

117TH CONGRESS
2D SESSION

H. R. 9388

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

DECEMBER 1, 2022

Mr. HUFFMAN (for himself, Mr. LOWENTHAL, Ms. TLAIB, Mr. PANETTA, Ms. BARRAGÁN, Mr. LIEU, Mrs. WATSON COLEMAN, Mr. CONNOLLY, Mr. GRIJALVA, Ms. LEE of California, Mr. QUIGLEY, Ms. BONAMICI, Ms. PINGREE, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. LEVIN of California, and Mr. CASTEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Commu-
3 nities from Plastics Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) plastics production is exacerbating the cli-
7 mate crisis and driving environmental injustice in
8 vulnerable communities located near petrochemical
9 facilities;

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

13 (3) plastics and other petrochemicals are fore-
14 casted to become the largest driver of oil and hy-
15 draulically fractured gas demand by 2050;

16 (4) some studies have projected that the plas-
17 tics industry will emit more greenhouse gas emis-
18 sions than coal plants in the United States by 2030;

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

23 (6) plastics production and certain disposal fa-
24 cilities pollute surrounding communities with chemi-
25 cals that are known to cause cancer, birth defects,
26 and other serious illnesses;

1 (7) transitioning off fossil fuels for power gen-
2 eration and transportation only to replace that de-
3 mand with more fossil fuel-based plastics production
4 is not a viable strategy and fails to protect commu-
5 nities;

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

8 (A) oil and gas extraction;

9 (B) plastics refining, manufacturing, and
10 certain methods of disposal; and

11 (C) plastics pollution that ends up in com-
12 munities and in the environment, where the de-
13 grading plastics leach chemical additives and
14 emit greenhouse gases;

15 (9) addressing the plastics crisis requires a shift
16 away from single-use plastics in nonessential set-
17 tings; and

18 (10) technologies that convert plastics to fuel,
19 use plastics for energy generation, generate feed-
20 stocks for the chemical industry, or produce haz-
21 ardous waste and toxic air pollution are not a sus-
22 tainable solution to the plastics crisis.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

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

4 (2) PLASTIC.—

5 (A) IN GENERAL.—The term “plastic”
6 means a synthetic or semisynthetic material
7 that—

8 (i) is synthesized by the polymeriza-
9 tion of organic substances; and

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

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

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

17 (i) natural rubber; or

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

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

23 (A) with respect to packaging or food serv-
24 ice ware that is reused or refilled by a producer,
25 that the packaging or food service ware is—

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

7 (ii) designed for durability to function
8 properly in its original condition for mul-
9 tiple cycles;

10 (iii) composed of materials that do not
11 contain—

12 (I) toxic heavy metals;

13 (II) pathogens;

14 (III) additives; or

15 (IV) chemical substances des-
16 igned as high-priority substances
17 under section 6(b)(1) of the Toxic
18 Substances Control Act (15 U.S.C.
19 2605(b)(1)), including the chemicals
20 or mixtures of chemicals described in
21 section 4(g)(3);

22 (iv) supported by adequate infrastruc-
23 ture to ensure the packaging or food serv-
24 ice ware can be conveniently and safely re-
25 used or refilled for multiple cycles; and

1 (v) repeatedly recovered, inspected,
2 and repaired, if necessary, and reissued
3 into the supply chain for reuse or refill for
4 multiple cycles; and

5 (B) with respect to packaging or food serv-
6 ice ware that is reused or refilled by a con-
7 sumer, that the packaging or food service ware
8 is—

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

13 (ii) designed for durability to function
14 properly in its original condition for mul-
15 tiple cycles;

16 (iii) composed of materials that do not
17 contain—

18 (I) toxic heavy metals;

19 (II) pathogens;

20 (III) additives; or

21 (IV) chemical substances des-
22 igned as high-priority substances
23 under section 6(b)(1) of the Toxic
24 Substances Control Act (15 U.S.C.
25 2605(b)(1)), including the chemicals

1 or mixtures of chemicals described in
2 section 4(g)(3); and

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

11 (4) SINGLE-USE PLASTIC.—

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

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

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

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

23 (i) medical equipment, medical de-
24 vices, consumer personal protective equip-
25 ment, or other products determined by the

1 Secretary of Health and Human Services
2 to necessarily be made of plastic for the
3 protection of public health or for people
4 with disabilities;

5 (ii) packaging that is—

6 (I) for any product described in
7 clause (i) that is determined by the
8 Secretary of Health and Human Serv-
9 ices to necessarily be used for the pro-
10 tection of public health or for people
11 with disabilities; or

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

19 (iii) personal hygiene products that,
20 due to the intended use of the products,
21 could become unsafe or unsanitary to recy-
22 cle, such as diapers.

23 **SEC. 4. ENVIRONMENTAL JUSTICE PROTECTIONS AT COV-**
24 **ERED FACILITIES.**

25 (a) DEFINITIONS.—In this section:

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

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

9 (A) seeking, discussing, and carefully con-
10 sidering the views of fenceline communities in a
11 manner that is cognizant of the values of all
12 parties; and

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

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

17 (A) an industrial facility that transforms
18 petrochemical gas and liquids into ethylene and
19 propylene for later conversion into plastic poly-
20 mers;

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

24 (C) a plastic polymerization or polymer
25 production facility;

1 (D) an industrial facility that
2 depolymerizes or otherwise breaks down plastic
3 polymers into chemical feedstocks for use in
4 new products or as fuel;

5 (E) an industrial facility that converts, in-
6 cluding through pyrolysis or gasification, plastic
7 polymers into chemical feedstocks; and

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

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

15 (A) ethylene;

16 (B) propylene; and

17 (C) raw plastic materials in any form, in-
18 cluding pellets, resin, nurdles, powder, and
19 flakes, including—

20 (i) polyethylene terephthalate (com-
21 monly referred to as “PET”);

22 (ii) high density polyethylene (com-
23 monly referred to as “HDPE”);

24 (iii) low density polyethylene (com-
25 monly referred to as “LDPE”);

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

3 (v) polyvinyl chloride (commonly re-
4 ferred to as “PVC”);

5 (vi) polystyrene (commonly referred to
6 as “PS”); and

7 (vii) any other plastic polymer deter-
8 mined to be appropriate by the Adminis-
9 trator.

10 (5) ENVIRONMENTAL JUSTICE.—The term “en-
11 vironmental justice” means the fair treatment and
12 meaningful involvement of all individuals, regardless
13 of race, color, national origin, educational level, or
14 income, with respect to the development, implemen-
15 tation, and enforcement of environmental laws, regu-
16 lations, and policies to ensure that—

17 (A) communities of color, indigenous com-
18 munities, and low-income communities have ac-
19 cess to public information and opportunities for
20 meaningful public participation with respect to
21 human health and environmental planning, regu-
22 lations, and enforcement;

23 (B) no community of color, indigenous
24 community, or low-income community is ex-
25 posed to a disproportionate burden of the nega-

1 tive human health and environmental impacts
2 of pollution or other environmental hazards;
3 and

4 (C) the 17 principles described in the docu-
5 ment entitled “The Principles of Environmental
6 Justice”, written and adopted at the First Na-
7 tional People of Color Environmental Leader-
8 ship Summit held on October 24 through 27,
9 1991, in Washington, DC, are upheld.

10 (6) FENCELINE COMMUNITY.—

11 (A) IN GENERAL.—The term “fenceline
12 community” means a community located near a
13 covered facility that has experienced systemic
14 socioeconomic disparities or other forms of in-
15 justice.

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

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

24 (8) INDIGENOUS COMMUNITY.—The term “in-
25 digenous community” means—

- 1 (A) a federally recognized Indian Tribe;
2 (B) a State-recognized Indian Tribe;
3 (C) an Alaska Native or Native Hawaiian
4 community or organization; and
5 (D) any other community of indigenous
6 people, including communities in other coun-
7 tries.

8 (9) LIMITED ENGLISH PROFICIENCY INDI-
9 VIDUAL.—The term “limited English proficiency in-
10 dividual” means an individual that—

- 11 (A) does not speak English as their pri-
12 mary language; or
13 (B) has a limited ability to read, speak,
14 write, or understand English.

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

- 20 (A) an amount equal to 80 percent of the
21 median income of the area in which the house-
22 hold is located, as reported by the Department
23 of Housing and Urban Development; and
24 (B) 200 percent of the Federal poverty
25 line.

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

5 (12) MEANINGFUL.—The term “meaningful”,
6 with respect to involvement by the public in a deter-
7 mination by a Federal agency, means that—

8 (A) potentially affected residents of a com-
9 munity have an appropriate opportunity to par-
10 ticipate in decisions relating to a proposed ac-
11 tivity that will affect the environment or public
12 health of the community;

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

15 (C) the concerns of all participants in-
16 volved are taken into consideration in the deci-
17 sion-making process; and

18 (D) the Federal agency—

19 (i) provides to potentially affected
20 members of the public accurate informa-
21 tion, including identifying limited English
22 proficiency individuals who need language
23 assistance, implementing accessible lan-
24 guage assistance measures, and providing
25 notice to limited English proficiency indi-

1 viduals for effective engagement in deci-
2 sions; and

3 (ii) facilitates the involvement of po-
4 tentially affected members of the public.

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

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

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

11 (i) all regulations and final rules re-
12 quired under subsections (d), (e), and (f)
13 are in effect; and

14 (ii) the amendments made by sub-
15 section (i) are fully implemented.

16 (b) NATIONAL ACADEMIES STUDY OF PLASTICS IN-
17 DUSTRY.—

18 (1) IN GENERAL.—

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

23 (i) the existing and planned expansion
24 of the industry of the producers of covered
25 products, including the entire supply chain,

1 the extraction and refining of fossil fuels
2 and polymer feedstocks, chemical recycling
3 efforts, end uses, disposal fate, and
4 lifecycle impacts of covered products;

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

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

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

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

23 (vi) the toxicity of plastic polymers,
24 additives, and chemicals (including byprod-

1 ucts), including the impacts of those poly-
2 mers, additives, and chemicals on—

3 (I) public health;

4 (II) the recyclability of plastic;

5 and

6 (III) the ability to use recycled
7 content.

8 (B) FAILURE TO ENTER AGREEMENT.—If
9 the Administrator fails to enter into an agree-
10 ment described in subparagraph (A), the Ad-
11 ministrator shall conduct the study described in
12 that subparagraph.

13 (2) REQUIREMENTS.—The study under para-
14 graph (1) shall—

15 (A) consider—

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

22 (ii) the impacts of the planned expan-
23 sion of those industries, including local, re-
24 gional, national, and international air,
25 water, waste, climate change, public health,

1 and environmental justice impacts of those
2 industries; and

3 (B) recommend technologies, regulations,
4 standards, and practices, including rec-
5 ommendations for technologies, regulations,
6 standards, and practices that will best carry out
7 the regulatory modifications required under
8 subsections (d), (e), and (g), to remediate or
9 eliminate the local, regional, national, and inter-
10 national air, water, waste, climate change, pub-
11 lic health, and environmental justice impacts of
12 the industries described in subparagraph (A)(i).

13 (3) REPORT.—Not later than 18 months after
14 the date of enactment of this Act, the Administrator
15 shall submit to Congress a report describing the re-
16 sults of the study under paragraph (1).

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to the Na-
19 tional Academy of Sciences and the National Insti-
20 tutes of Health such sums as are necessary to carry
21 out this subsection.

22 (c) PERMITTING MORATORIUM FOR COVERED FA-
23 CILITIES.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 during the temporary pause period, notwithstanding
3 any other provision of law—

4 (A) the Administrator shall not issue a
5 new permit for a covered facility under—

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

8 (ii) the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1251 et seq.);

10 (B) the Secretary of the Army, acting
11 through the Chief of Engineers, shall not issue
12 a new permit for a covered facility under sec-
13 tion 404 of the Federal Water Pollution Control
14 Act (33 U.S.C. 1344);

15 (C) the Administrator shall object in writ-
16 ing under subsections (b) and (c) of section 505
17 of the Clean Air Act (42 U.S.C. 7661d) or sec-
18 tion 402(d)(2) of the Federal Water Pollution
19 Control Act (33 U.S.C. 1342(d)(2)), as applica-
20 ble, to any new permit issued to a covered facil-
21 ity by a State agency delegated authority under
22 the Clean Air Act (42 U.S.C. 7401 et seq.) or
23 the Federal Water Pollution Control Act (33
24 U.S.C. 1251 et seq.); and

1 (D) the export of covered products is pro-
2 hibited.

3 (2) EXCEPTION.—Paragraph (1) does not apply
4 to a permit described in that paragraph for a facility
5 that is—

6 (A) a material recovery facility;

7 (B) a mechanical recycling facility; or

8 (C) a compost facility.

9 (d) CLEAN AIR REQUIREMENTS FOR COVERED FA-
10 CILITIES.—

11 (1) TIMELY REVISION OF EMISSIONS STAND-
12 ARDS.—Section 111(b)(1)(B) of the Clean Air Act
13 (42 U.S.C. 7411(b)(1)(B)) is amended by striking
14 the fifth sentence.

15 (2) NEW SOURCE PERFORMANCE STANDARDS
16 FOR CERTAIN FACILITIES.—Not later than 3 years
17 after the date of enactment of this Act, the Adminis-
18 trator shall promulgate a final rule—

19 (A) designating petrochemical feedstock
20 and polymer production facilities as a category
21 of stationary source under section 111(b)(1)(A)
22 of the Clean Air Act (42 U.S.C.
23 7411(b)(1)(A)); and

24 (B) establishing new source performance
25 standards for the category of stationary source

1 designated under subparagraph (A) under sec-
2 tion 111(f)(1) of the Clean Air Act (42 U.S.C.
3 7411(f)(1)).

4 (3) STORAGE VESSELS FOR COVERED PROD-
5 UCTS.—Not later than 3 years after the date of en-
6 actment of this Act, the Administrator shall promul-
7 gate a final rule modifying section 60.112b(a) of
8 title 40, Code of Federal Regulations (as in effect on
9 the date of enactment of this Act), to ensure that an
10 owner or operator of a storage vessel containing liq-
11 uid with a vapor pressure of equal to or more than
12 5 millimeters of mercury under actual storage condi-
13 tions that is regulated under that section uses—

14 (A) an internal floating roof tank con-
15 nected to a volatile organic compound control
16 device; or

17 (B) a fixed-roof tank connected to a vola-
18 tile organic compound control device.

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

22 (A) modifying title 40, Code of Federal
23 Regulations (as in effect on the date of enact-
24 ment of this Act), to ensure that flaring, either
25 at ground-level or elevated, shall only be per-

1 mitted when necessary solely for safety reasons;
2 and

3 (B) modifying sections 60.112b(a)(3)(ii),
4 60.115b(d)(1), 60.482–10a(d), 60.662(b),
5 60.702(b), and 60.562–1(a)(1)(i)(C) of title 40,
6 Code of Federal Regulations (as in effect on the
7 date of enactment of this Act), to ensure that—

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

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

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

17 (A) modifying section 60.482–1a of title
18 40, Code of Federal Regulations (as in effect on
19 the date of enactment of this Act), to ensure
20 that owners and operators use process units
21 and components with a leak-less or seal-less de-
22 sign;

23 (B) modifying section 60.482–1a(f) of title
24 40, Code of Federal Regulations (as in effect on
25 the date of enactment of this Act), to ensure

1 that owners and operators use optical gas imag-
2 ing monitoring pursuant to section 60.5397a of
3 title 40, Code of Federal Regulations (as in ef-
4 fect on the date of enactment of this Act), on
5 a quarterly basis, unless the owner or operator
6 receives approval from the Administrator in
7 writing to use Method 21 of the Environmental
8 Protection Agency (as described in appendix A-
9 7 of part 60 of title 40, Code of Federal Regu-
10 lations (as in effect on the date of enactment of
11 this Act)) with a repair threshold of 500 parts
12 per million;

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

20 (D) modifying subpart VVa of part 60 of
21 title 40, Code of Federal Regulations (as in ef-
22 fect on the date of enactment of this Act) to en-
23 sure that—

24 (i) the term “no detectable emissions”
25 is defined to mean an instrument reading

1 of less than 50 parts per million above
2 background concentrations; and

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

7 (6) NATURAL-GAS FIRED STEAM BOILERS.—
8 Not later than 3 years after the date of enactment
9 of this Act, the Administrator shall promulgate a
10 final rule revising subpart Db of part 60 of title 40,
11 Code of Federal Regulations (as in effect on the
12 date of enactment of this Act), to ensure that boilers
13 or heaters located at an affected covered facility reg-
14 ulated under that subpart may only burn gaseous
15 fuels, not solid fuels or liquid fuels.

16 (7) NATIONAL EMISSION STANDARDS FOR HAZ-
17 ARDOUS AIR POLLUTANTS IMPLEMENTATION IM-
18 PROVEMENTS.—

19 (A) EQUIPMENT LEAKS OF BENZENE.—
20 Not later than 3 years after the date of enact-
21 ment of this Act, the Administrator shall pro-
22 mulgate a final rule modifying section 61.112
23 of title 40, Code of Federal Regulations (as in
24 effect on the date of enactment of this Act)
25 that strikes subsection (c).

1 (B) BENZENE WASTE OPERATIONS.—Not
2 later than 3 years after the date of enactment
3 of this Act, the Administrator shall promulgate
4 a final rule modifying subpart FF of part 61 of
5 title 40, Code of Federal Regulations (as in ef-
6 fect on the date of enactment of this Act), to
7 ensure that—

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

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

16 (C) MAXIMUM ACHIEVABLE CONTROL
17 TECHNOLOGY STANDARDS FOR COVERED FA-
18 CILITIES.—Not later than 3 years after the
19 date of enactment of this Act, the Adminis-
20 trator shall—

21 (i) promulgate a final rule modifying
22 subpart YY of part 63 of title 40, Code of
23 Federal Regulations (as in effect on the
24 date of enactment of this Act), to ensure
25 that—

1 (I) the generic maximum achiev-
2 able control technology standards de-
3 scribed in that subpart—

4 (aa) require no detectable
5 emissions of hazardous air pollut-
6 ants, unless the Administrator—

7 (AA) determines that
8 the maximum degree of re-
9 duction in emissions of haz-
10 ardous air pollutants achiev-
11 able pursuant to section
12 112(d)(2) of the Clean Air
13 Act (42 U.S.C. 7412(d)(2))
14 justifies higher limits; and

15 (BB) publishes the de-
16 termination under subitem
17 (AA) and the proposed high-
18 er limits in a rulemaking;

19 (bb) ensure an ample mar-
20 gin of safety to protect public
21 health and prevent an adverse
22 environmental effect; and

23 (cc) prevent adverse cumu-
24 lative effects to fetal health, the

1 health of children, and the health
2 of vulnerable subpopulations; and

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

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

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

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

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

24 (A) to require continuous emissions moni-
25 toring of benzene, nitrogen oxides, sulfur diox-

1 ide, carbon monoxide, and filterable particulate
2 matter for all combustion devices except for
3 non-enclosed flares, including during startups,
4 shutdowns, and malfunctions of the facilities
5 regulated by those subparts;

6 (B) to require—

7 (i) accurate and continuous record-
8 keeping when continuous emissions moni-
9 toring is required under subparagraph (A);

10 and

11 (ii) the records required under clause

12 (i) to be made available to the public in
13 real time;

14 (C) to require continuous fenceline moni-
15 toring of emissions from combustion devices
16 under section 63.658 of title 40, Code of Fed-
17 eral Regulations (as in effect on the date of en-
18 actment of this Act), for nitrogen oxides, sulfur
19 dioxide, carbon monoxide, filterable and conden-
20 sable particulate matter, and all other relevant
21 hazardous air pollutants; and

22 (D) to ensure that the continuous moni-
23 toring of combustion devices required under
24 subparagraphs (A) and (C) are used to deter-
25 mine the compliance of facilities regulated by

1 those subparts with the Clean Air Act (42
2 U.S.C. 7401 et seq.).

3 (e) CLEAN WATER REQUIREMENTS FOR COVERED
4 FACILITIES.—

5 (1) BAT AND NSPS STANDARDS FOR PLASTIC
6 POLYMER PRODUCTION.—Not later than 3 years
7 after the date of enactment of this Act, the Adminis-
8 trator shall promulgate a final rule—

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

15 (B) modifying part 414 of title 40, Code of
16 Federal Regulations (as in effect on the date of
17 enactment of this Act), to ensure that the best
18 available technology and new source perform-
19 ance standard requirements under that part re-
20 flect updated best available technology and best
21 available demonstrated control technology for
22 all pollutants discharged by covered facilities
23 that produce covered products, including pollut-
24 ants of concern that are not regulated on the
25 date of enactment of this Act; and

1 (C) modifying sections 414.91(b),
2 414.101(b), and 414.111(b) of title 40, Code of
3 Federal Regulations (as in effect on the date of
4 enactment of this Act) to ensure that—

5 (i) for new source performance stand-
6 ards for applicable covered facilities pro-
7 ducing covered products, the maximum ef-
8 fluent limit for any 1 day and for any
9 monthly average for the priority pollutants
10 described in appendix A to part 423 of
11 title 40, Code of Federal Regulations (as
12 in effect on the date of enactment of this
13 Act), is 0 milligrams per liter unless the
14 Administrator—

15 (I) determines that higher limits
16 are justified using best available dem-
17 onstrated control technology; and

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

21 (ii) for best available technology and
22 new source performance standards, the
23 maximum effluent limit for any 1 day and
24 for any monthly average for total plastic

1 pellets and other plastic material is 0 milli-
2 grams per liter.

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

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

10 (i) modifying sections 419.23, 419.26,
11 419.33, and 419.36 of title 40, Code of
12 Federal Regulations (as in effect on the
13 date of enactment of this Act), to ensure
14 that the best available technology and new
15 source performance standards reflect up-
16 dated best available technology and best
17 available demonstrated control technology
18 for all pollutants discharged by covered fa-
19 cilities producing petrochemical feedstocks
20 and polymers; and

21 (ii) modifying sections 419.26(a) and
22 419.36(a) of title 40, Code of Federal Reg-
23 ulations (as in effect on the date of enact-
24 ment of this Act), to ensure that the new
25 source performance standards for any 1

1 day and for average of daily values for 30
2 consecutive days for the priority pollutants
3 described in appendix A to part 423 of
4 title 40, Code of Federal Regulations (as
5 in effect on the date of enactment of this
6 Act), is 0 milligrams per liter unless the
7 Administrator—

8 (I) determines that higher limits
9 are necessary based on the best avail-
10 able demonstrated control technology;
11 and

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

16 (B) RUNOFF LIMITATIONS FOR ETHYLENE
17 AND PROPYLENE PRODUCTION.—Not later than
18 3 years after the date of enactment of this Act,
19 the Administrator shall promulgate a final rule
20 modifying sections 419.26(e) and 419.36(e) of
21 title 40, Code of Federal Regulations (as in ef-
22 fect on the date of enactment of this Act), to
23 ensure that runoff limitations that reflect best
24 available demonstrated control technology are
25 included.

1 (f) ENVIRONMENTAL JUSTICE REQUIREMENTS FOR
2 COVERED FACILITIES.—

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

6 (A) any proposed permit to be issued by
7 the Administrator or by a State agency dele-
8 gated authority under the Clean Air Act (42
9 U.S.C. 7401 et seq.) or the Federal Water Pol-
10 lution Control Act (33 U.S.C. 1251 et seq.)
11 with respect to a covered facility is accompanied
12 by an environmental justice assessment that—

13 (i) assesses the direct, indirect, and
14 cumulative economic, environmental, and
15 public health impacts of the proposed per-
16 mit on fenceline communities; and

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

22 (B) each proposed permit and environ-
23 mental justice assessment described in subpara-
24 graph (A) is delivered to applicable fenceline
25 communities at the beginning of the public com-

1 ment period for the proposed permit for pur-
2 poses of notification and consultation, which
3 shall include—

4 (i) prompt notification—

5 (I) through direct means, includ-
6 ing in non-English languages for lim-
7 ited English proficiency individuals;

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

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

14 (aa) for which public notice
15 is provided—

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

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

23 (bb) for which translation
24 services are provided; and

1 (cc) that is accessible
2 through live-streaming or alter-
3 native video streaming services
4 for which translation services are
5 provided; and

6 (ii) after the prompt notification re-
7 quired under clause (i), consultation that—

8 (I) facilitates effective collabora-
9 tion and informed policymaking that
10 further recognizes the importance of
11 regular communication and collabora-
12 tion with fenceline communities, re-
13 gardless of whether specific regulatory
14 or policy changes are being consid-
15 ered;

16 (II) seeks information and input
17 from fenceline communities by solie-
18 iting the collaboration, cooperation,
19 and participation of those fenceline
20 communities;

21 (III) includes an in-person meet-
22 ing or a telephone conference that—

23 (aa) is in a location, if appli-
24 cable, that is selected by those
25 engaged in the consultation to be

1 mutually accessible to representa-
2 tives of fenceline communities
3 and applicable State or Federal
4 government participants; and

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

9 (IV) ensures that any health or
10 environmental concerns raised by
11 fenceline communities will be prop-
12 erly investigated and considered in deci-
13 sions to grant or deny the proposed
14 permit; and

15 (V) explains to the representa-
16 tives of the fenceline community the
17 range of resulting actions that the Ad-
18 ministrator or State agency may take;
19 and

20 (C) the Administrator or a State agency
21 delegated authority under the Clean Air Act
22 (42 U.S.C. 7401 et seq.) or the Federal Water
23 Pollution Control Act (33 U.S.C. 1251 et seq.),
24 as applicable, shall not approve a proposed per-
25 mit described in subparagraph (A) unless—

1 (i) changes or alterations have been
2 incorporated into the revised proposed per-
3 mit that, to the maximum extent prac-
4 ticable, eliminate or mitigate the environ-
5 mental justice impacts described in sub-
6 paragraph (A)(i);

7 (ii) the changes or alterations de-
8 scribed in clause (i) have been developed
9 with meaningful input from residents or
10 representatives of the fenceline community
11 in which the covered facility to which the
12 proposed permit would apply is located or
13 seeks to locate; and

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

16 (I) has been entered into after
17 the prompt notification and consulta-
18 tion required under clauses (i) and
19 (ii), respectively, of subparagraph (B);
20 and

21 (II) stipulates the benefits the
22 covered facility agrees to fund or fur-
23 nish in exchange for community sup-
24 port for the covered facility, which
25 may include—

1 (aa) commitments to hire di-
2 rectly from a community;

3 (bb) contributions to eco-
4 nomic and health trust funds;

5 (cc) local workforce training
6 guarantees;

7 (dd) increased pollution con-
8 trol technologies;

9 (ee) operation restrictions;

10 (ff) financial assurances;

11 and

12 (gg) siting restrictions;

13 (D) the Administrator or a State agency
14 delegated authority under the Clean Air Act
15 (42 U.S.C. 7401 et seq.) or the Federal Water
16 Pollution Control Act (33 U.S.C. 1251 et seq.),
17 as applicable, shall not approve a proposed per-
18 mit described in subparagraph (A) during the
19 45-day period beginning on the date on which
20 a public hearing described in subparagraph
21 (B)(i)(III) is held for the proposed permit; and

22 (E) the approval of a proposed permit de-
23 scribed in subparagraph (A) is conditioned on
24 the covered facility providing comprehensive
25 third-party fenceline monitoring and response

1 strategies that fully protect public health and
2 safety and the environment in fenceline commu-
3 nities, for which the affected fenceline commu-
4 nities have the opportunity to provide meaning-
5 ful input.

6 (2) REQUIREMENTS.—

7 (A) REQUIRED INPUT.—The Administrator
8 shall develop the final rule required under para-
9 graph (1) with meaningful input from—

10 (i) residents of fenceline communities;

11 and

12 (ii) representatives of fenceline com-
13 munities.

14 (B) COMMUNITY CONSULTATION REQUIRE-
15 MENT.—In carrying out the consultation re-
16 quired under paragraph (1)(B)(ii), the Adminis-
17 trator and each State agency delegated author-
18 ity under the Clean Air Act (42 U.S.C. 7401 et
19 seq.) or the Federal Water Pollution Control
20 Act (33 U.S.C. 1251 et seq.) shall establish a
21 dedicated position that—

22 (i) supports fenceline communities in
23 understanding the technical nuances of the
24 permit and regulatory process; and

1 (ii) accounts for limited English pro-
2 ficiency individuals.

3 (3) REPORT TO CONGRESS ON STATE PERMIT-
4 TING PROGRAMS.—Not later than 2 years after the
5 date on which the final rule required under para-
6 graph (1) is published in the Federal Register, and
7 every 5 years thereafter, the Administrator shall
8 submit to Congress a report evaluating how States
9 are implementing required environmental justice
10 considerations pursuant to that final rule into their
11 permitting programs under the Clean Air Act (42
12 U.S.C. 7401 et seq.) and the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1251 et seq.).

14 (g) TOXIC SUBSTANCES.—

15 (1) INVENTORY AND REPORTING.—Section 8(b)
16 of the Toxic Substances Control Act (15 U.S.C.
17 2607(b)) is amended by adding at the end the fol-
18 lowing:

19 “(11) PLASTICS.—

20 “(A) DEFINITIONS.—In this paragraph:

21 “(i) COVERED FACILITY; COVERED
22 PRODUCT.—The terms ‘covered facility’
23 and ‘covered product’ have the meanings
24 given those terms in section 4(a) of the
25 Protecting Communities from Plastics Act.

1 “(ii) PLASTIC; SINGLE-USE PLAS-
2 TIC.—The terms ‘plastic’ and ‘single-use
3 plastic’ have the meanings given those
4 terms in section 3 of the Protecting Com-
5 munities from Plastics Act.

6 “(B) PUBLICATION.—Not later than April
7 1, 2025, and every 3 years thereafter, the Ad-
8 ministrators shall publish in the Federal Reg-
9 ister an inventory of plastic manufacturing, dis-
10 tribution in commerce, and trade in the United
11 States.

12 “(C) PROCESS.—In carrying out the inven-
13 tory under subparagraph (B), the Adminis-
14 trator shall—

15 “(i) identify—

16 “(I) each covered facility; and

17 “(II) any other manufacturer of
18 plastic products;

19 “(ii) identify—

20 “(I) the polymers associated with
21 plastic production;

22 “(II) the types or uses of plastic
23 products manufactured; and

1 “(III) the associated quantities of
2 polymer and product manufacture and
3 uses;

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

6 “(I) in the aggregate; and

7 “(II) by use category;

8 “(iv) quantify the percentage of post-
9 consumer recycled content of the feed-
10 stocks for the manufacture of the types of
11 plastic products identified under clause
12 (ii)(II);

13 “(v) provide information and quan-
14 tified estimates on the fate of the plastic
15 products at the end of their useful life;

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

24 “(vii) specify any chemicals identified
25 under clause (vi)—

1 “(I) that are undergoing regu-
2 latory action under section 6; or

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

6 “(viii) for each chemical identified
7 under clause (vi) that is not specified
8 under clause (vii), provide a timetable for
9 regulatory action under section 6 and any
10 other recommended actions, including pro-
11 posed revisions of Federal law or regula-
12 tions, to achieve further reductions in plas-
13 tic manufacture or distribution in com-
14 merce; and

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

19 “(D) REPORTING.—

20 “(i) IN GENERAL.—To assist in the
21 preparation of the inventory under sub-
22 paragraph (B), notwithstanding section
23 3(2)(B), any person who manufactures a
24 covered product used in plastic production,
25 and any person who manufactures a plastic

1 product, shall submit to the Administrator
2 periodic reports at such time and including
3 such information as the Administrator
4 shall determine by rule.

5 “(ii) PROMULGATION OF RULE.—Not
6 later than July 1, 2024, the Administrator
7 shall promulgate the rule described in
8 clause (i).

9 “(iii) PREVIOUSLY SUBMITTED INFOR-
10 MATION.—To avoid duplication, informa-
11 tion previously submitted to the Adminis-
12 trator under this section may be consid-
13 ered partially compliant with the reporting
14 requirements of this subparagraph if the
15 information previously submitted is an ac-
16 curate reflection of the current informa-
17 tion.

18 “(iv) PUBLIC AVAILABILITY.—The
19 Administrator shall make available to the
20 public in an accessible database the reports
21 submitted under clause (i), consistent with
22 section 14.”

23 (2) CUMULATIVE HEALTH RISKS POSED BY
24 COVERED FACILITIES.—

25 (A) DEFINITIONS.—In this paragraph:

1 (i) CHEMICAL SUBSTANCE; MIX-
2 TURE.—The terms “chemical substance”
3 and “mixture” have the meanings given
4 the terms in section 3 of the Toxic Sub-
5 stances Control Act (15 U.S.C. 2602).

6 (ii) COVERED FACILITY.—The term
7 “covered facility” means a covered facility
8 identified in the inventory.

9 (iii) FENCELINE COMMUNITY.—The
10 term “fenceline community” has the mean-
11 ing given the term in section 4(a).

12 (iv) INVENTORY.—The term “inven-
13 tory” means the inventory published under
14 paragraph (11) of section 8(b) of the Toxic
15 Substances Control Act (15 U.S.C.
16 2607(b)).

17 (B) ASSESSMENT.—Not later than April 1,
18 2027, taking into account the inventory, the
19 Administrator shall conduct a single assessment
20 of the aggregate, cumulative public health im-
21 pacts on fenceline communities at covered facili-
22 ties.

23 (C) REQUIREMENTS.—The assessment
24 under subparagraph (B) shall—

- 1 (i) ascertain the potentially exposed or
2 susceptible subpopulations;
- 3 (ii) estimate the magnitude of the po-
4 tential health impacts on—
- 5 (I) fenceline communities gen-
6 erally; and
- 7 (II) more exposed or susceptible
8 subpopulations specifically;
- 9 (iii) determine which chemical sub-
10 stances or mixtures may be causing or con-
11 tributing to potential adverse public health
12 impacts;
- 13 (iv) include an assessment of—
- 14 (I) the cumulative exposures as-
15 sociated with covered facilities from
16 all chemicals used to make plastic
17 polymers;
- 18 (II) the chemical substances (in-
19 cluding plastic polymers, additives,
20 and byproducts) produced from—
- 21 (aa) the use of the plastic
22 polymers as feedstocks for other
23 chemicals; and
- 24 (bb) waste-to-fuel tech-
25 nology; and

1 (III) the impact of chemical sub-
2 stances (including plastic polymers,
3 additives, and byproducts) on—

4 (aa) the recyclability of plas-
5 tics;

6 (bb) the use of recycled con-
7 tent in food contact products and
8 packaging; and

9 (cc) public health; and

10 (v) focus on—

11 (I) communities located near cov-
12 ered facilities;

13 (II) workers at covered facilities;
14 and

15 (III) other potentially exposed or
16 susceptible subpopulations.

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

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

22 (ii) peer review by the Science Advi-
23 sory Committee on Chemicals established
24 under section 26(o) of the Toxic Sub-
25 stances Control Act (15 U.S.C. 2625(o)).

1 (3) HIGH-PRIORITY SUBSTANCES.—

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

9 (i) styrene (including polystyrene);

10 and

11 (ii) vinyl chloride (including polyvinyl
12 chloride).

13 (B) OTHER CHEMICALS OR MIXTURES.—

14 With respect to any chemical substances or
15 mixtures (as those terms are defined in section
16 3 of the Toxic Substances Control Act (15
17 U.S.C. 2602)) not described in subparagraph
18 (A) and identified in the assessment under
19 paragraph (2) as causing or contributing to po-
20 tential adverse public health impacts, the Ad-
21 ministrator shall—

22 (i) include those chemical substances
23 or mixtures in any subsequently published
24 inventory; and

1 (ii) specify applicable timetables for
2 action as part of the inventory in accord-
3 ance with clause (vii) or (viii) of paragraph
4 (11) of section 8(b) of the Toxic Sub-
5 stances Control Act (15 U.S.C. 2607(b)).

6 (4) AUTHORIZATION OF APPROPRIATIONS.—

7 (A) IN GENERAL.—There are authorized to
8 be appropriated to the Administrator such sums
9 as are necessary to carry out this subsection
10 and the amendments made by this subsection.

11 (B) MAINTENANCE OF FUNDING.—The
12 funding provided under this paragraph shall
13 supplement (and not supplant) other Federal
14 funding to carry out the Toxic Substances Con-
15 trol Act (15 U.S.C. 2601 et seq.).

16 (h) HAZARDOUS WASTE.—Not later than 180 days
17 after the date of enactment of this Act, the Administrator
18 shall initiate a rulemaking to list discarded polyvinyl chlo-
19 ride as a hazardous waste under the Solid Waste Disposal
20 Act (42 U.S.C. 6901 et seq.).

21 (i) CUMULATIVE IMPACT REQUIREMENTS FOR COV-
22 ERED FACILITIES.—

23 (1) FEDERAL WATER POLLUTION CONTROL
24 ACT.—Section 402 of the Federal Water Pollution
25 Control Act (33 U.S.C. 1342) is amended—

1 (A) by striking the section designation and
2 heading and all that follows through “Except
3 as” in subsection (a)(1) and inserting the fol-
4 lowing:

5 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
6 **NATION SYSTEM.**

7 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

8 “(1) IN GENERAL.—Except as”;

9 (B) in subsection (a)—

10 (i) in paragraph (1)—

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

14 “subject to the conditions that—

15 “(A) the discharge will achieve compliance
16 with—

17 “(i) all”;

18 (II) by striking “403 of this Act,
19 or (B) prior” and inserting the fol-
20 lowing: “403; or

21 “(ii) prior”; and

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

24 “(B) as applicable, with respect to the
25 issuance or renewal of the permit to a covered

1 facility (as defined in section 4(a) of the Pro-
2 tecting Communities from Plastics Act)—

3 “(i) based on an analysis by the Ad-
4 ministrator of existing water quality and
5 the potential cumulative impacts (as de-
6 fined in section 501 of the Clean Air Act
7 (42 U.S.C. 7661)) of the discharge from
8 the covered facility (as so defined), consid-
9 ered in conjunction with the designated
10 and actual uses of the impacted navigable
11 water, there exists a reasonable certainty
12 of no harm to the health of the general
13 population, or to any potentially exposed or
14 susceptible subpopulation; or

15 “(ii) if the Administrator determines
16 that, due to those potential cumulative im-
17 pacts, there does not exist a reasonable
18 certainty of no harm to the health of the
19 general population, or to any potentially
20 exposed or susceptible subpopulation, the
21 permit or renewal includes such terms and
22 conditions as the Administrator determines
23 to be necessary to ensure a reasonable cer-
24 tainty of no harm.”; and

1 (ii) in paragraph (2), by striking “as-
2 sure compliance with the requirements of
3 paragraph (1) of this subsection, including
4 conditions on data and information collec-
5 tion, reporting, and such other require-
6 ments as he deems appropriate.” and in-
7 serting the following: “ensure compliance
8 with the requirements of paragraph (1), in-
9 cluding—

10 “(A) conditions relating to—

11 “(i) data and information collection;

12 “(ii) reporting; and

13 “(iii) such other requirements as the
14 Administrator determines to be appro-
15 priate; and

16 “(B) with respect to covered facilities (as
17 defined in section 4(a) of the Protecting Com-
18 munities from Plastics Act) additional controls
19 or pollution prevention requirements.”; and

20 (C) in subsection (b)—

21 (i) in each of paragraphs (1)(D),
22 (2)(B), and (3) through (7), by striking
23 the semicolon at the end and inserting a
24 period;

1 (ii) in paragraph (8), by striking “;
2 and” at the end and inserting a period;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(10) To ensure that no permit will be issued
7 to or renewed for a covered facility (as defined in
8 section 4(a) of the Protecting Communities from
9 Plastics Act) if, with respect to an application for
10 the permit, the State determines, based on an anal-
11 ysis by the State of existing water quality and the
12 potential cumulative impacts (as defined in section
13 501 of the Clean Air Act (42 U.S.C. 7661)) of the
14 discharge from the covered facility (as so defined),
15 considered in conjunction with the designated and
16 actual uses of the impacted navigable water, that the
17 terms and conditions of the permit or renewal would
18 not be sufficient to ensure a reasonable certainty of
19 no harm to the health of the general population, or
20 to any potentially exposed or susceptible subpopula-
21 tion.”.

22 (2) CLEAN AIR ACT.—

23 (A) DEFINITIONS.—Section 501 of the
24 Clean Air Act (42 U.S.C. 7661) is amended—

1 (i) in the matter preceding paragraph
2 (1), by striking “As used in this title—”
3 and inserting “In this title.”;

4 (ii) by redesignating paragraphs (2),
5 (3), and (4) as paragraphs (3), (5), and
6 (4), respectively, and moving the para-
7 graphs so as to appear in numerical order;
8 and

9 (iii) by inserting after paragraph (1)
10 the following:

11 “(2) CUMULATIVE IMPACTS.—The term ‘cumu-
12 lative impacts’ means any exposure, public health or
13 environmental risk, or other effect occurring in a
14 specific geographical area, including from an emis-
15 sion or release—

16 “(A) including—

17 “(i) environmental pollution re-
18 leased—

19 “(I) routinely;

20 “(II) accidentally; or

21 “(III) otherwise; and

22 “(ii) as assessed based on the com-
23 bined past, present, and reasonably fore-
24 seeable emissions and discharges affecting
25 the geographical area; and

1 “(B) evaluated taking into account sen-
2 sitive populations and socioeconomic factors,
3 where applicable.”.

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

7 (i) in paragraph (5)—

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

11 (II) by striking subparagraph (F)

12 and inserting the following:

13 “(F) ensure that no permit will be issued to or
14 renewed for a covered facility (as defined in section
15 4(a) of the Protecting Communities from Plastics
16 Act), as applicable, if—

17 “(i) with respect to an application for a
18 permit or renewal of a permit for a major
19 source that is a covered facility (as defined in
20 section 4(a) of the Protecting Communities
21 from Plastics Act), the permitting authority de-
22 termines under paragraph (9)(C)(ii)(I)(bb)(BB)
23 that the terms and conditions of the permit or
24 renewal would not be sufficient to ensure a rea-
25 sonable certainty of no harm to the health of

1 the general population, or to any potentially ex-
2 posed or susceptible subpopulation, of the appli-
3 cable census tracts or Tribal census tracts (as
4 those terms are defined by the Director of the
5 Bureau of the Census); or

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

9 (ii) in paragraph (9)—

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

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

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

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

20 (III) in the second sentence, by
21 striking “Such revisions” and insert-
22 ing the following:

23 “(B) REVISION REQUIREMENTS.—

24 “(i) DEADLINE.—A revision described
25 in subparagraph (A) or (C)”;

1 (IV) by striking “(9) A require-
2 ment” and inserting the following:

3 “(9) MAJOR SOURCES.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (C), a requirement that”; and

6 (V) by adding at the end the fol-
7 lowing:

8 “(C) CERTAIN PLASTICS FACILITIES.—

9 “(i) DEFINITION OF COVERED FACIL-
10 ITY.—In this subparagraph, the term ‘cov-
11 ered facility’ has the meaning given the
12 term in section 4(a) of the Protecting
13 Communities from Plastics Act.

14 “(ii) ADDITIONAL REQUIREMENTS.—
15 With respect to any permit or renewal of
16 a permit, as applicable, for a major source
17 that is a covered facility, the permitting
18 authority shall, in determining whether to
19 issue or renew the permit—

20 “(I) evaluate the potential cumu-
21 lative impacts of the proposed covered
22 facility, as described in the applicable
23 cumulative impacts analysis submitted
24 under section 503(b)(3);

1 “(II) if, due to those potential
2 cumulative impacts, the permitting
3 authority cannot determine that there
4 exists a reasonable certainty of no
5 harm to the health of the general pop-
6 ulation, or to any potentially exposed
7 or susceptible subpopulation, of any
8 census tracts or Tribal census tracts
9 (as those terms are defined by the Di-
10 rector of the Bureau of the Census)
11 located in, or immediately adjacent to,
12 the area in which the covered facility
13 is, or is proposed to be, located—

14 “(aa) include in the permit
15 or renewal such terms and condi-
16 tions (including additional con-
17 trols or pollution prevention re-
18 quirements) as the permitting
19 authority determines to be nec-
20 essary to ensure a reasonable cer-
21 tainty of no harm; or

22 “(bb) if the permitting au-
23 thority determines that terms
24 and conditions described in item
25 (aa) would not be sufficient to

1 ensure a reasonable certainty of
2 no harm, deny the issuance or re-
3 newal of the permit;

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

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

20 “(aa) require the applicant
21 to submit a redemption plan that
22 describes, if the applicant is not
23 in compliance with this Act,
24 measures the applicant will carry
25 out to achieve that compliance,

1 together with an approximate
2 deadline for that achievement,
3 measures the applicant will carry
4 out, or has carried out to ensure
5 the applicant will remain in com-
6 pliance with this Act, and to
7 mitigate the environmental and
8 health effects of noncompliance,
9 and the measures the applicant
10 has carried out in preparing the
11 redemption plan to consult or ne-
12 gotiate with the communities af-
13 fected by each persistent viola-
14 tion addressed in the plan; and

15 “(bb) once such a redemp-
16 tion plan is submitted, determine
17 whether the plan is adequate to
18 ensuring that the applicant will
19 achieve compliance with this Act
20 expeditiously, will remain in com-
21 pliance with this Act, will miti-
22 gate the environmental and
23 health effects of noncompliance,
24 and has solicited and responded

1 to community input regarding
2 the redemption plan; and

3 “(V) deny the issuance or re-
4 newal of the permit if the permitting
5 authority determines that—

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

9 “(bb) the applicant has sub-
10 mitted a redemption plan on a
11 prior occasion, but continues to
12 be a persistent violator and that
13 there is no indication exists of ex-
14 tremely exigent circumstances ex-
15 cusing the persistent violations.”.

16 (C) PERMIT APPLICATIONS.—Section
17 503(b) of the Clean Air Act (42 U.S.C.
18 7661b(b)) is amended by adding at the end the
19 following:

20 “(3) ANALYSES FOR CERTAIN PLASTICS FACILI-
21 TIES.—The regulations required by section 502(b) shall
22 include a requirement that an applicant for a permit or
23 renewal of a permit for a major source that is a covered
24 facility (as defined in section 4(a) of the Protecting Com-
25 munities from Plastics Act) shall submit, together with the

1 compliance plan required under this subsection, a cumu-
2 lative impacts analysis for each census tract or Tribal cen-
3 sus tract (as those terms are defined by the Director of
4 the Bureau of the Census) located in, or immediately adja-
5 cent to, the area in which the major source that is a cov-
6 ered source (as so defined) is, or is proposed to be, located
7 that analyzes—

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

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

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

23 “(D) public health and any potential effects on
24 public health of the proposed covered facility (as so
25 defined).”.

1 (j) FINANCIAL ASSURANCE REQUIREMENTS FOR
2 COVERED FACILITIES.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of enactment of this Act, the Administrator
5 shall develop and require as a condition to receiving
6 a permit under the Clean Air Act (42 U.S.C. 7401
7 et seq.) or the Federal Water Pollution Control Act
8 (33 U.S.C. 1251 et seq.) financial assurance require-
9 ments for new covered facilities that demonstrate
10 the presence of sufficient financial resources—

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

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

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

23 (k) SITING RESTRICTIONS FOR NEW COVERED FA-
24 CILITIES.—The issuance or approval of a permit under the
25 Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal

1 Water Pollution Control Act (33 U.S.C. 1251 et seq.) for
2 new covered facilities or for the expansion of existing cov-
3 ered facilities shall be prohibited within 5 miles of a com-
4 munity building or area, including a school, a residence,
5 a day care center, a nursing home, a hospital, a health
6 clinic, a place of religious worship, a park, a playground,
7 and a community center.

8 **SEC. 5. FEDERAL SOURCE REDUCTION AND REUSE TAR-**
9 **GETS.**

10 (a) DEFINITION OF SOURCE REDUCTION.—

11 (1) IN GENERAL.—In this section, the term
12 “source reduction” means the reduction in the quan-
13 tity of single-use plastic packaging and food service
14 ware created by producers relative to the baseline es-
15 tablished pursuant to subsection (b)(1) by methods
16 that may include—

17 (A) shifting to reusable or refillable pack-
18 aging or food service ware systems; or

19 (B) eliminating unnecessary packaging.

20 (2) EXCLUSIONS.—In this section, the term
21 “source reduction” does not include—

22 (A) replacing a recyclable or compostable
23 single-use plastic packaging or food service
24 ware with—

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

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

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

10 (b) FEDERAL SOURCE REDUCTION TARGETS.—

11 (1) BASELINE.—Not later than December 31,
12 2025, the Administrator shall promulgate regula-
13 tions to establish a baseline quantity, by total weight
14 and total number of items, of all single-use plastic
15 packaging and food service ware produced, sold, of-
16 fered for sale, imported, or distributed in the United
17 States during calendar year 2024.

18 (2) REDUCTION TARGETS.—

19 (A) IN GENERAL.—Not later than Decem-
20 ber 31, 2027, the Administrator shall promul-
21 gate regulations to establish phased source re-
22 duction targets for all single-use plastic pack-
23 aging and food service ware produced, sold, of-
24 fered for sale, imported, or distributed in the

1 United States, which shall be organized by
2 product category.

3 (B) MINIMUM.—The phased source reduc-
4 tion targets established under subparagraph (A)
5 shall include a source reduction target of not
6 less than 25 percent by 2032.

7 (c) FEDERAL REUSE AND REFILL TARGETS.—

8 (1) IN GENERAL.—Not later than December 31,
9 2025, the Administrator shall promulgate regula-
10 tions to establish phased reuse and refill targets for
11 all plastic packaging and food service ware produced,
12 sold, offered for sale, imported, or distributed in the
13 United States.

14 (2) MINIMUM.—The phased reuse and refill tar-
15 gets established under paragraph (1) shall include
16 reuse and refill targets of not less than 30 percent
17 by 2032.

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

20 (1) medical equipment, supplements, medical
21 devices, consumer personal protective equipment, or
22 other products determined by the Secretary of
23 Health and Human Services to necessarily be made
24 of plastic for the protection of public health or for
25 people with disabilities;

1 (2) packaging that is—

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

7 (B) used for the shipment of hazardous
8 materials that is prohibited from being com-
9 posed of used materials under section 178.509
10 or 178.522 of title 49, Code of Federal Regula-
11 tions (as in effect on the date of enactment of
12 this Act); or

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

16 **SEC. 6. ADVANCING REFILLABLE AND REUSABLE SYSTEMS.**

17 (a) GRANT PROGRAM TO SUPPORT EQUITY AND IN-
18 NOVATION IN REFILLABLE AND REUSABLE PACK-
19 AGING.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Administrator
22 shall establish a competitive grant program (referred
23 to in this subsection as the “program”) to provide
24 grants to eligible entities described in paragraph (3)

1 to carry out scalable reuse and refill projects in ac-
2 cordance with this subsection.

3 (2) OBJECTIVES.—To be eligible for a grant
4 under the program, a reuse and refill project shall
5 evaluate the efficacy and cost-effectiveness of tools,
6 technologies, and techniques for 1 or more of the fol-
7 lowing objectives:

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

13 (i) are affordable, convenient, scalable,
14 nontoxic, and equitable; and

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

17 (B) Expanding consumer knowledge of
18 reuse and refill programs, including through the
19 development of accessible educational and out-
20 reach programs and materials.

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

23 (D) Installing and expanding access to
24 sanitation infrastructure in public or commu-

1 nity buildings to enable safe and hygienic reuse,
2 including dishwashers and sanitation stations.

3 (3) ELIGIBLE ENTITIES.—To be eligible to re-
4 ceive a grant under the program, an entity shall
5 be—

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

8 (B) a nonprofit or community-based orga-
9 nization;

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

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

13 (E) a public-private partnership.

14 (4) NONTOXIC REQUIREMENTS.—Materials
15 used as part of a reuse and refill project under the
16 program shall not contain—

17 (A) toxic heavy metals, pathogens, or addi-
18 tives, including—

19 (i) a perfluoroalkyl or polyfluoroalkyl
20 substance;

21 (ii) an ortho-phthalate;

22 (iii) a bisphenol compound (not in-
23 cluding an alkyl-substituted bisphenol com-
24 pound generated through a xylenol-
25 aldehyde process); or

1 (iv) a halogenated flame retardant; or
2 (B) chemical substances designated as
3 high-priority substances under section 6(b)(1)
4 of the Toxic Substances Control Act (15 U.S.C.
5 2605(b)(1)), including the chemicals or mix-
6 tures of chemicals described in section 4(g)(3).

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

9 (A) give priority to projects that will di-
10 rectly benefit populations of color, communities
11 of color, indigenous communities, rural commu-
12 nities, and low-income communities;

13 (B) give priority to a project that achieves
14 more than 1 of the objectives described in para-
15 graph (2); and

16 (C) ensure that a grant is provided to
17 carry out a project in each region of the Envi-
18 ronmental Protection Agency.

19 (6) PRIZE COMPETITION.—

20 (A) IN GENERAL.—Not later than 1 year
21 after the first round of grants is awarded under
22 the program, the Administrator shall establish
23 a prize competition under which the Adminis-
24 trator shall—

1 (i) evaluate the projects carried out by
2 each recipient of a grant under the pro-
3 gram; and

4 (ii) award a prize to 1 of those recipi-
5 ents.

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

9 (C) USE.—The recipient of the prize under
10 this paragraph shall use the amount of the
11 prize to demonstrate that the reuse or refill
12 project carried out by the recipient under the
13 program—

14 (i) is scalable;

15 (ii) serves the community in which the
16 program is carried out; and

17 (iii) is implemented in a sustainable
18 and equitable manner.

19 (7) REPORT.—Not later than 3 years after the
20 date on which the Administrator establishes the pro-
21 gram, the Administrator shall submit to Congress a
22 report describing the effectiveness of the projects
23 carried out under the program.

1 (8) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated such sums
3 as are necessary to carry out the program.

4 (b) REPORT ON REUSE AND REFILL PRODUCT DE-
5 LIVERY SYSTEMS.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, and every 5 years
8 thereafter, the Administrator shall make publicly
9 available a report on feasibility and best practices
10 relating to reuse and refill within the following sec-
11 tors:

12 (A) Food service, including—

13 (i) take out;

14 (ii) delivery of prepared meals; and

15 (iii) meal kits.

16 (B) Consumer food and beverage products.

17 (C) Consumer cleaning products.

18 (D) Consumer personal care products.

19 (E) Transportation or shipping of whole-
20 sale and retail goods.

21 (F) Public educational institutions, includ-
22 ing institutions of higher education.

23 (G) Other sectors, as identified by the Ad-
24 ministrator.

1 (2) OBJECTIVES.—The report under paragraph
2 (1) shall evaluate and summarize—

3 (A) types of reuse and refill product deliv-
4 ery systems that can be best used at different
5 scales;

6 (B) methods to ensure equitable distribu-
7 tion of reuse and refill product delivery systems
8 in populations of color, communities of color,
9 indigenous communities, and low-income com-
10 munities;

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

13 (D) economic costs and benefits for—

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

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

18 (E) types of local, State, and Federal sup-
19 port needed to expand the use of reuse and re-
20 fill systems; and

21 (F) existing barriers to widespread imple-
22 mentation of reuse and refill systems.

23 (3) CONSIDERATION.—In preparing the report
24 under paragraph (1), the Administrator shall con-
25 sider relevant information on reuse and refill pro-

1 grams and approaches in States, units of local gov-
2 ernment, and other countries.

3 **SEC. 7. STUDIES; AGENCY DIRECTIVES.**

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

7 (b) NATIONAL RECYCLING STRATEGY.—The Admin-
8 istrator shall not expand the scope of the National Recy-
9 cling Strategy of the Environmental Protection Agency to
10 include facilities that treat plastic waste through the use
11 of pyrolysis, gasification, or similar chemical recycling
12 technologies.

13 (c) FOOD AND DRUG ADMINISTRATION STUDY.—

14 (1) IN GENERAL.—The Commissioner of Food
15 and Drugs, in consultation with the Secretary of Ag-
16 riculture and, as necessary, the heads of other Fed-
17 eral agencies such as the Director of the National
18 Institute of Standards and Technology and such
19 other Federal agencies as the Commissioner of Food
20 and Drugs determines to be necessary, shall conduct
21 a nationwide study on the presence and sources of
22 microplastics in food (including drink) products, in-
23 cluding food products containing fish, meat, fruits,
24 or vegetables.

1 (2) REPORT.—Not later than 1 year after the
2 date of enactment of this Act, the Commissioner of
3 Food and Drugs shall submit to Congress and make
4 publicly available a report on the study conducted
5 under this subsection.

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

9 (d) MICROPLASTICS PILOT PROGRAM.—

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

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

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

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

24 (A) natural infrastructure;

1 (B) green infrastructure (as defined in sec-
2 tion 502 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1362)); and

4 (C) mechanical removal systems (such as
5 pumps) and filtration technologies, including a
6 consideration of potential negative ecological
7 impacts that may result from filtration in nat-
8 ural waterways and ocean waters.

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

12 (A) stormwater systems;

13 (B) wastewater treatment facilities;

14 (C) drinking water systems;

15 (D) ports, harbors, inland waterways, estu-
16 aries, and marine environments; and

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

19 (4) OUTREACH.—In determining selection cri-
20 teria and projects to carry out under the pilot pro-
21 gram, the Administrator shall conduct outreach to—

22 (A) the Interagency Marine Debris Coordi-
23 nating Committee established under section
24 5(a) of the Marine Debris Act (33 U.S.C.
25 1954(a)); and

1 (B) stakeholders and experts in the appli-
2 cable field, as determined by the Administrator.

3 (5) REPORTS.—

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

9 (B) SUBSEQUENT REPORT.—Not later
10 than 3 years after the date on which the Ad-
11 ministrator establishes the pilot program, the
12 Administrator shall submit to Congress a report
13 describing the effectiveness of projects carried
14 out under the pilot program.

15 (6) RULEMAKING REQUIRED.—Not later than 1
16 year after the date on which the Administrator sub-
17 mits to Congress the report required under para-
18 graph (5)(B), the Administrator shall initiate a rule-
19 making to address abatement and mitigation of
20 microplastics in locations described in paragraph (3)
21 using technologies and methods tested under the
22 pilot program.

23 (7) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated such sums
25 as are necessary to carry out this subsection.

1 (e) NATIONAL INSTITUTES OF HEALTH RE-
2 SEARCH.—

3 (1) IN GENERAL.—The Director of the National
4 Institutes of Health shall conduct or support re-
5 search on the presence of microplastics in the
6 human body, which may include determining how
7 the presence of microplastics in organs and biospeci-
8 mens, including urine, breastmilk, and stool, impacts
9 human health.

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

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

20 **SEC. 8. REDUCING SINGLE-USE PLASTICS IN AGRI-**
21 **CULTURE.**

22 (a) BIODEGRADABLE WEED BARRIERS PRACTICE
23 UNDER THE ENVIRONMENTAL QUALITY INCENTIVES
24 PROGRAM.—The Secretary of Agriculture shall designate
25 a project to replace the use of on-farm plastic weed bar-

1 riers and weed mitigants with nonplastic, biodegradable
2 alternatives as an agricultural conservation practice or en-
3 hancement that meets the requirement described in sec-
4 tion 21001(a)(1)(B)(iii) of Public Law 117–169 (com-
5 monly referred to as the “Inflation Reduction Act of
6 2022”).

7 (b) SINGLE-USE PLASTIC FARM PRODUCT PACK-
8 AGING REDUCTION GRANTS.—Section 210A of the Agri-
9 cultural Marketing Act of 1946 (7 U.S.C. 1627c) is
10 amended—

11 (1) in subsection (b)—

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

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

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

18 “(6) supports the reduction of single-use plas-
19 tics from the post-production distribution packaging
20 of agricultural producers; and”;

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

23 (3) by striking “subsection (i)” each place it
24 appears and inserting “subsection (j)”;

1 (4) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) SINGLE-USE PLASTIC FARM PRODUCT PACK-
4 AGING REDUCTION GRANTS.—

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

10 “(2) ADMINISTRATION.—The Secretary shall
11 carry out this subsection through the Administrator
12 of the Agricultural Marketing Service, in coordina-
13 tion with the Administrator of the Rural Business-
14 Cooperative Service.

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

18 “(A) an independent producer (as deter-
19 mined by the Secretary) of a value-added agri-
20 cultural product; or

21 “(B) an agricultural producer group, farm-
22 er or rancher cooperative, or majority-controlled
23 producer-based business venture (as determined
24 by the Secretary).

1 “(4) GRANT AMOUNT.—The amount of a grant
2 provided under paragraph (1) shall be not more than
3 \$250,000.

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

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

8 “(A) beginning farmers or ranchers;

9 “(B) veteran farmers or ranchers;

10 “(C) organic and regenerative farmers; and

11 “(D) socially disadvantaged farmers or
12 ranchers.

13 “(7) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection \$25,000,000 for each of fiscal years
16 2023 through 2032.”; and

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

○