

117TH CONGRESS  
1ST SESSION

# H. R. 2101

To direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Ms. OMAR introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Zeroing Excess, Re-  
5 ducing Organic Waste, And Sustaining Technical Exper-  
6 tise Act” or the “ZERO WASTE Act”.

7 **SEC. 2. DEFINITIONS.**

8 Except as otherwise provided, in this Act:

1           (1) ADAPTIVE MANAGEMENT PRACTICE.—The  
2 term “adaptive management practice” means, with  
3 respect to use of a grant under this Act, the integra-  
4 tion of project design, management, and monitoring  
5 to identify the impacts and outcomes of such use of  
6 a grant as they arise for purposes of adjusting be-  
7 haviors to improve outcomes.

8           (2) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of the Environ-  
10 mental Protection Agency.

11           (3) DOMESTICALLY OWNED AND OPERATED.—  
12 The term “domestically owned and operated” means,  
13 with respect to a business—

14                   (A) the headquarters of such a business is  
15 located within the United States; and

16                   (B) the primary operations of such a busi-  
17 ness are carried out in the United States.

18           (4) ELIGIBLE ENTITY.—The term “eligible enti-  
19 ty” means—

20                   (A) a single unit of State, local, or Tribal  
21 government;

22                   (B) a partnership of multiple units of  
23 State, local, or Tribal government;

1 (C) one or more units of State, local, or  
2 Tribal government in coordination with for-  
3 profit or nonprofit organizations; or

4 (D) one or more nonprofit organizations.

5 (5) EMBODIED ENERGY.—The term “embodied  
6 energy” means energy that was used to create a  
7 product or material.

8 (6) ENVIRONMENTAL JUSTICE COMMUNITY.—  
9 The term “environmental justice community” has  
10 the meaning given that term in section 601.

11 (7) LIVING WAGE.—The term “living wage”  
12 means the minimum income necessary to allow a  
13 person working 40 hours per week to afford the cost  
14 of housing, food, and other material necessities.

15 (8) ORGANICS RECYCLING.—The term  
16 “organics recycling” means the biological process by  
17 which organic material—

18 (A) is biologically converted to compost  
19 that is not harmful to humans, plants, or ani-  
20 mals; and

21 (B) is treated in a specialized facility de-  
22 signed to recycle organic material.

23 (9) RECYCLE; RECYCLING.—The terms “recy-  
24 cle” and “recycling” have the meanings given those

1 terms in section 12001 of the Solid Waste Disposal  
2 Act (as added by this title).

3 (10) REUSE.—The term “reuse”—

4 (A) means—

5 (i) using a product, packaging, or ma-  
6 terial more than once for the same or a  
7 new function without requiring additional  
8 processing;

9 (ii) repairing a product, packaging, or  
10 material in such a way that extends its  
11 useful lifetime;

12 (iii) sharing or renting a product,  
13 packaging, or material in such a way that  
14 extends its useful lifetime; or

15 (iv) selling or donating a product,  
16 packaging, or material in such a way that  
17 extends its useful lifetime; and

18 (B) does not include incineration.

19 (11) SINGLE-USE PRODUCT.—The term “single-  
20 use product”—

21 (A) means a consumer product that is de-  
22 signed to be disposed of, recycled, or otherwise  
23 discarded after a single use; and

24 (B) does not include—

1 (i) medical equipment, devices, or  
2 other products determined by the Sec-  
3 retary of Health and Human Services to  
4 necessarily be made of plastic for the pro-  
5 tection of public health;

6 (ii) a personal hygiene product that,  
7 due to the intended use of the product,  
8 could become unsafe or unsanitary to recy-  
9 cle, such as a diaper; and

10 (iii) packaging that is—

11 (I) for any product described in  
12 subparagraph (A); or

13 (II) used for the shipment of  
14 hazardous materials that is prohibited  
15 from being composed of used mate-  
16 rials under section 178.509 or  
17 178.522 of title 49, Code of Federal  
18 Regulations (as in effect on the date  
19 of enactment of this Act).

20 (12) SOURCE REDUCTION.—

21 (A) IN GENERAL.—The term “source re-  
22 duction” means an activity or process that re-  
23 duces the generation of waste at its source, be-  
24 fore it can enter into commerce or the environ-  
25 ment.

1 (B) INCLUSIONS.—The term “source re-  
2 duction” includes—

3 (i) the redesign of products or mate-  
4 rials such that they can be reused, rather  
5 than disposed of;

6 (ii) the design and manufacture of  
7 products or materials with minimal pack-  
8 aging intended for disposal;

9 (iii) an activity or process that re-  
10 duces the amount of waste generated dur-  
11 ing a manufacturing process;

12 (iv) an activity or process that reduces  
13 or eliminates the use of materials that are  
14 not able to be recycled without degrading  
15 the quality of the material; and

16 (v) any other activity or process that  
17 reduces the weight, volume, or toxicity of  
18 products or materials.

19 (C) EXCLUSION.—The term “source reduc-  
20 tion” does not include an activity or process  
21 used after a product or material has become  
22 waste, such as incineration.

23 (13) SOURCE SEPARATION.—The term “source  
24 separation”—

1 (A) means the separation of solid waste by  
2 material or commodity type prior to collection,  
3 such as separation into recyclable and non-recy-  
4 clable materials or by recyclable commodity;  
5 and

6 (B) does not require the use of tech-  
7 nologies that sort mixed municipal solid waste  
8 into recyclable and non-recyclable materials.

9 (14) WASTE PREVENTION.—The term “waste  
10 prevention” means any method to reduce the  
11 amount of materials disposed of in landfills or incin-  
12 erated, including reuse and recycling.

13 (15) ZERO-EMISSIONS VEHICLE.—The term  
14 “zero-emissions vehicle” means a vehicle that pro-  
15 duces zero emissions of—

16 (A) greenhouse gases;

17 (B) criteria pollutants; and

18 (C) hazardous air pollutants.

19 (16) ZERO-WASTE.—The term “zero-waste”  
20 means the conservation of all resources by means of  
21 responsible production, consumption, reuse, and re-  
22 covery of products, packaging, and materials with-  
23 out—

24 (A) burning or otherwise destroying em-  
25 bodied energy; and

1 (B) a discharge to land, water, or air that  
2 results in adverse human health or environ-  
3 mental effects.

4 (17) ZERO-WASTE PRACTICE.—The term “zero-  
5 waste practice” means a practice used to help  
6 achieve zero-waste, including the use of source re-  
7 duction.

8 **SEC. 3. GRANTS FOR ZERO-WASTE PROJECTS.**

9 (a) IN GENERAL.—The Administrator shall establish  
10 and carry out a program to award grants, on a competitive  
11 basis, to eligible entities to carry out projects described  
12 in subsection (b).

13 (b) GRANT USE.—

14 (1) ORGANICS RECYCLING INFRASTRUCTURE.—

15 (A) IN GENERAL.—An eligible entity re-  
16 ceiving a grant under this section may use such  
17 grant to carry out a project to construct, ex-  
18 pand, or modernize infrastructure required for  
19 organics recycling, including any facility, ma-  
20 chinery, or equipment required for the collection  
21 and processing of organic material on a city-  
22 wide or county-wide scale.

23 (B) REQUIREMENTS.—Each project car-  
24 ried out under this paragraph shall result in in-  
25 creased capacity—



1 (i) to collect and process residential  
2 and commercial organic material, including  
3 through source separation of organic mate-  
4 rial; and

5 (ii) to generate environmentally bene-  
6 ficial byproducts, such as compost with  
7 added nutritional content.

8 (C) MIXED-WASTE COMPOSTING.—A grant  
9 received under this paragraph may not be used  
10 to support the collection or processing of mixed-  
11 waste composting.

12 (2) ELECTRONIC WASTE RECYCLING.—

13 (A) IN GENERAL.—An eligible entity re-  
14 ceiving a grant under this section may use such  
15 grant to carry out a project that enables the re-  
16 cycling or reuse of electronic devices at the end  
17 of their useful lifetime, including—

18 (i) constructing, expanding, or mod-  
19 ernizing infrastructure and technology;

20 (ii) research and development; and

21 (iii) product refurbishment.

22 (B) REQUIREMENTS.—A project carried  
23 out under this paragraph—

24 (i) may not include an electronic  
25 waste buy-back program—

1 (I) that provides compensation  
2 for used electronics; and

3 (II) under which such compensa-  
4 tion may be applied as a credit toward  
5 the purchase of new electronics; and

6 (ii) shall be carried out by an eligible  
7 entity that is certified to recycle electronics  
8 by an organization that is accredited by—

9 (I) the National Accreditation  
10 Board of the American National  
11 Standards Institute;

12 (II) the American Society of  
13 Quality; or

14 (III) another accrediting body de-  
15 termined appropriate by the Adminis-  
16 trator.

17 (3) SOURCE REDUCTION.—

18 (A) IN GENERAL.—An eligible entity re-  
19 ceiving a grant under this section may use such  
20 grant to carry out a project relating to source  
21 reduction, which such project may include, in  
22 accordance with subparagraph (B), carrying out  
23 product or manufacturing redesign or redevelop-  
24 ment to reduce byproducts, packaging, and  
25 other outputs.

1 (B) REDESIGN AND REDEVELOPMENT.—

2 An eligible entity may only carry out a project  
3 described in subparagraph (A)(ii) if—

4 (i) the applicable manufacturer—

5 (I) is domestically owned and op-  
6 erated; and

7 (II) pays a living wage; and

8 (ii) the redesign or redevelopment  
9 does not result in—

10 (I) higher toxicity of the product  
11 or byproducts;

12 (II) more complicated  
13 recyclability of the product or byprod-  
14 ucts; or

15 (III) increased volume of byprod-  
16 ucts compared with the original prac-  
17 tice.

18 (4) MARKET DEVELOPMENT.—

19 (A) IN GENERAL.—An eligible entity re-  
20 ceiving a grant under this section may use such  
21 grant to carry out a project that—

22 (i) creates market demand for source  
23 reduction, sorted recyclable commodities,  
24 goods made of sorted recyclable commod-  
25 ities, or refurbished goods; and

1           (ii) as applicable, encourages or en-  
2 ables investment in domestically owned and  
3 operated manufacturing capacity with re-  
4 spect to the list in clause (i).

5           (B) REQUIREMENTS.—Each project car-  
6 ried out under this section—

7           (i) shall target easily or commonly re-  
8 cycled materials which are disproportion-  
9 ately disposed of in landfills or incinerated;

10           (ii) shall reduce the volume, weight, or  
11 toxicity of waste and waste byproducts;  
12 and

13           (iii) may not conflict with—

14           (I) minimum-content laws, such  
15 as post-consumer recycled content re-  
16 quirements;

17           (II) beverage container deposits;

18           (III) programs funded through  
19 retail fees for specific products or  
20 classes of products that use such fees  
21 to collect, treat, or recycle such prod-  
22 ucts; or

23           (IV) any applicable recycled  
24 product procurement laws and ex-  
25 panded sustainable government pur-

1 chasing requirements, as identified by  
2 the Administrator.

3 (5) ZERO-EMISSIONS COLLECTION VEHICLES.—

4 An eligible entity receiving a grant under this sec-  
5 tion may use such grant to carry out a project to  
6 purchase, operate, and maintain zero-emissions vehi-  
7 cles used to collect material for recycling or organics  
8 recycling.

9 **SEC. 4. GRANTS FOR LANDFILL DIVERSION.**

10 (a) IN GENERAL.—The Administrator shall establish  
11 and carry out a program to award grants, on a competitive  
12 basis, to eligible entities to develop and implement new  
13 requirements, as described in subsection (b), that reduce  
14 the amount of waste disposed of in landfills.

15 (b) GRANT USE.—

16 (1) TIPPING FEES.—An eligible entity receiving  
17 a grant under this section may use such grant to de-  
18 velop and implement zero-waste practices that are  
19 accompanied by permanent increases in tipping,  
20 gate, or disposal fees imposed on the disposal of  
21 waste at landfills.

22 (2) CURBSIDE COMPOSTING COLLECTION.—An  
23 eligible entity receiving a grant under this section  
24 may use such grant to support the implementation  
25 of State programs that mandate the availability of

1 curbside collection of material for organics recycling  
2 for all single-family and multifamily residential  
3 households.

4 (3) LANDFILL DIVERSION.—An eligible entity  
5 receiving a grant under this section may use such  
6 grant to support the implementation of statewide re-  
7 quirements that prohibit organic waste from being  
8 sent to landfills.

9 (c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
10 tion, the term “eligible entity” means a single unit of  
11 State government or a relevant State agency.

12 **SEC. 5. GRANT APPLICATIONS.**

13 (a) APPLICATION.—

14 (1) CRITERIA FOR ALL APPLICANTS.—To be eli-  
15 gible to receive a grant under this Act, an eligible  
16 entity shall submit to the Administrator an applica-  
17 tion at such time and in such form as the Adminis-  
18 trator requires, which shall include demonstrating  
19 that the eligible entity—

20 (A) has set specific source reduction or  
21 waste prevention targets; and

22 (B) will carry out a project that meets the  
23 applicable project requirements under section  
24 3(b) or 4(b).

1           (2) ADDITIONAL APPLICATION CRITERIA FOR  
2           NONPROFIT ORGANIZATION.—In the case of an ap-  
3           plication from an eligible entity that is a nonprofit  
4           organization, the application shall include—

5                   (A) a letter of support for the proposed  
6                   project from—

7                           (i) a local unit of government; or

8                           (ii) another nonprofit organization

9                   that—

10                           (I) has a demonstrated history of  
11                           undertaking work in the geographic  
12                           region where the proposed project is  
13                           to take place; and

14                           (II) is not involved in the project  
15                           being proposed; and

16                   (B) any other information the Adminis-  
17                   trator may require.

18           (b) PRIORITY FACTORS.—In awarding grants under  
19           this Act, the Administrator shall give priority to any eligi-  
20           ble entity that—

21                   (1) with respect to an eligible entity that is a  
22                   State or unit of local government, has statutorily  
23                   committed to implementing one or more zero-waste  
24                   practices;

1           (2) demonstrates how use of such grant could  
2           lead to the creation of new jobs that pay a living  
3           wage and are, to the greatest extent practicable, of-  
4           fered to individuals who experience barriers to em-  
5           ployment, as determined by the Administrator;

6           (3) will use such grant to carry out source re-  
7           duction or waste prevention in schools;

8           (4) will use such grant to employ an adaptive  
9           management practice to identify, prevent, or address  
10          any negative environmental consequences of a  
11          project proposed to be carried out with a grant  
12          under this Act;

13          (5) has a demonstrated need for additional in-  
14          vestment in infrastructure or other resources to  
15          achieve source reduction and waste prevention tar-  
16          gets set by the local unit of government that is re-  
17          sponsible for waste management and recycling in the  
18          geographic area;

19          (6) will use such grant to develop an innovative  
20          or new technology or strategy for source reduction  
21          and waste prevention;

22          (7) demonstrates how receiving the grant will  
23          encourage further investment in source reduction  
24          and waste prevention activities; or



1           (8) will incorporate multi-stakeholder involve-  
2           ment, including nonprofit, commercial, and public  
3           sector partners, in carrying out a project using such  
4           grant.

5           (c) REQUIREMENT.—Of the amount made available  
6           pursuant to section 8(a), not less than 75 percent shall  
7           be allocated to projects that serve, or are located in, envi-  
8           ronmental justice communities.

9           **SEC. 6. REPORTING.**

10          Each eligible entity that receives a grant under this  
11          Act shall submit to the Administrator a report, at such  
12          time and in such form as the Administrator may require,  
13          on the results of the project carried out with such grant,  
14          and such report shall include any relevant data requested  
15          by the Administrator for purposes of tracking the effec-  
16          tiveness of the programs established under section 3(a)  
17          and 4(b).

18          **SEC. 7. ANNUAL CONFERENCE.**

19          In each of calendar years 2022 through 2030, the  
20          Administrator shall convene an annual conference to pro-  
21          vide an opportunity for eligible entities and other relevant  
22          stakeholders to share their experience and expertise in im-  
23          plementing zero-waste practices.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GRANTS FOR ZERO-WASTE PROJECTS.—There is  
3 authorized to be appropriated to carry out section 3  
4 \$150,000,000 for each of fiscal years 2022 through 2031,  
5 to remain available until expended.

6 (b) GRANTS FOR LANDFILL DIVERSION.—There is  
7 authorized to be appropriated to carry out section 4  
8 \$250,000,000 for the period of fiscal years 2022 through  
9 2031, to remain available until expended.

○