in paragraph (8), by striking “;
and” at the end and inserting a period;
and
(iii) by adding at the end the fol-
lowing:
“(10) To ensure that no permit will be issued
to or renewed for a covered facility (as defined in
section 4(a) of the Protecting Communities from
Plastics Act) if, with respect to an application for
the permit, the State determines, based on an anal-
ysis by the State of existing water quality and the
potential cumulative impacts (as defined in section
501 of the Clean Air Act (42 U.S.C. 7661)) of the
discharge from the covered facility (as so defined),
considered in conjunction with the designated and
actual uses of the impacted navigable water, that the
terms and conditions of the permit or renewal would
not be sufficient to ensure a reasonable certainty of
no harm to the health of the general population, or
to any potentially exposed or susceptible subpopula-
tion.”.

(2) Clean Air Act.—

(A) Definitions.—Section 501 of the
Clean Air Act (42 U.S.C. 7661) is amended—
(i) in the matter preceding paragraph (1), by striking “As used in this title—” and inserting “In this title:”; (ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (4), respectively, and moving the paragraphs so as to appear in numerical order; and (iii) by inserting after paragraph (1) the following:

“(2) CUMULATIVE IMPACTS.—The term ‘cumulative impacts’ means any exposure, public health or environmental risk, or other effect occurring in a specific geographical area, including from an emission or release—

“(A) including—

“(i) environmental pollution released—

“(I) routinely;

“(II) accidentally; or

“(III) otherwise; and

“(ii) as assessed based on the combined past, present, and reasonably foreseeable emissions and discharges affecting the geographical area; and
“(B) evaluated taking into account sensitive populations and socioeconomic factors, where applicable.”.

(B) PERMIT PROGRAMS.—Section 502(b) of the Clean Air Act (42 U.S.C. 7661a(b)) is amended—

(i) in paragraph (5)—

(I) in subparagraphs (A) and (C), by striking “assure” each place it appears and inserting “ensure”; and

(II) by striking subparagraph (F) and inserting the following:

“(F) ensure that no permit will be issued to or renewed for a covered facility (as defined in section 4(a) of the Protecting Communities from Plastics Act), as applicable, if—

“(i) with respect to an application for a permit or renewal of a permit for a major source that is a covered facility (as defined in section 4(a) of the Protecting Communities from Plastics Act), the permitting authority determines under paragraph (9)(C)(ii)(I)(bb)(BB) that the terms and conditions of the permit or renewal would not be sufficient to ensure a reasonable certainty of no harm to the health of
the general population, or to any potentially ex-
posed or susceptible subpopulation, of the appli-
cable census tracts or Tribal census tracts (as 
those terms are defined by the Director of the 
Bureau of the Census); or

“(ii) the Administrator objects to the 
issuance of the permit in a timely manner 
under this title.”; and

(ii) in paragraph (9)—

(I) in the fourth sentence, by 
striking “Such permit revision” and 
inserting the following:

“(iii) TREATMENT AS RENEWAL.—A 
permit revision under this paragraph”;

(II) in the third sentence, by 
striking “No such revision shall” and 
inserting the following:

“(ii) EXCEPTION.—A revision under 
this paragraph shall not”;

(III) in the second sentence, by 
striking “Such revisions” and insert-
ning the following:

“(B) REVISION REQUIREMENTS.—

“(i) DEADLINE.—A revision described 
in subparagraph (A) or (C)”;}
(IV) by striking “(9) A requirement” and inserting the following:

“(9) MAJOR SOURCES.—

“(A) IN GENERAL.—Subject to subparagraph (C), a requirement that”;

and

(V) by adding at the end the following

“(C) CERTAIN PLASTICS FACILITIES.—

“(i) DEFINITION OF COVERED FACILITY.—In this subparagraph, the term ‘covered facility’ has the meaning given the term in section 4(a) of the Protecting Communities from Plastics Act.

“(ii) ADDITIONAL REQUIREMENTS.—

With respect to any permit or renewal of a permit, as applicable, for a major source that is a covered facility, the permitting authority shall, in determining whether to issue or renew the permit—

“(I) evaluate the potential cumulative impacts of the proposed covered facility, as described in the applicable cumulative impacts analysis submitted under section 503(b)(3);
“(II) if, due to those potential cumulative impacts, the permitting authority cannot determine that there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, of any census tracts or Tribal census tracts (as those terms are defined by the Director of the Bureau of the Census) located in, or immediately adjacent to, the area in which the covered facility is, or is proposed to be, located—

“(aa) include in the permit or renewal such terms and conditions (including additional controls or pollution prevention requirements) as the permitting authority determines to be necessary to ensure a reasonable certainty of no harm; or

“(bb) if the permitting authority determines that terms and conditions described in item (aa) would not be sufficient to
ensure a reasonable certainty of
no harm, deny the issuance or re-
newal of the permit;

“(III) determine whether the ap-
plicant is a persistent violator, based
on such criteria relating to the history
of compliance by an applicant with
this Act as the Administrator shall es-
tablish by not later than 180 days
after the date of enactment of the
Protecting Communities from Plastics
Act;

“(IV) if the permitting authority
determines under subclause (III) that
the applicant is a persistent violator
and the permitting authority does not
deny the issuance or renewal of the
permit pursuant to subclause
(V)(bb)—

“(aa) require the applicant
to submit a redemption plan that
describes, if the applicant is not
in compliance with this Act,
measures the applicant will carry
out to achieve that compliance,
together with an approximate
deadline for that achievement,
measures the applicant will carry
out, or has carried out to ensure
the applicant will remain in com-
pliance with this Act, and to
mitigate the environmental and
health effects of noncompliance,
and the measures the applicant
has carried out in preparing the
redemption plan to consult or ne-
gotiate with the communities af-
fected by each persistent viola-
tion addressed in the plan; and

“(bb) once such a redemp-
tion plan is submitted, determine
whether the plan is adequate to
ensuring that the applicant will
achieve compliance with this Act
expeditiously, will remain in com-
pliance with this Act, will miti-
gate the environmental and
health effects of noncompliance,
and has solicited and responded
to community input regarding the redemption plan; and

“(V) deny the issuance or renewal of the permit if the permitting authority determines that—

“(aa) the redemption plan submitted under subclause (IV)(aa) is inadequate; or

“(bb) the applicant has submitted a redemption plan on a prior occasion, but continues to be a persistent violator and that there is no indication exists of extremely exigent circumstances excusing the persistent violations.”.

(C) PERMIT APPLICATIONS.—Section 503(b) of the Clean Air Act (42 U.S.C. 7661b(b)) is amended by adding at the end the following:

“(3) ANALYSES FOR CERTAIN PLASTICS FACILITIES.—The regulations required by section 502(b) shall include a requirement that an applicant for a permit or renewal of a permit for a major source that is a covered facility (as defined in section 4(a) of the Protecting Communities from Plastics Act) shall submit, together with the
compliance plan required under this subsection, a cumulative impacts analysis for each census tract or Tribal census tract (as those terms are defined by the Director of the Bureau of the Census) located in, or immediately adjacent to, the area in which the major source that is a covered source (as so defined) is, or is proposed to be, located that analyzes—

“(A) community demographics and locations of community exposure points, such as residences, schools, day care centers, nursing homes, hospitals, health clinics, places of religious worship, parks, playgrounds, and community centers;

“(B) air quality and the potential effect on that air quality of emissions of air pollutants (including pollutants listed under section 108 or 112) from the proposed covered facility (as so defined), including in combination with existing sources of pollutants;

“(C) the potential effects on soil quality and water quality of emissions of air and water pollutants that could contaminate soil or water from the proposed major source, including in combination with existing sources of pollutants; and

“(D) public health and any potential effects on public health of the proposed covered facility (as so defined).”.
(j) FINANCIAL ASSURANCE REQUIREMENTS FOR
COVERED FACILITIES.—

(1) IN GENERAL.—Not later than 2 years after
the date of enactment of this Act, the Administrator
shall develop and require as a condition to receiving
a permit under the Clean Air Act (42 U.S.C. 7401
et seq.) or the Federal Water Pollution Control Act
(33 U.S.C. 1251 et seq.) financial assurance require-
ments for new covered facilities that demonstrate
the presence of sufficient financial resources—

(A) to safely close the covered facility at
the end of the operational life of the covered fa-
cility; or

(B) to provide appropriate emergency re-
sponse in the case of an accidental release.

(2) APPLICATION TO EXISTING COVERED FA-
cILITIES.—The financial assurance requirements
under paragraph (1) shall apply to existing covered
facilities at the time on which an existing covered fa-
cility seeks renewal of a permit under the Clean Air
Act (42 U.S.C. 7401 et seq.) or the Federal Water
Pollution Control Act (33 U.S.C. 1251 et seq.).

(k) SITING RESTRICTIONS FOR NEW COVERED FA-
cILITIES.—The issuance or approval of a permit under the
Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal
Water Pollution Control Act (33 U.S.C. 1251 et seq.) for
new covered facilities or for the expansion of existing cov-
ered facilities shall be prohibited within 5 miles of a com-

munity building or area, including a school, a residence,
a day care center, a nursing home, a hospital, a health
clinic, a place of religious worship, a park, a playground,
and a community center.

SEC. 5. FEDERAL SOURCE REDUCTION AND REUSE TAR-

GETS.

(a) Definition of Source Reduction.—

(1) In general.—In this section, the term

“source reduction” means the reduction in the quan-
ty of single-use plastic packaging and food service
ware created by producers relative to the baseline es-

tablished pursuant to subsection (b)(1) by methods

that may include—

(A) shifting to reusable or refillable pack-

aging or food service ware systems; or

(B) eliminating unnecessary packaging.

(2) Exclusions.—In this section, the term

“source reduction” does not include—

(A) replacing a recyclable or compostable

single-use plastic packaging or food service

ware with—


(i) a nonrecyclable or noncompostable single-use plastic packaging or food service ware; or

(ii) a single-use plastic packaging or food service ware that is less likely to be recycled or composted; or

(B) switching from virgin single-use plastic packaging or food service ware to plastic postconsumer recycled content.

(b) Federal Source Reduction Targets.—

(1) Baseline.—Not later than December 31, 2025, the Administrator shall promulgate regulations to establish a baseline quantity, by total weight and total number of items, of all single-use plastic packaging and food service ware produced, sold, offered for sale, imported, or distributed in the United States during calendar year 2024.

(2) Reduction Targets.—

(A) In General.—Not later than December 31, 2027, the Administrator shall promulgate regulations to establish phased source reduction targets for all single-use plastic packaging and food service ware produced, sold, offered for sale, imported, or distributed in the
United States, which shall be organized by product category.

(B) MINIMUM.—The phased source reduction targets established under subparagraph (A) shall include a source reduction target of not less than 25 percent by 2032.

c) FEDERAL REUSE AND REFill TARGETS.—

(1) IN GENERAL.—Not later than December 31, 2025, the Administrator shall promulgate regulations to establish phased reuse and refill targets for all plastic packaging and food service ware produced, sold, offered for sale, imported, or distributed in the United States.

(2) MINIMUM.—The phased reuse and refill targets established under paragraph (1) shall include reuse and refill targets of not less than 30 percent by 2032.

d) EXCLUSION.—Nothing in this section applies to any single-use plastic used for—

(1) medical equipment, supplements, medical devices, consumer personal protective equipment, or other products determined by the Secretary of Health and Human Services to necessarily be made of plastic for the protection of public health or for people with disabilities;
(2) packaging that is—

(A) for any product described in paragraph (1) that is determined by the Secretary of Health and Human Services to necessarily be made of plastic for the protection of public health or for people with disabilities; or

(B) used for the shipment of hazardous materials that is prohibited from being composed of used materials under section 178.509 or 178.522 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(3) a personal hygiene product that, due to the intended use of the product, could become unsafe or unsanitary to recycle, such as a diaper.

SEC. 6. ADVANCING REFILLABLE AND REUSABLE SYSTEMS.

(a) Grant Program to Support Equity and Innovation in Refillable and Reusable Packaging.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a competitive grant program (referred to in this subsection as the “program”) to provide grants to eligible entities described in paragraph (3)
to carry out scalable reuse and refill projects in accordance with this subsection.

(2) Objectives.—To be eligible for a grant under the program, a reuse and refill project shall evaluate the efficacy and cost-effectiveness of tools, technologies, and techniques for 1 or more of the following objectives:

(A) Expanding reuse and refill programs to replace single-use plastics currently used in consumer goods industries, including replacement with food service and consumer food and beverage products that—

(i) are affordable, convenient, scalable, non-toxic, and equitable; and

(ii) satisfy the requirements described in section 3(3)(A).

(B) Expanding consumer knowledge of reuse and refill programs, including through the development of accessible educational and outreach programs and materials.

(C) Installing and expanding access to publicly available water bottle refilling stations.

(D) Installing and expanding access to sanitation infrastructure in public or commu-
nity buildings to enable safe and hygienic reuse, including dishwashers and sanitation stations.

(3) Eligible Entities.—To be eligible to receive a grant under the program, an entity shall be—

(A) an educational institution, including an institution of higher education;

(B) a nonprofit or community-based organization;

(C) a State, local, or Tribal government;

(D) a for-profit restaurant, business, or other organization; or

(E) a public-private partnership.

(4) Non Toxic Requirements.—Materials used as part of a reuse and refill project under the program shall not contain—

(A) toxic heavy metals, pathogens, or additives, including—

(i) a perfluoroalkyl or polyfluoroalkyl substance;

(ii) an ortho-phthalate;

(iii) a bisphenol compound (not including an alkyl-substituted bisphenol compound generated through a xylenol-aldehyde process); or
(iv) a halogenated flame retardant; or

(B) chemical substances designated as high-priority substances under section 6(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2605(b)(1)), including the chemicals or mixtures of chemicals described in section 4(g)(3).

(5) PRIORITIES.—In awarding grants under the program, the Administrator shall—

(A) give priority to projects that will directly benefit populations of color, communities of color, indigenous communities, rural communities, and low-income communities;

(B) give priority to a project that achieves more than 1 of the objectives described in paragraph (2); and

(C) ensure that a grant is provided to carry out a project in each region of the Environmental Protection Agency.

(6) PRIZE COMPETITION.—

(A) IN GENERAL.—Not later than 1 year after the first round of grants is awarded under the program, the Administrator shall establish a prize competition under which the Administrator shall—
(i) evaluate the projects carried out by each recipient of a grant under the program; and
(ii) award a prize to 1 of those recipients.

(B) AMOUNT.—The Administrator shall determine the amount of the prize under this paragraph.

(C) USE.—The recipient of the prize under this paragraph shall use the amount of the prize to demonstrate that the reuse or refill project carried out by the recipient under the program—
(i) is scalable;
(ii) serves the community in which the program is carried out; and
(iii) is implemented in a sustainable and equitable manner.

(7) REPORT.—Not later than 3 years after the date on which the Administrator establishes the program, the Administrator shall submit to Congress a report describing the effectiveness of the projects carried out under the program.
(8) Authorization of Appropriations.—
There are authorized to be appropriated such sums as are necessary to carry out the program.

(b) Report on Reuse and Refill Product Delivery Systems.—

(1) In General.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall make publicly available a report on feasibility and best practices relating to reuse and refill within the following sectors:

(A) Food service, including—

(i) take out;

(ii) delivery of prepared meals; and

(iii) meal kits.

(B) Consumer food and beverage products.

(C) Consumer cleaning products.

(D) Consumer personal care products.

(E) Transportation or shipping of wholesale and retail goods.

(F) Public educational institutions, including institutions of higher education.

(G) Other sectors, as identified by the Administrator.
(2) Objectives.—The report under paragraph (1) shall evaluate and summarize—

(A) types of reuse and refill product delivery systems that can be best used at different scales;

(B) methods to ensure equitable distribution of reuse and refill product delivery systems in populations of color, communities of color, indigenous communities, and low-income communities;

(C) job creation opportunities through the use or expansion of reuse and refill systems;

(D) economic costs and benefits for—

(i) the businesses that deploy reuse and refill technologies; and

(ii) the parties responsible for waste collection and management;

(E) types of local, State, and Federal support needed to expand the use of reuse and refill systems; and

(F) existing barriers to widespread implementation of reuse and refill systems.

(3) Consideration.—In preparing the report under paragraph (1), the Administrator shall consider relevant information on reuse and refill pro-
grams and approaches in States, units of local government, and other countries.

SEC. 7. STUDIES; AGENCY DIRECTIVES.

(a) DEFINITION OF MICROPLASTIC.—In this section, the term “microplastic” means a plastic or plastic-coated particle that is less than 5 millimeters in any dimension.

(b) NATIONAL RECYCLING STRATEGY.—The Administrator shall not expand the scope of the National Recycling Strategy of the Environmental Protection Agency to include facilities that treat plastic waste through the use of pyrolysis, gasification, or similar chemical recycling technologies.

(c) FOOD AND DRUG ADMINISTRATION STUDY.—

(1) IN GENERAL.—The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture and, as necessary, the heads of other Federal agencies such as the Director of the National Institute of Standards and Technology and such other Federal agencies as the Commissioner of Food and Drugs determines to be necessary, shall conduct a nationwide study on the presence and sources of microplastics in food (including drink) products, including food products containing fish, meat, fruits, or vegetables.
(2) REPORT.—Not later than 1 year after the
date of enactment of this Act, the Commissioner of
Food and Drugs shall submit to Congress and make
publicly available a report on the study conducted
under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated such sums
as are necessary to carry out this subsection.

(d) MICROPLASTICS PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Administrator shall
establish a pilot program (referred to in this sub-
section as the “pilot program”) to test the efficacy
and cost effectiveness of tools, technologies, and
techniques—

(A) to remove microplastics from the envi-
ronment without causing additional harm to the
environment; and

(B) to prevent the release of microplastics
into the environment.

(2) REQUIREMENTS.—In carrying out the pilot
program, the Administrator shall include the testing,
and analysis and mitigation of any environmental
impacts, of—

(A) natural infrastructure;
(B) green infrastructure (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)); and

(C) mechanical removal systems (such as pumps) and filtration technologies, including a consideration of potential negative ecological impacts that may result from filtration in natural waterways and ocean waters.

(3) ELIGIBLE PILOT PROGRAM LOCATIONS.—In carrying out the pilot program, the Administrator may carry out projects located in—

(A) stormwater systems;

(B) wastewater treatment facilities;

(C) drinking water systems;

(D) ports, harbors, inland waterways, estuaries, and marine environments; and

(E) roadways, highways, and other streets used for vehicular travel.

(4) OUTREACH.—In determining selection criteria and projects to carry out under the pilot program, the Administrator shall conduct outreach to—

(A) the Interagency Marine Debris Coordinating Committee established under section 5(a) of the Marine Debris Act (33 U.S.C. 1954(a)); and
(B) stakeholders and experts in the applicable field, as determined by the Administrator.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the outreach conducted under paragraph (4).

(B) SUBSEQUENT REPORT.—Not later than 3 years after the date on which the Administrator establishes the pilot program, the Administrator shall submit to Congress a report describing the effectiveness of projects carried out under the pilot program.

(6) RULEMAKING REQUIRED.—Not later than 1 year after the date on which the Administrator submits to Congress the report required under paragraph (5)(B), the Administrator shall initiate a rulemaking to address abatement and mitigation of microplastics in locations described in paragraph (3) using technologies and methods tested under the pilot program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.
(e) National Institutes of Health Research.—

(1) IN GENERAL.—The Director of the National Institutes of Health shall conduct or support research on the presence of microplastics in the human body, which may include determining how the presence of microplastics in organs and biospecimens, including urine, breastmilk, and stool, impacts human health.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually for the next 4 years thereafter, the Director of the National Institutes of Health shall submit to Congress and make publicly available a report that provides an overview of the research conducted or supported under this subsection and any relevant findings.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

SEC. 8. REDUCING SINGLE-USE PLASTICS IN AGRICULTURE.

(a) Biodegradable Weed Barriers Practice Under the Environmental Quality Incentives Program.—The Secretary of Agriculture shall designate a project to replace the use of on-farm plastic weed bar-
riers and weed mitigants with nonplastic, biodegradable alternatives as an agricultural conservation practice or enhancement that meets the requirement described in section 21001(a)(1)(B)(iii) of Public Law 117–169 (commonly referred to as the “Inflation Reduction Act of 2022”).

(b) Single-use Plastic Farm Product Packaging Reduction Grants.—Section 210A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1627c) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

“(6) supports the reduction of single-use plastics from the post-production distribution packaging of agricultural producers; and”;

(2) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively;

(3) by striking “subsection (i)” each place it appears and inserting “subsection (j)”;}
(4) by inserting after subsection (e) the following:

“(f) SINGLE-USE PLASTIC FARM PRODUCT PACKAGING REDUCTION GRANTS.—

“(1) IN GENERAL.—The Secretary shall provide grants to entities described in paragraph (3) to significantly reduce or eliminate single-use plastics from the post-production distribution packaging of the entities.

“(2) ADMINISTRATION.—The Secretary shall carry out this subsection through the Administrator of the Agricultural Marketing Service, in coordination with the Administrator of the Rural Business-Cooperative Service.

“(3) ELIGIBLE ENTITIES.—An entity shall be eligible for a grant under paragraph (1) if the entity is—

“(A) an independent producer (as determined by the Secretary) of a value-added agricultural product; or

“(B) an agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture (as determined by the Secretary).
“(4) **GRANT AMOUNT.**—The amount of a grant provided under paragraph (1) shall be not more than $250,000.

“(5) **TERM.**—The term of a grant provided under paragraph (1) shall be 3 years.

“(6) **PRIORITY.**—In providing grants under paragraph (1), the Secretary shall give priority to—

“(A) beginning farmers or ranchers;

“(B) veteran farmers or ranchers;

“(C) organic and regenerative farmers; and

“(D) socially disadvantaged farmers or ranchers.

“(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2023 through 2032.”; and

(5) in subsection (i)(1) (as so redesignated), in the matter preceding subparagraph (A), by striking “subsection (i)(3)(E)” and inserting “subsection (j)(3)(E)”.