

119TH CONGRESS  
1ST SESSION

# H. R. 4109

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2025

Mr. NEGUSE (for himself, Mr. BURCHETT, and Mr. FOSTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, 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 “Recycling and  
5       Composting Accountability Act”.

6       **SEC. 2. DEFINITIONS.**

7       (a) IN GENERAL.—In this Act:

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

4           (2) COMPOST.—The term “compost” means a  
5           product that—

6                   (A) is manufactured through the controlled  
7                   aerobic, biological decomposition of biodegrad-  
8                   able materials;

9                   (B) has been subjected to medium and  
10                  high temperature organisms, which—

11                          (i) significantly reduce the viability of  
12                          pathogens and weed seeds; and

13                          (ii) stabilize carbon in the product  
14                          such that the product is beneficial to plant  
15                          growth; and

16                   (C) is typically used as a soil amendment,  
17                  but may also contribute plant nutrients.

18           (3) COMPOSTABLE MATERIAL.—The term  
19           “compostable material” means material that is a  
20           feedstock for creating compost, including—

21                   (A) wood;

22                   (B) agricultural crops;

23                   (C) paper, such as cardboard and other  
24                  paper products;

1 (D) certified compostable products associ-  
2 ated with organic waste;

3 (E) other organic plant material;

4 (F) organic waste, including food waste  
5 and yard waste; and

6 (G) such other material that is composed  
7 of biomass that can be continually replenished  
8 or renewed, as determined by the Adminis-  
9 trator.

10 (4) INDIAN TRIBE.—The term “Indian Tribe”  
11 has the meaning given the term in section 4 of the  
12 Indian Self-Determination and Education Assistance  
13 Act (25 U.S.C. 5304).

14 (5) RECYCLABLE MATERIAL.—The term “recy-  
15 clable material” means a material that is obsolete,  
16 previously used, off-specification, surplus, or inciden-  
17 tally produced for processing into a specification-  
18 grade commodity for which a reuse market currently  
19 exists or is being developed.

20 (6) RECYCLING.—The term “recycling” means  
21 the series of activities—

22 (A) during which recyclable materials are  
23 processed into specification-grade commodities  
24 and consumed as raw-material feedstock, in lieu

1 of virgin materials, in the manufacturing of new  
2 products;

3 (B) that may, with regard to recyclable  
4 materials and prior to the activities described in  
5 subparagraph (A), include sorting, collection,  
6 processing, and brokering; and

7 (C) that result, subsequent to processing  
8 described in subparagraph (A), in consumption  
9 by a materials manufacturer, including for the  
10 manufacturing of new products.

11 (7) STATE.—The term “State” has the mean-  
12 ing given the term in section 1004 of the Solid  
13 Waste Disposal Act (42 U.S.C. 6903).

14 (b) DEFINITION OF PROCESSING.—In paragraphs (5)  
15 and (6) of subsection (a), the term “processing” means  
16 any mechanical, manual, or other method that—

17 (1) transforms a recyclable material into a spec-  
18 ification-grade commodity; and

19 (2) may occur in multiple steps, with different  
20 phases, including sorting, occurring at different loca-  
21 tions.

1 **SEC. 3. REPORTS ON COMPOSTING AND RECYCLING INFRA-**  
 2 **STRUCTURE CAPABILITIES.**

3 (a) IN GENERAL.—Subtitle D of the Solid Waste Dis-  
 4 posal Act (42 U.S.C. 6941 et seq.) is amended by adding  
 5 at the end the following:

6 **“SEC. 4011. REPORTS ON COMPOSTING AND RECYCLING IN-**  
 7 **FRASTRUCTURE CAPABILITIES.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) RECYCLING AND COMPOSTING ACCOUNT-  
 10 ABILITY ACT TERMS.—The terms ‘compost’,  
 11 ‘compostable material’, ‘recyclable material’, and ‘re-  
 12 cycling’ have the meanings given such terms in sec-  
 13 tion 2 of the Recycling and Composting Account-  
 14 ability Act.

15 “(2) COMPOSTING FACILITY.—The term  
 16 ‘composting facility’ means a location, structure, or  
 17 device that transforms compostable materials into  
 18 compost.

19 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’  
 20 has the meaning given the term in section 4 of the  
 21 Indian Self-Determination and Education Assistance  
 22 Act (25 U.S.C. 5304).

23 “(4) MATERIALS RECOVERY FACILITY.—

24 “(A) IN GENERAL.—The term ‘materials  
 25 recovery facility’ means a dedicated facility  
 26 where primarily residential recyclable materials,

1 which are diverted from disposal by the gener-  
2 ator and collected separately from municipal  
3 solid waste, are mechanically or manually sort-  
4 ed into commodities for further processing into  
5 specification-grade commodities for sale to end  
6 users.

7 “(B) EXCLUSION.—The term ‘materials  
8 recovery facility’ does not include a solid waste  
9 management facility that may process munic-  
10 ipal solid waste to remove recyclable materials.

11 “(C) DEFINITION OF PROCESSING.—For  
12 purposes of this paragraph, the term ‘proc-  
13 essing’ has the meaning given such term in sec-  
14 tion 2(b) of the Recycling and Composting Ac-  
15 countability Act.

16 “(b) REPORT.—

17 “(1) IN GENERAL.—The Administrator shall re-  
18 quest information and data from, collaborate with,  
19 or contract with, as necessary and appropriate,  
20 States, units of local government, and Indian Tribes,  
21 for the provision, preparation, and publication of a  
22 report, or to expand work under the National Recy-  
23 cling Strategy to include information and data, on  
24 compostable materials and efforts to reduce contami-  
25 nation rates for recycling, including—

1           “(A) an evaluation of existing Federal,  
2           State, and local laws that may present barriers  
3           to implementation of composting strategies;

4           “(B) a description and evaluation of  
5           composting infrastructure and programs within  
6           States, units of local government, and Indian  
7           Tribes;

8           “(C) an estimate of the costs and approxi-  
9           mate land needed to expand composting pro-  
10          grams; and

11          “(D) a review of the practices of manufac-  
12          turers and companies that are moving to using  
13          compostable packaging and food service ware  
14          for the purpose of making the composting proc-  
15          ess the end-of-life use of those products.

16          “(2) SUBMISSION.—Not later than 2 years  
17          after the date of enactment of this section, the Ad-  
18          ministrator shall submit to Congress the report pre-  
19          pared under paragraph (1).

20          “(c) INVENTORY OF MATERIALS RECOVERY FACILI-  
21          TIES.—Not later than 3 years after the date of enactment  
22          of this section, and every 4 years thereafter, the Adminis-  
23          trator, in consultation with relevant Federal agencies and  
24          States, units of local government, and Indian Tribes,  
25          shall—

1           “(1) prepare an inventory or estimate of mate-  
2           rials recovery facilities in the United States, includ-  
3           ing—

4                   “(A) the number of materials recovery fa-  
5                   cilities in each State; and

6                   “(B) a general description of the materials  
7                   that each of those materials recovery facilities  
8                   can process, including—

9                           “(i) in the case of plastic, a descrip-  
10                          tion of—

11                                   “(I) the types of accepted resin,  
12                                   if applicable; and

13                                   “(II) the packaging or product  
14                                   format, such as a jug, a carton, or  
15                                   film;

16                                   “(ii) food packaging and service ware,  
17                                   such as a bottle, cutlery, or a cup;

18                                   “(iii) paper;

19                                   “(iv) aluminum, such as an aluminum  
20                                   beverage can, food can, aerosol can, or foil;

21                                   “(v) steel, such as a steel food or aer-  
22                                   osol can;

23                                   “(vi) other scrap metal;

24                                   “(vii) glass; or

1                   “(viii) any other material not de-  
2                   scribed in any of clauses (i) through (vii)  
3                   that a materials recovery facility processes;  
4                   and

5                   “(2) submit to Congress the inventory or esti-  
6                   mate prepared under paragraph (1).

7                   “(d) INFORMATION ON RECYCLING AND COMPOSTING  
8                   SYSTEMS.—The Administrator shall, as necessary and ap-  
9                   propriate, collaborate or contract with States, units of  
10                  local government, and Indian Tribes to estimate, with re-  
11                  spect to the United States—

12                  “(1) the number and types of recycling and  
13                  composting programs;

14                  “(2) the types and forms of materials accepted  
15                  by recycling or composting programs;

16                  “(3) the number of individuals—

17                         “(A) with access to recycling and  
18                         composting services to at least the extent of ac-  
19                         cess to disposal services; and

20                         “(B) who use, on a percentage basis, the  
21                         recycling and composting services described in  
22                         subparagraph (A);

23                  “(4) the number of individuals with barriers to  
24                  accessing recycling and composting services similar

1 to their access to disposal services and the types of  
2 those barriers experienced;

3 “(5) the inbound contamination and capture  
4 rates of recycling and composting programs;

5 “(6) if applicable, other available recycling or  
6 composting programs; and

7 “(7) the average costs and benefits to States,  
8 units of local government, and Indian Tribes of recy-  
9 cling and composting programs.

10 “(e) RECYCLING REPORTING RATES.—

11 “(1) COLLECTION OF DATA; DEVELOPMENT OF  
12 RATES.—The Administrator may use amounts made  
13 available under section 6 of the Recycling and  
14 Composting Accountability Act—

15 “(A) to biannually collect, in collaboration  
16 with States, to the extent practicable, informa-  
17 tion supplied on a voluntary basis to develop  
18 the estimated rates described in subparagraphs  
19 (B) and (C);

20 “(B) to develop a standardized estimated  
21 rate of recyclable materials in States that pro-  
22 vide information under subparagraph (A) that  
23 have been successfully diverted from the waste  
24 stream and brought to a materials recovery fa-  
25 cility or composting facility; and

1           “(C) to develop an estimated national recycling rate based on the information described in  
2           subparagraphs (A) and (B).

3           “(2) USE.—Using amounts made available  
4           under section 6 of the Recycling and Composting  
5           Accountability Act, the Administrator may use the  
6           information collected and rates developed under  
7           paragraph (1) to provide requesting States, units of  
8           local government, and Indian Tribes data and technical assistance—  
9           

10           “(A) to reduce the overall waste produced  
11           by the States, units of local government, and  
12           Indian Tribes;  
13           

14           “(B) to assist the States, units of local  
15           government, and Indian Tribes in understanding the nuances of the information collected relating to diversion activities; and  
16           

17           “(C) to increase recycling and composting  
18           rates of the States, units of local government,  
19           and Indian Tribes.  
20           

21           “(f) REPORT ON END MARKETS.—The Administrator, in collaboration or contract with, as necessary and  
22           appropriate, relevant Federal agencies, States, units of  
23           local government, or Indian Tribes, shall—  
24

1           “(1) provide an update to the report submitted  
2           under section 306 of the Save Our Seas 2.0 Act  
3           (Public Law 116–224; 134 Stat. 1096) to include an  
4           addendum on the end-market sale of all recyclable  
5           materials from materials recovery facilities that  
6           process recyclable materials, including, to the extent  
7           practicable—

8                   “(A) the total, in dollars per ton, domestic  
9                   sales of bales of recyclable materials; and

10                   “(B) the total, in dollars per ton, inter-  
11                   national sales of bales of recyclable materials;

12           “(2) prepare a report on the end-market sale of  
13           compost from, to the extent practicable, compostable  
14           materials, including the total, in dollars per ton, of  
15           domestic sales of compostable materials; and

16           “(3) not later than 3 years after the date of en-  
17           actment of this section, submit to Congress the up-  
18           date to the report prepared under paragraph (1) and  
19           the report prepared under paragraph (2).

20           “(g) PRIVILEGED OR CONFIDENTIAL INFORMA-  
21           TION.—

22           “(1) IN GENERAL.—Information collected under  
23           subsection (e)(1) or paragraph (1) or (2) of sub-  
24           section (f) shall not include any privileged or con-

3           “(2) NONDISCLOSURE.—Information collected  
4           to carry out this section shall not be made public if  
5           the information meets the requirements of section  
6           552(b) of title 5, United States Code.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

11 SEC. 4. FEDERAL AGENCY ACTIVITIES RELATED TO RECY-  
12 CLING.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until 2033, the Comptroller General of the United States shall make publicly available a report—

(1) detailing or, to the extent practicable, providing an estimate of—

(A) the total annual recycling and composting rates reported by all Federal agencies; and

(B) the total annual percentage of products containing recyclable material, compostable material, or recovered materials purchased by all Federal agencies, including—

1 (i) the total quantity of procured  
2 products containing recyclable material or  
3 recovered materials listed in the com-  
4 prehensive procurement guidelines pub-  
5 lished under section 6002(e) of the Solid  
6 Waste Disposal Act (42 U.S.C. 6962(e));  
7 and

8 (ii) the total quantity of compostable  
9 material purchased by all Federal agencies;

10 (2) identifying the activities of each Federal  
11 agency that promote recycling or composting; and

12 (3) identifying activities that Federal agencies  
13 could carry out to further promote recycling or  
14 composting.

15 **SEC. 5. STUDY ON THE DIVERSION OF RECYCLABLE MATE-**  
16 **RIALS FROM A CIRCULAR MARKET.**

17 (a) IN GENERAL.—Not later than 1 year after the  
18 date of enactment of this Act, the Administrator shall de-  
19 velop a metric for determining the proportion of recyclable  
20 materials in commercial and municipal waste streams that  
21 are being diverted from a circular market.

22 (b) STUDY; REPORT.—Not later than 1 year after the  
23 development of a metric under subsection (a), the Admin-  
24 istrator shall conduct a study of, and submit to Congress  
25 a report on, the proportion of recyclable materials in com-

1 commercial and municipal waste streams that, during each of  
2 the 10 calendar years preceding the year of submission  
3 of the report, were diverted from a circular market.

4 (c) DATA.—The report under subsection (b) shall  
5 provide data on specific recyclable materials, including  
6 aluminum, plastics, paper and paperboard, textiles, and  
7 glass, that were prevented from remaining in a circular  
8 market through disposal or elimination, and to what use  
9 those specific recyclable materials were lost.

10 (d) EVALUATION.—The report under subsection (b)  
11 shall include an evaluation of whether the establishment  
12 or improvement of recycling programs would—

- 13 (1) improve recycling rates;  
14 (2) reduce the quantity of recyclable materials  
15 being unutilized in a circular market; and  
16 (3) affect prices paid by consumers for products  
17 using materials recycled in the circular market.

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to the Admin-  
20 istrator to carry out this Act and the amendments made  
21 by this Act \$4,000,000 for each of fiscal years 2025  
22 through 2029.

23 **SEC. 7. ADMINISTRATION.**

24 (a) UNFUNDED MANDATES.—The Administrator or  
25 the Secretary of Commerce may not exercise any authority

1 under this Act or any amendment made by this Act if ex-  
2 ercising that authority would require a State, a unit of  
3 local government, or an Indian Tribe to carry out a man-  
4 date for which funding is not available.

5 (b) NONDISCLOSURE.—Any information collected to  
6 carry out this Act shall not be made public if the informa-  
7 tion meets the requirements of section 552(b) of title 5,  
8 United States Code.

○