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2D SESSION

S. 5302

To create national standards for labeling of covered materials as recyclable, compostable, reusable, and refillable, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2026

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To create national standards for labeling of covered materials as recyclable, compostable, reusable, and refillable, 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 “Truth in Labeling Act
5 of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) there is significant consumer confusion
9 about which covered materials are recyclable,
10 compostable, reusable, or refillable;

(2) nationwide definitions of the terms “recyclable”, “compostable”, “reusable”, and “refillable” would provide—

(A) producers and consumers clarity in how to recycle, compost, reuse, or refill labeled products; and

(B) consumers confidence that covered materials that have a chasing arrows symbol, or an equivalent symbol for recyclable, compostable, reusable, or refillable, are properly labeled;

(3) the improper use of the chasing arrows symbol, or an equivalent symbol indicating that a covered material is recyclable, compostable, reusable, or refillable, leads to confusion and qualifies as a deceptive practice under the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(4) encouraging producers to design their covered materials to be recyclable, compostable, reusable, or refillable would reduce waste and emissions, help the environment, protect resources, lower expenses for businesses, communities, and consumers, and diminish the need for virgin raw materials;

(5) proper labeling of covered materials would encourage end-use consumers to properly recycle, compost, reuse, and refill covered materials, includ-

1 ing packaging, food service products, and beverage
2 containers;

3 (6) understanding what does not qualify as re-
4 cyclable, compostable, reusable, or refillable is crit-
5 ical for producers, State and local governments, and
6 consumers;

7 (7) standardized labeling provides producers
8 with clear enforceable criteria they can follow to en-
9 sure that their covered materials meet applicable re-
10 quirements if the producers choose to use a label;

11 (8) establishing definitions of the terms “recy-
12 clable”, “compostable”, “reusable”, and “refillable”
13 that can be updated as technology and systems ad-
14 vance would benefit consumers, producers, State and
15 local governments, and waste management facilities;

16 (9) having clear, consistent labels would—

17 (A) assist material recovery facilities and
18 municipalities in their efforts to recycle and
19 compost covered materials;

20 (B) assist in educating the public about
21 those efforts; and

22 (C) reduce costs and waste; and

23 (10) part 260 of title 16, Code of Federal Reg-
24 ulations (commonly referred to as the “Green
25 Guides”), provides rules for marketing claims that

1 are outdated and do not provide sufficient informa-
2 tion to establish labeling criteria at the national
3 level.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

9 (2) ADVISORY COMMITTEE.—The term “Advi-
10 sory Committee” means the advisory committee es-
11 tablished under section 9.

12 (3) BEVERAGE CONTAINER.—The term “bev-
13 erage container” means a consumer prepackaged
14 container that—

15 (A) is designed to hold a beverage;

16 (B) is made of any material, including
17 glass, plastic, fiber, paper, and metal, or a com-
18 bination thereof; and

19 (C) has a volume of not less than 50 milli-
20 liters and not more than 3 liters.

21 (4) CHASING ARROWS SYMBOL.—The term
22 “chasing arrows symbol” means—

23 (A) an equilateral triangle, formed by 3 ar-
24 rows curved at their midpoints, depicting a
25 clockwise path, with a short gap separating the

1 apex of each arrow from the base of the adja-
 2 cent arrow; and

3 (B) any variant of the symbol described in
 4 subparagraph (A) that is likely to be reasonably
 5 interpreted by an ordinary consumer as indi-
 6 cating that a covered material is recyclable, in-
 7 cluding one or more arrows arranged in a cir-
 8 cular pattern or around a globe.

9 (5) COMMISSION.—The term “Commission”
 10 means the Federal Trade Commission.

11 (6) COMPOST.—The term “compost” means a
 12 product—

13 (A) manufactured through the controlled
 14 aerobic, biological decomposition of biodegrad-
 15 able materials;

16 (B) that has undergone treatment at
 17 mesophilic and thermophilic temperatures; and

18 (C) that is beneficial to plant growth.

19 (7) COMPOSTABLE.—

20 (A) IN GENERAL.—The term
 21 “compostable”, with respect to a covered mate-
 22 rial, means that the covered material—

23 (i) is capable of undergoing aerobic bi-
 24 ological decomposition in a compost sys-
 25 tem, such that the covered material be-

comes visually indistinguishable from the rest of the material and breaks down into carbon dioxide, water, inorganic compounds, and biomass; and

(ii) otherwise meets the criteria described in section 6(b).

(8) COVERED MATERIAL.—The term “covered material” means, regardless of whether the material is recyclable, compostable, reusable, or refillable, and regardless of the material type, a material that is—

(A) packaging;

(B) a food service product; or

(C) a beverage container.

(9) FOOD SERVICE PRODUCT.—The term “food service product” means an item associated with a food product provided to a consumer, regardless of whether the item is recyclable, compostable, reusable, or refillable, including—

(A) a drink cup;

(B) a drink lid;

(C) a food package;

(D) a food container;

(E) a plate;

(F) a bowl;

(G) a sleeve;

- 1 (H) a straw;
- 2 (I) a tray;
- 3 (J) a utensil;
- 4 (K) a food wrap; and
- 5 (L) such other items as the Administrator,
- 6 in coordination with the Commission, deter-
- 7 mines to be appropriate.

8 (10) PACKAGING.—

9 (A) IN GENERAL.—The term “packaging”
 10 means any separable and distinct material
 11 piece, regardless of whether the material piece
 12 is recyclable, compostable, reusable, or refill-
 13 able, used for the containment, protection, han-
 14 dling, delivery, and presentation of goods that
 15 are sold, offered for sale, or distributed to con-
 16 sumers in the United States, including through
 17 an internet transaction.

18 (B) INCLUSIONS.—The term “packaging”
 19 includes an item described in subparagraph (A)
 20 that is—

- 21 (i) sales packaging or primary pack-
- 22 aging intended for the consumer market;
- 23 (ii) service packaging designed and in-
- 24 tended to be used or filled at the point of
- 25 sale, such as carry-out bags, bulk good

1 bags, take-out bags, and home delivery
2 food service products;

3 (iii) secondary packaging used to
4 group products for multiunit sale; or

5 (iv) a packaging component or ancil-
6 lary element integrated into packaging, in-
7 cluding an ancillary element directly hung
8 onto or attached to a product and that
9 performs a packaging function, except—

10 (I) an element of the packaging
11 with a de minimis weight or volume,
12 as determined by the Administrator;
13 and

14 (II) a component or element that
15 is an integral part of the product, if
16 all components or elements of the
17 product are intended to be consumed
18 or disposed of together.

19 (C) EXCLUSIONS.—The Administrator may
20 exempt from the term “packaging” under this
21 paragraph a material that the Administrator
22 determines—

23 (i) is de minimis; and

(ii) does not impact the recyclability, compostability, reusability, or refillability of the package.

(11) PERSON.—

(A) IN GENERAL.—The term “person” means an individual or entity described in subparagraph (B) that sells, offers for sale, or distributes a covered material in the United States—

(i) directly to consumers; or

(ii) to an individual or entity described in subparagraph (B) that sells, offers for sale, or distributes the covered material in the United States to consumers.

(B) ENTITIES DESCRIBED.—An entity referred to in subparagraph (A) is a corporation, company, partnership, joint venture, association, joint-stock company, trust, estate of a deceased individual, foundation, fund, institution, society, union, or club, regardless of whether such entity is incorporated.

(12) PLASTIC.—

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

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

3 (ii) capable of being shaped into var-
4 ious rigid or flexible forms.

5 (B) INCLUSIONS.—The term “plastic” in-
6 cludes any coating or adhesive material de-
7 scribed in subparagraph (A).

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

10 (i) natural rubber; or

11 (ii) material containing only naturally
12 occurring polymers, such as proteins and
13 starches.

14 (13) PRODUCER.—The term “producer”, with
15 respect to a covered material, means—

16 (A) the person that affixes, or directs to
17 affix, to the covered material a chasing arrows
18 symbol, a label, or any other marking that indi-
19 cates that the covered material is recyclable,
20 compostable, reusable, or refillable; or

21 (B) if the covered material was labeled as
22 recyclable, compostable, reusable, or refillable in
23 accordance with this Act and has subsequently
24 been modified such that the covered material is
25 not recyclable, compostable, reusable, or refill-

1 able, respectively, the person that so modified
2 the covered material.

3 (14) QUALIFIED CLAIM OF COMPOSTABILITY.—

4 The term “qualified claim of compostability” means
5 a qualified claim of compostability described in sec-
6 tion 6(a)(2).

7 (15) QUALIFIED CLAIM OF RECYCLABILITY.—

8 The term “qualified claim of recyclability” means a
9 qualified claim of recyclability described in section
10 5(a)(2).

11 (16) RECYCLABLE.—The term “recyclable”,
12 with respect to a covered material, means that the
13 covered material meets the criteria described in sec-
14 tion 5(b).

15 (17) REFILLABLE.—The term “refillable”, with
16 respect to a covered material, means that the cov-
17 ered material—

18 (A) is designed to be—

19 (i) refilled by consumers multiple
20 times for the same or a similar purpose
21 and in the original format of the covered
22 material; and

23 (ii) sold or provided to consumers
24 once for the duration of the usable life of
25 the covered material; and

1 (B) otherwise meets the criteria described
2 in section 7(b).

3 (18) RESIN IDENTIFICATION CODE.—The term
4 “resin identification code” means a code that indi-
5 cates the resin used to produce a plastic covered ma-
6 terial that meets the requirements of ASTM Inter-
7 national Standard D7611/D7611M–21—

8 (A) as in effect on the date of enactment
9 of this Act; or

10 (B) as revised after the date of enactment
11 of this Act, if the revision is approved by the
12 Administrator.

13 (19) RESPONSIBLE END MARKET.—The term
14 “responsible end market” means a material market,
15 and intermediate supply chain entities, that—

16 (A) is where collected, processed, and sepa-
17 rated covered materials are purchased and man-
18 ufactured into new, saleable products or feed-
19 stock;

20 (B) has sufficient capacity to handle the
21 quantity of covered materials collected; and

22 (C) recovers covered materials and dis-
23 poses of contaminants in a manner that mini-
24 mizes environmental harm and risks to public
25 health and worker health and safety.

1 (20) REUSABLE.—The term “reusable”, with
2 respect to a covered material, means that the cov-
3 ered material—

4 (A) is intentionally designed and marketed
5 to be recovered, inspected, repaired (if nec-
6 essary), and reissued by producers into the sup-
7 ply chain for convenient and safe reuse for mul-
8 tiple cycles; and

9 (B) otherwise meets the criteria described
10 in section 7(b).

11 (21) UNITED STATES.—The term “United
12 States” means the 50 States, the District of Colum-
13 bia, and the territories and possessions of the United
14 States.

15 **SEC. 4. COVERED MATERIAL LABELING.**

16 (a) IN GENERAL.—If a producer affixes a label or
17 marking on a covered material, on the volition of the pro-
18 ducer or by contractual obligation, that states, or that an
19 ordinary consumer would reasonably interpret to indicate,
20 that the covered material is recyclable, compostable, reus-
21 able, or refillable, the label or marking shall—

22 (1) be legible, clear, and on the appropriate side
23 of the covered material, such that the ordinary con-
24 sumer can easily read and understand the label or
25 marking;

1 (2) be consistent with the standardized on-pack-
2 age label established under section 8(a);

3 (3) indicate whether the covered material is—

4 (A) recyclable;

5 (B) compostable;

6 (C) reusable; or

7 (D) refillable;

8 (4) be compatible with the intended method of
9 discard for the covered material, including any
10 shrink sleeve;

11 (5) not require removal by consumers to be
12 compatible with the intended method of discard; and

13 (6) be in accordance with section 5, 6, or 7, as
14 applicable.

15 (b) REQUIREMENT.—If a covered material is not re-
16 cyclable, eligible for a qualified claim of recyclability,
17 compostable, eligible for a qualified claim of
18 compostability, reusable, or refillable, the producer of the
19 covered material shall ensure that the covered material
20 does not include any label or marking, including the chas-
21 ing arrows symbol or any equivalent, that would—

22 (1) lead an ordinary consumer to believe that
23 the item is recyclable, compostable, reusable, or re-
24 fillable, respectively; or

1 (2) direct a consumer to recycle, compost,
2 reuse, or refill, respectively, the covered material.

3 (c) RESIN IDENTIFICATION CODE.—

4 (1) IN GENERAL.—All plastic covered materials
5 sold, offered for sale, distributed, or imported into
6 the United States shall be labeled with a resin iden-
7 tification code, which may not be placed inside a
8 chasing arrows symbol, unless—

9 (A) the plastic covered material meets the
10 criteria described in section 5; and

11 (B) placement inside a chasing arrows
12 symbol is the only physically feasible placement,
13 as determined by the Administrator.

14 (2) PREEMPTION.—No State may impose any
15 requirement that conflicts with the requirement
16 under paragraph (1).

17 (d) NATIONWIDE ANALYSIS.—For purposes of devel-
18 oping the standardized on-package label required under
19 section 8(a), the Administrator, in coordination with the
20 Commission and with consideration of the findings and
21 recommendations of the Advisory Committee, shall—

22 (1) conduct a nationwide analysis of covered
23 material recycling, composting, reuse, and refill fa-
24 cilities to identify which covered materials are com-
25 monly collected, sorted, sold, or transferred for recy-

1 cling, composting, reuse, and refill in the United
2 States that meet the requirements of this Act; and

3 (2) publish a list of categories of covered mate-
4 rial identified under paragraph (1).

5 (e) SUBMISSION OF SUPPORTING EVIDENCE.—

6 (1) IN GENERAL.—Producers, individually or
7 collectively, may submit to the Administrator tech-
8 nical studies, sorting and processing trials, material
9 flow analyses, end-market assessments, or other evi-
10 dence to support the classification of a covered ma-
11 terial as recyclable, compostable, reusable, or refill-
12 able.

13 (2) CONSIDERATION.—The Administrator, in
14 coordination with the Commission, and with consid-
15 eration of the findings and recommendations of the
16 Advisory Committee, shall review any evidence sub-
17 mitted under paragraph (1) when establishing or re-
18 vising determinations for recyclable, compostable, re-
19 usable, and refillable classifications.

20 **SEC. 5. RECYCLABLE CRITERIA.**

21 (a) IN GENERAL.—The producer of a covered mate-
22 rial shall not include—

23 (1) a claim that the covered material is recycla-
24 ble unless the covered material is considered recycla-
25 ble under this Act; or

1 (2) a qualified claim of recyclability unless the
2 covered material meets the requirements under sub-
3 section (c).

4 (b) CRITERIA.—A covered material shall be consid-
5 ered recyclable if—

6 (1) the covered material is made in accordance
7 with the design guidelines of the industry of the cov-
8 ered material, if approved by the Administrator, in-
9 cluding—

10 (A) the Association of Plastic Recyclers
11 Design Guide;

12 (B) the Recycled Materials Association
13 Fiber Recycling Readiness Tool;

14 (C) the Can Manufacturers Institute Steel
15 Container Design Guide for Recyclability;

16 (D) the American Forest and Paper Asso-
17 ciation Design Guidance for Recyclability;

18 (E) the Glass Guide on Recycling; and

19 (F) the Recycling Partnership Circular
20 Packaging Assessment;

21 (2) the covered material does not include any
22 component, including inks and adhesives, that pre-
23 vents the product from being recycled, unless the
24 covered material includes clear, on-package instruc-

1 tions that describe how to remove and properly dis-
 2 pose of a separable component that is not recyclable;

3 (3) the covered material is collected, separated,
 4 or otherwise recovered from the waste stream
 5 through an established recycling program for which
 6 a responsible end market exists that covers at least
 7 60 percent of consumers or communities where the
 8 item is sold; and

9 (4) the covered material has a commercial value
 10 for recycling and a responsible end market.

11 (c) QUALIFIED CLAIMS OF RECYCLABILITY.—A cov-
 12 ered material shall be eligible for a qualified claim of
 13 recyclability if—

14 (1) the covered material is collected, separated,
 15 or otherwise recovered from the waste stream
 16 through an established recycling program for which
 17 a responsible end market exists that covers at least
 18 40 percent of consumers or communities where the
 19 item is sold;

20 (2) the covered material meets the requirements
 21 described in paragraphs (1), (2), and (4) of sub-
 22 section (b);

23 (3) the qualified claim of recyclability is con-
 24 sistent with the standardized on-package label estab-
 25 lished under section 8(a);

1 (4) except as provided in this subsection, the
2 qualified claim of recyclability is made in accordance
3 with any other requirements under this Act relating
4 to recyclable covered materials; and

5 (5) the Administrator has approved a plan dem-
6 onstrating a reasonable and time-bound pathway for
7 the covered material to be considered recyclable
8 under this Act, including compliance with subsection
9 (b)(3), not later than 2 years after the date of ap-
10 proval of the plan.

11 (d) REGULATIONS.—

12 (1) IN GENERAL.—The Administrator, in co-
13 ordination with the Commission, and with consider-
14 ation of the findings and recommendations of the
15 Advisory Committee, shall issue regulations for—

16 (A) determining whether a covered mate-
17 rial meets the criteria described in subsection
18 (b) or (c); and

19 (B) describing acceptable qualified claims
20 of recyclability that will provide clear and
21 standardized information to consumers to allow
22 them to determine whether the covered material
23 is recyclable in their jurisdiction and how to re-
24 cycle the covered material.

1 (2) REQUIREMENT.—In carrying out paragraph
 2 (1), the Administrator, in coordination with the
 3 Commission, shall strive to issue regulations that re-
 4 duce the amount of recyclable goods that are not ac-
 5 cepted at a responsible end market.

6 (e) PUBLICATION OF COVERED MATERIALS.—Not
 7 later than 18 months after the date of enactment of this
 8 Act, and every 2 years thereafter, the Administrator shall
 9 publish a list of covered materials that meet the require-
 10 ments of this section.

11 (f) EXCLUSION.—For purposes of this Act, the con-
 12 version of a covered material into fuel, fuel ingredients,
 13 or fuel substitutes or the use of a covered material for
 14 the generation of electricity, heat, or steam shall not—

15 (1) be considered recycling;

16 (2) count towards the 60 percent threshold, or
 17 be considered a responsible end market, described in
 18 subsection (b)(3); or

19 (3) count towards the 40 percent threshold, or
 20 be considered a responsible end market, described in
 21 subsection (c)(1).

22 **SEC. 6. COMPOSTABLE CRITERIA.**

23 (a) IN GENERAL.—The producer of a covered mate-
 24 rial shall not include—

1 (1) a claim that the covered material is
2 compostable unless the covered material is consid-
3 ered compostable under this Act; or

4 (2) a qualified claim of compostability unless
5 the covered material meets the requirements under
6 subsection (c).

7 (b) CRITERIA.—A covered material shall be consid-
8 ered compostable if the covered material—

9 (1) is designed to be compostable in accordance
10 with the design standards and guidelines of the in-
11 dustry of the covered material;

12 (2) at a minimum—

13 (A) adheres to ASTM International 6400,
14 6868, or equivalent standard specifications that
15 test the ability of the covered material to break
16 down into compost; and

17 (B) does not contain intentionally added
18 perfluoroalkyl or polyfluoroalkyl substances or
19 heavy metals that are incompatible with com-
20 post;

21 (3) is capable of being collected and accepted by
22 at least 50 percent of the established composting
23 programs in the United States; and

24 (4) is processed by itself or with other covered
25 material categories through controlled biological deg-

1 radiation to make compost or a substantially similar
2 soil amendment.

3 (c) QUALIFIED CLAIMS OF COMPOSTABILITY.—A
4 covered material shall be eligible for a qualified claim of
5 compostability if—

6 (1) the covered material is capable of being col-
7 lected and accepted by at least 30 percent of the es-
8 tablished composting programs in the United States;

9 (2) the covered material meets the requirements
10 described in paragraphs (1), (2), and (4) of sub-
11 section (b);

12 (3) the qualified claim of compostability is con-
13 sistent with the standardized on-package label estab-
14 lished under section 8(a); and

15 (4) except as provided in this subsection, the
16 qualified claim of compostability is made in accord-
17 ance with any other requirements under this Act re-
18 lating to compostable covered materials.

19 (d) REGULATIONS.—The Administrator, in coordina-
20 tion with the Commission, and with consideration of the
21 recommendations of the Advisory Committee, shall issue
22 guidance or regulations for—

23 (1) determining whether a covered material
24 meets the criteria described in subsection (b) or (c);
25 and

1 (2) describing acceptable qualified claims of
 2 compostability that will provide clear and standard-
 3 ized information to consumers to allow them to de-
 4 termine whether the covered material is compostable
 5 in their jurisdiction and how to compost the covered
 6 material.

7 (e) LIMITATION FOR PLASTIC OR PLASTIC-LINED
 8 COVERED MATERIALS.—If a plastic or plastic-lined cov-
 9 ered material is not compostable, the producer of the plas-
 10 tic covered material shall ensure that the plastic covered
 11 material does not include a marking that would inten-
 12 tionally or unintentionally mislead the public to believe
 13 that the covered material is compostable, such as—

14 (1) green or brown tinting, coloring, or striping;
 15 (2) a green or brown certification logo, unless
 16 approved by the Administrator; or
 17 (3) any other design, logo, or similar marking
 18 that the Administrator determines is deceptive or
 19 misleading.

20 (f) PUBLICATION OF COVERED MATERIALS.—Not
 21 later than 270 days after the date of enactment of this
 22 Act, and every 2 years thereafter, the Administrator shall
 23 publish a list of covered materials that meet the require-
 24 ments of this section.

1 **SEC. 7. REUSABLE AND REFILLABLE CRITERIA.**

2 (a) IN GENERAL.—The producer of a covered mate-
3 rial shall not include a claim that the covered material
4 is reusable or refillable unless the covered material is con-
5 sidered reusable or refillable under this Act.

6 (b) CRITERIA.—A covered material shall be consid-
7 ered reusable or refillable if the covered material—

8 (1) is designed to be reusable or refillable in ac-
9 cordance with the design standards and guidelines
10 relating to reusability and refillability of the industry
11 of the covered material, such as the American Na-
12 tional Standards Institute;

13 (2) is designed for durability and maintenance
14 to extend the useful life of the covered material and
15 to reduce demand for new production of the covered
16 material;

17 (3) at a minimum, can be recirculated or re-
18 filled multiple times, as determined by the Adminis-
19 trator, for the same or a similar purpose in the
20 original format of the covered material;

21 (4) is supported by a system or physical infra-
22 structure that is—

23 (A) in place to ensure the possibility and
24 likelihood of reuse or refill;

25 (B) provided by a producer or a third
26 party; and

1 (C) designed for convenient reuse or refill;
2 and
3 (5) is not intended for single use by a con-
4 sumer.

5 (c) REGULATIONS.—The Administrator, in coordina-
6 tion with the Commission, and with consideration of the
7 findings and recommendations of the Advisory Committee,
8 shall issue regulations for determining whether a covered
9 material meets the criteria described in subsection (b).

10 (d) PUBLICATION OF COVERED MATERIALS.—Not
11 later than 270 days after the date of enactment of this
12 Act, and every 2 years thereafter, the Administrator shall
13 publish a list of covered materials that meet the require-
14 ments of this section.

15 **SEC. 8. DEVELOPMENT OF AND CHANGES TO STANDARD-**
16 **IZED LABELS.**

17 (a) IN GENERAL.—Not later than 2 years after the
18 date of enactment of this Act, the Administrator, in co-
19 ordination with the Commission, and with consideration
20 of the findings and recommendations of the Advisory Com-
21 mittee, shall establish or approve standardized on-package
22 labels that a producer of a covered material shall use if
23 the producer chooses to use an on-package label to indi-
24 cate that the covered material is recyclable, compostable,

1 reusable, or refillable in accordance with this Act, includ-
2 ing—

3 (1) harmonized iconography to demonstrate the
4 proper disposal pathway;

5 (2) harmonized terminology and descriptions,
6 including, as necessary, instructions for—

7 (A) qualified claims of recyclability;

8 (B) qualified claims of compostability; and

9 (C) preparing covered materials for dis-
10 posal; and

11 (3) recommended on-package placements, size,
12 and typography to ensure legibility and accessibility.

13 (b) DIGITAL LABELING.—The Administrator, in co-
14 ordination with the Commission, may, for the purpose of
15 providing additional information to the on-package label
16 standardized under subsection (a), establish or approve a
17 standardized digital label, which may include a Quick Re-
18 sponse code or a similar technology, for any covered mate-
19 rial that may be used by producers in addition to the
20 standardized on-package label described in that sub-
21 section.

22 (c) REVIEW AND REVISIONS.—Not less frequently
23 than once every 5 years after the date of enactment of
24 this Act, the Administrator, in coordination with the Com-
25 mission, and with consideration of the findings and rec-

1 ommendations of the Advisory Committee, after providing
2 notice and an opportunity for public comment, shall—

3 (1) review the label standards established under
4 subsections (a) and (b), including a review of ongoing
5 label compatibility challenges and best practices;
6 and

7 (2) as necessary, revise the label standards
8 under subsections (a) and (b) based on the review
9 under paragraph (1).

10 **SEC. 9. ADVISORY COMMITTEE.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Administrator and the
13 Commission shall jointly establish an advisory committee
14 to enhance public engagement and provide advice to the
15 Administrator and the Commission with respect to—

16 (1) standards that should apply to the criteria
17 for the terms “recyclable”, “compostable”, “reusable”,
18 and “refillable” under sections 5(b), 6(b), and
19 7(b);

20 (2) standards that should apply for qualified
21 claims of recyclability and qualified claims of
22 compostability; and

23 (3) standardized labeling and guidelines for
24 recyclable, compostable, reusable, and refillable covered
25 materials.

1 (b) MEMBERSHIP.—

2 (1) EX OFFICIO MEMBERS.—The Administrator
3 (or an appointee of the Administrator) and a rep-
4 resentative appointed by the Commission shall serve
5 as ex officio members of the Advisory Committee.

6 (2) COMPOSITION.—In addition to the ex officio
7 members of the Advisory Committee described in
8 paragraph (1), the Advisory Committee shall be
9 composed of the following members, who shall be se-
10 lected by the ex officio members:

11 (A) 8 representatives of relevant indus-
12 tries, including consumer brands, the recycled
13 materials industry, the composting industry, the
14 reuse industry, the refill industry, and pack-
15 aging manufacturers, including 1 representative
16 each from paper mills and aluminum smelters;

17 (B) 5 representatives of material recovery
18 facilities, including—

19 (i) 3 representatives of material recov-
20 ery facilities serving urban or suburban
21 communities; and

22 (ii) 2 representatives of material re-
23 covery facilities serving rural or disadvan-
24 taged communities;

1 (C) 4 representatives of environmental or
 2 sustainability organizations;

3 (D) 2 representatives from other relevant
 4 nonprofit organizations;

5 (E) 2 representatives of other technical ex-
 6 perts;

7 (F) 3 representatives from State govern-
 8 ments; and

9 (G) 3 representatives from local govern-
 10 ments.

11 (c) MEETINGS.—After selection of the members of
 12 the Advisory Committee, the ex officio members shall con-
 13 vene the Advisory Committee—

14 (1) regularly until the date on which the cri-
 15 teria standards and labeling standards described in
 16 paragraphs (1) through (3) of subsection (a) are ini-
 17 tially established; and

18 (2) after the date described in paragraph (1),
 19 not less frequently than annually.

20 (d) PUBLIC PARTICIPATION.—

21 (1) IN GENERAL.—Each meeting of the Advi-
 22 sory Committee shall be open to the public.

23 (2) PUBLIC COMMENT.—The Advisory Com-
 24 mittee shall solicit public comment with respect to
 25 the establishment of the criteria standards and label-

1 ing standards described in paragraphs (1) through
 2 (3) of subsection (a).

3 (e) EXEMPTION FROM ADMINISTRATIVE PROCEDURE
 4 ACT.—Subchapter II of chapter 5, and chapter 7, of title
 5 5, United States Code (commonly known as the “Adminis-
 6 trative Procedure Act”), shall not apply to the Advisory
 7 Committee.

8 **SEC. 10. REPORTS TO CONGRESS.**

9 Not later than 1 year after the date of enactment
 10 of this Act, and on an annual basis thereafter, the Admin-
 11 istrator and the Commission shall submit to Congress a
 12 report that—

13 (1) provides—

14 (A) updates on the implementation of this
 15 Act, including educational and outreach efforts;

16 (B) obstacles to the implementation of this
 17 Act;

18 (C) updates on changes to available tech-
 19 nologies that would impact the criteria for the
 20 terms “recyclable”, “compostable”, “reusable”,
 21 and “refillable” under sections 5(b), 6(b), and
 22 7(b); and

23 (D)(i) a list of covered materials that are,
 24 and covered materials that are not, considered
 25 recyclable, compostable, reusable, or refillable

1 under this Act, as determined under sections 4
2 through 7; and

3 (ii) a description of any barriers that in-
4 hibit covered materials from being considered
5 recyclable, compostable, reusable, or refillable
6 under this Act;

7 (2) evaluates and assesses the implementation
8 of this Act with respect to the criteria described in
9 paragraph (1)(C), as aggregated by covered material
10 and geographic area; and

11 (3) evaluates and assesses consumer under-
12 standing of—

13 (A) the terms “recyclable”, “compostable”,
14 “reusable”, and “refillable”;

15 (B) the chasing arrows symbol and similar
16 labels used for recyclable, compostable, reus-
17 able, and refillable covered materials; and

18 (C) resin identification codes.

19 **SEC. 11. ENFORCEMENT.**

20 (a) GENERAL PROHIBITION.—Beginning on the date
21 that is 2 years after the date on which the Administrator,
22 in coordination with the Commission, establishes or ap-
23 proves standardized on-package labels under section 8(a),
24 it shall be considered a deceptive practice under the Fed-
25 eral Trade Commission Act (15 U.S.C. 41 et seq.) for any

1 producer of a covered material to sell, use, distribute, or
2 import in commerce any covered material, except in com-
3 pliance with this Act.

4 (b) RECYCLABLE CRITERIA.—

5 (1) IN GENERAL.—Beginning on the date that
6 is 2 years after the date on which the Administrator,
7 in coordination with the Commission, establishes or
8 approves standardized on-package labels under sec-
9 tion 8(a) but subject to paragraph (2), it shall be
10 considered a deceptive practice and unlawful under
11 section 5 of the Federal Trade Commission Act (15
12 U.S.C. 45) for any producer of a covered material
13 to sell, use, distribute, or import in commerce any
14 covered material that displays—

15 (A) a chasing arrows symbol or any other
16 symbol or statement indicating the covered ma-
17 terial is recyclable or otherwise directing the
18 consumer to recycle the covered material unless
19 the covered material is considered recyclable
20 under this Act; or

21 (B) a chasing arrows symbol surrounding
22 a resin identification code, as prohibited by sec-
23 tion 4(c).

24 (2) EXCEPTIONS.—

1 (A) ESTABLISHMENT OR REVISION OF
2 STANDARDS.—Paragraph (1) does not apply to
3 a covered material—

4 (i) if the covered material is manufac-
5 tured before the date that is 18 months
6 after the date on which the Administrator,
7 in consultation with the Commission, pub-
8 lishes the standardized on-package labels
9 under section 8(a), including any revisions;
10 or

11 (ii) if—

12 (I) the Administrator revises the
13 criteria standards for recyclability;

14 (II) the covered material met the
15 criteria standards before the revision
16 but no longer meets the criteria
17 standards after that revision; and

18 (III) the covered material is man-
19 ufactured before the date that is 18
20 months after the date of the revision.

21 (B) OTHER EXCEPTIONS.—For purposes
22 of this subsection, none of the following con-
23 stitutes a deceptive or misleading claim about
24 the recyclability of a covered material:

1 (i) SYMBOLOGY.—A person using a
 2 chasing arrows symbol in combination with
 3 a clearly visible line placed at a 45-degree
 4 angle over the chasing arrows symbol to
 5 convey that an item is not recyclable.

6 (ii) RESIN IDENTIFICATION CODES.—
 7 A resin identification code placed inside a
 8 solid equilateral triangle.

9 (iii) QUALIFIED CLAIM.—A qualified
 10 claim of recyclability.

11 (3) USE ON NONRECYCLABLE PRODUCTS.—
 12 Subject to paragraph (2), if the entirety of a covered
 13 material is not recyclable but components of the cov-
 14 ered material are recyclable, a chasing arrows sym-
 15 bol or statement indicating that a covered material
 16 is recyclable may be displayed on the external pack-
 17 aging that is considered to be recyclable if the chas-
 18 ing arrows symbol or statement clearly describes in
 19 the same or greater font, font size, or symbol size—

20 (A) which components of the covered mate-
 21 rial are not recyclable; and

22 (B) how to properly remove those compo-
 23 nents.

24 (4) APPLICABILITY TO CONSUMABLE PROD-
 25 UCTS.—

1 (A) DEFINITION OF CONSUMABLE PROD-
2 UCT.—In this paragraph, the term “consumable
3 product” means a commodity that is intended
4 to be used and not disposed of.

5 (B) RULE.—For purposes of this sub-
6 section, the display of a chasing arrows symbol
7 or any other statement of recyclability on pack-
8 aging containing a consumable product shall be
9 deemed to only refer to the packaging.

10 (c) COMPOSTABLE CRITERIA.—

11 (1) IN GENERAL.—Beginning on the date that
12 is 2 years after the date on which the Administrator,
13 in coordination with the Commission, establishes or
14 approves standardized on-package labels under sec-
15 tion 8(a) but subject to paragraph (2), it shall be
16 considered a deceptive practice and unlawful under
17 section 5 of the Federal Trade Commission Act (15
18 U.S.C. 45) for any producer of a covered material
19 to sell, use, distribute, or import in commerce any
20 covered material that displays a symbol approved to
21 indicate that a product is compostable, any state-
22 ment indicating that the covered material is
23 compostable, or otherwise directing the consumer to
24 compost the covered material unless the covered ma-
25 terial is considered compostable under this Act.

1 (2) EXCEPTIONS.—

2 (A) ESTABLISHMENT OR REVISION OF
3 STANDARDS.—Paragraph (1) does not apply to
4 a covered material—

5 (i) if the covered material is manufac-
6 tured before the date that is 18 months
7 after the date on which the Administrator,
8 in consultation with the Commission, pub-
9 lishes the standardized on-package labels
10 under section 8(a), including any revisions;
11 or

12 (ii) if—

13 (I) the Administrator, in con-
14 sultation with the Commission, revises
15 the criteria standards for
16 compostable;

17 (II) the covered material met the
18 criteria standards before the revision
19 but no longer meets the criteria
20 standards after that revision; and

21 (III) the covered material is man-
22 ufactured before the date that is 18
23 months after the date of the revision.

24 (B) OTHER EXCEPTIONS.—For purposes
25 of this subsection, none of the following con-

1 stitutes a deceptive or misleading claim about a
2 covered material as being compostable:

3 (i) SYMBOLOGY.—A person using a
4 compostable symbol in combination with a
5 clearly visible line placed at a 45-degree
6 angle over the compostable symbol to con-
7 vey that an item is not compostable.

8 (ii) NONCOMPOSTABLE PACKAGING.—
9 Directing a consumer to compost a product
10 inside of a covered material through a
11 composting program if the product inside
12 the covered material is compostable but the
13 covered material is not compostable.

14 (iii) QUALIFIED CLAIM.—A qualified
15 claim of compostability.

16 (3) USE ON NONCOMPOSTABLE PRODUCTS.—
17 Subject to paragraph (2), if the entirety of a covered
18 material is not compostable but components of the
19 covered material are compostable, a compostable
20 symbol or statement indicating a product is
21 compostable may be displayed on the external pack-
22 aging that is considered to be compostable if the
23 symbol or statement clearly describes in the same or
24 greater font, font size, or symbol size—

1 (A) which components of the covered mate-
 2 rial are not compostable; and

3 (B) how to remove and dispose of those
 4 components.

5 (4) APPLICABILITY TO CONSUMABLE PROD-
 6 UCTS.—

7 (A) DEFINITION OF CONSUMABLE PROD-
 8 UCT.—In this paragraph, the term “consumable
 9 product” means a commodity that is intended
 10 to be used and not disposed of.

11 (B) RULE.—For purposes of this sub-
 12 section, the display of a compostable symbol or
 13 any other statement that a covered material is
 14 compostable on packaging containing a
 15 consumable product shall be deemed to only
 16 refer to the packaging.

17 (d) REUSABLE AND REFILLABLE CRITERIA.—

18 (1) IN GENERAL.—Beginning on the date that
 19 is 2 years after the date on which the Administrator,
 20 in coordination with the Commission, establishes or
 21 approves standardized on-package labels under sec-
 22 tion 8(a) but subject to paragraph (2), it shall be
 23 considered a deceptive practice and unlawful under
 24 section 5 of the Federal Trade Commission Act (15
 25 U.S.C. 45) for any producer of a covered material

1 to sell, use, distribute, or import in commerce any
2 covered material that displays a symbol approved to
3 indicate that a product is reusable or refillable, any
4 statement indicating that the product or packaging
5 is reusable or refillable, or otherwise directing the
6 consumer to reuse or refill the covered material un-
7 less the covered material is considered reusable or
8 refillable under this Act.

9 (2) EXCEPTION.—Paragraph (1) does not apply
10 to a covered material—

11 (A) if the covered material is manufac-
12 tured before the date that is 18 months after
13 the date on which the Administrator, in con-
14 sultation with the Commission, publishes the
15 standardized on-package labels under section
16 8(a), including any revisions; or

17 (B) if—

18 (i) the Administrator, in consultation
19 with the Commission, revises the criteria
20 standards for reusable or refillable;

21 (ii) the covered material met the cri-
22 teria standards before the revision but no
23 longer meets the criteria standards after
24 that revision; and

1 (iii) the covered material is manufac-
 2 tured before the date that is 18 months
 3 after the date of the revision.

4 (e) SAFE HARBOR.—

5 (1) IN GENERAL.—A covered material included
 6 on a list published under section 5(e), 6(f), or 7(d)
 7 shall be considered recyclable, compostable, or reus-
 8 able or refillable, respectively, for purposes of sub-
 9 section (b)(1)(A), (c)(1), or (d)(1), respectively.

10 (2) GRACE PERIOD.—If a covered material is
 11 removed from a list published under section 5(e),
 12 6(f), or 7(d), for the 1-year period beginning on the
 13 date of removal, the covered material shall be con-
 14 sidered recyclable, compostable, or reusable or refill-
 15 able, respectively, for purposes of subsection
 16 (b)(1)(A), (c)(1), or (d)(1), respectively.

17 (f) PENALTIES.—

18 (1) CIVIL PENALTY.—

19 (A) NOTIFICATION.—In the case of a viola-
 20 tion of this section, not later than 30 days after
 21 the date of a finding of the Commission of that
 22 violation, the Commission shall provide the per-
 23 son that violated this section notice of the viola-
 24 tion and a 180-day period to rectify the viola-
 25 tion.

1 (B) FINES.—Any person that violates this
 2 section, is provided notice under subparagraph
 3 (A), and does not rectify the violation by the
 4 end of the period described in that subpara-
 5 graph shall be fined for each violation and for
 6 each day that the violation occurs under section
 7 5(m)(1)(B) of the Federal Trade Commission
 8 Act (15 U.S.C. 45(m)(1)(B)).

9 (C) USE OF FUNDS.—

10 (i) IN GENERAL.—Any fines collected
 11 under subparagraph (B) shall be available
 12 to and used by the Administrator, without
 13 further appropriations, to carry out—

14 (I) the Solid Waste Infrastruc-
 15 ture for Recycling grant program au-
 16 thorized by section 302(a) of the Save
 17 Our Seas 2.0 Act (33 U.S.C.
 18 4282(a));

19 (II) the Consumer Recycling
 20 Education and Outreach Grant Pro-
 21 gram established under section
 22 70402(b) of the Infrastructure Invest-
 23 ment and Jobs Act (42 U.S.C.
 24 6966d(b)) to enhance recycling,

1 composting, reuse, and refill infra-
 2 structure and education; and

3 (III) any educational or outreach
 4 program authorized by this Act.

5 (ii) SUPPLEMENT; NOT SUPPLANT.—

6 Any amounts made available by clause (i)
 7 shall supplement, and not supplant, any
 8 other amounts made available to carry out
 9 the programs described in subclauses (I)
 10 and (II) of that clause.

11 (2) INJUNCTIVE RELIEF.—The Commission
 12 may bring a civil action to enjoin the sale, distribu-
 13 tion, or importation into the United States of a cov-
 14 ered material in violation of this Act.

15 (3) STATE ENFORCEMENT.—The Commission
 16 may permit a State to carry out enforcement under
 17 paragraph (1)(A) or (2) if the Commission deter-
 18 mines that the State meets such requirements as the
 19 Commission may establish.

20 (4) NO PREEMPTION.—Except as provided in
 21 section 4(c), nothing in this Act shall preempt any
 22 State law.

23 (g) GREEN GUIDES.—In the case of a conflict be-
 24 tween any provision of this Act and part 260 of title 16,

1 Code of Federal Regulations, the provision of this Act
2 shall control.

3 (h) COMMISSION REGULATIONS.—The Commission
4 may promulgate such regulations as the Commission de-
5 termines are necessary to carry out this Act.

6 **SEC. 12. EDUCATION CAMPAIGN.**

7 (a) IN GENERAL.—The Administrator, in consulta-
8 tion with the Commission, States, units of local govern-
9 ment, Indian Tribes, material recovery facilities, impacted
10 industries, nonprofit organizations, institutions of higher
11 education, and other relevant stakeholders, shall—

12 (1) develop, based on the results of studies, re-
13 ports, inventory, and data collected under the na-
14 tionwide analysis required under section 4(d), best
15 practices that States, units of local government, non-
16 profit organizations, and Indian Tribes may use to
17 educate consumers on the labels established pursu-
18 ant to this Act; and

19 (2) provide the best practices developed under
20 paragraph (1) to States, units of local governments,
21 and Indian Tribes through the Model Recycling Pro-
22 gram Toolkit, or a similar resource.

23 (b) MULTIPLE RECOVERY METHODS.—The Adminis-
24 trator shall prepare and distribute consumer educational
25 materials relating to the preferred recovery method for

1 covered materials that are considered recyclable and
2 compostable, based on the recovery method that creates
3 the highest value for post-consumer use.

4 **SEC. 13. COMPATIBILITY.**

5 In carrying out this Act, the Administrator shall en-
6 courage producers, in coordination with the supply chains
7 for the production of labels, including substrate suppliers,
8 converters, and ink suppliers, to work with the recycling,
9 composting, reuse, and refill industries to address label
10 compatibility challenges.

11 **SEC. 14. SEVERABILITY.**

12 If any provision of this Act or the application of that
13 provision to any person or circumstance is held to be un-
14 constitutional, the remaining provisions of this Act and
15 the application of those provisions to any person or cir-
16 cumstance shall not be affected.

○