Legislation Passed and Signed into Law:

H.R. 3684 – Infrastructure Investment and Jobs Act
Sponsor: Rep. Peter DeFazio (D-OR-04)
- Passed and signed into law on November 15, 2021.
- Contains Superfund excise tax and RECYCLE Act.

S. 923/H.R. 2159 – RECYCLE Act of 2021
Sponsors: Sen. Rob Portman (R-OH) and Rep. Dean Phillips (D-MN-03)
- Signed into law on November 15, 2021 as part of the Infrastructure Investment and Jobs Act.
- The bill provides support for recycling programs, funded at $15 million per year for five years, including:
  - Require EPA to establish a grant program to improve the effectiveness of residential and community recycling programs;
  - Require EPA develop a model recycling program toolkit for states, tribes, and local governments to implement to improve recycling rates; and
  - Require EPA review its federal procurement guidelines for purchasing certain recycled materials at least every five years.

APR’s Priority Legislation:

S. 3281 – Original Recycling Bottle Act of 2020
Sponsor: Sen. Jeff Merkley (D-OR)
- Not yet reintroduced in the 117th Congress.
- Engagement: APR met with the sponsors of the bill from both the Senate and House, Sen. Merkley (D-OR) and Rep. Lowenthal (D-CA-47), in November 2021 and is providing feedback on developing versions of the bill.
- This bill creates requirements regarding beverage container recycling:
  - Every beverage container sold or offered for sale by a retailer shall clearly indicate by embossing, a stamp, a label, or other method securely affixed to the beverage container, the refund value of the container;
  - Each retailer shall pay distributors the refund value for each beverage container delivered; And,
  - On the sale of each beverage container by a retailer, the retailer may collect a refund value;
  - On return of the beverage container to a retailer or a redemption center by a person, the retailer or redemption center, as applicable, shall repay a refund value to the person;
Retailers that are participating in a redemption center shall collectively pay not less than 50 percent of the cost of operating the redemption center, which amount shall be apportioned among the retailers based on the total volume of beverage containers sold by each retailer;

A distributor that is a member of a distributor cooperative shall retrieve containers from retailers or redemption centers and pay refunds through the distributor cooperative in accordance with that subsection.

S. 984/H.R. 2238 – Break Free from Plastic Pollution Act of 2021
Sponsors: Sen. Jeff Merkley (D-OR) and Rep. Alan Lowenthal (D-CA-47)

• Reintroduced March 2021.
• Engagement: APR met with staff from both offices in June 2021 to discuss the bill.
• The bill creates requirements for waste and recycling collection systems, including:
  • Make certain producers of packaging, paper, single-use products, beverage containers, or food service products fiscally responsible for recycling;
  • Establish minimum percentages of products that must be reused, recycled, or composted;
  • Phase out certain single-use products;
  • Create refund programs for costumers returning beverage containers;
  • Establish a tax on carryout bags;
  • Create a temporary moratorium on new or expanded permits for facilities that manufacture plastics and incineration facilities until National Academy of Sciences studies the impacts on health and the environment;
  • Funding pilot programs to remove micro plastics from the environment and limiting the amount of plastic pellets that factories can discharge into waterways;
  • Establish protections for communities of color and low-income households;
  • Require EPA publish guidelines for a national standardized labeling system for recycling and composting receptacles, including readable labels; and,
  • Establish limits on export of plastic waste.

Environment and Public Works Committee: On September 22, 2021, the Senate Committee on Environment and Public Works held a hearing on “The Circular Economy as a Concept for Creating a More Sustainable Future.”

• Engagement: APR met with the committee staffer in charge of the hearing in September 2021 to provide background information on plastics recycling and the circular economy and submitted a statement for the hearing record.
• Witnesses:
  o Elizabeth Biser, Secretary of the North Carolina Department of Environmental Quality;
  o Roberta Elias, Policy & Government Affairs at the World Wildlife Fund;
  o Brian Hawkinson, Executive Director in charge of Recovered Fiber at the American Forest & Paper Association; and,
  o William “Billy” Johnson, Chief Lobbyist at the Institute of Scrap Recycling Industries.
• Sens. Whitehouse (D-RI) and Merkley (D-OR) used the hearing as chance to tout the REDUCE Act and the Break Free from Plastic Pollution Act.
• Biser and multiple Senators expressed support for the RECOVER Act, which would authorize the EPA to establish a Recycling Infrastructure Program to assist states and localities to expand their recycling infrastructure programs.
• Johnson, the panelist representing industry interests, expressed some support for the RECYCLE Act, included in the infrastructure bill. He pushed back against REDUCE, Break Free, and RECOVER.
• Ranking Member Shelley Moore Capito (R-WV) praised advanced recycling technologies.

**Monitored Legislation:**

**S. 2960/H.R. 5533— Reducing Waste in National Parks Act**  
**Sponsors:** Sen. Jeff Merkley (D-OR) and Rep. Mike Quigley (D-IL-5)  
- Introduced October 2021.
- The bill mandates that the National Parks create guidelines to reduce the sale and distribution of disposable plastic products, including disposable plastic water bottles.

**H.R. 5376 – Build Back Better Act**  
**Sponsor:** Rep. John Yarmuth (D-KY-3)  
- Introduced September 2021.
- The bill contains provisions related to plastics including $10 million in funding for data collection on national recycling efforts and extension of the Superfund tax through 2031.

**S. 2645/H.R. 5389 – Rewarding Efforts to Decrease Unrecycled Contaminants in Ecosystems (REDUCE) Act**  
**Sponsor:** Sen. Sheldon Whitehouse (D-RI) and Rep. Thomas Suozzi (D-NY-3)  
- Introduced August 2021.
- Establishes an excise tax on virgin plastic resin.
  - Producers and importers of virgin plastic resins would pay $0.10 per pound in 2022, increasing gradually up to $0.20 per pound in 2024.
  - This fee would apply to virgin plastic used to make single-use products, including plastic packaging, beverage containers, bags, and food service products.
  - Exported virgin plastic resin and post-consumer recycled resin would be exempt.
- Provides rebates for companies that use virgin plastic to make medical products, containers or packaging for medicines, personal hygiene products, and any packaging used for the shipment of hazardous materials. Virgin plastic used to make non-single-use products would also qualify for this rebate.
- The bill establishes a Plastic Waste Reduction Fund to carry out reduction and recycling activities, plastic waste and marine debris reduction, detection, monitoring, and cleanup, and address environmental justice and pollution impacts from plastic products.
H.R. 3764 – Ocean-Based Climate Solutions Act  
Sponsor: Rep. Raul Grijalva (D-AZ-03)  
- Reintroduced June 2021.  
- The House Committee on Natural Resources held a hearing on this bill on June 22, 2021.  
- Would impose a 5-cent excise tax on virgin plastic in manufactured single-use products such as packaging, with exemptions for medical products and personal hygiene products; and  
- Establish a Virgin Plastic Trust Fund.

S. 2085 – Save Our Future Act  
Sponsor: Sen. Sheldon Whitehouse (D-RI)  
- Introduced June 2021.  
- The bill would establish a carbon tax. Refunds would be awarded for capturing and utilizing carbon dioxide, including for use in plastics manufacturing. These refunds would not be available for the manufacturing of "single-use" plastic products.  
- "The term 'single-use plastic product' means any plastic product that is routinely disposed of after a single use (including plastic packaging, film, cups, cutlery, straws, and bags), unless such product is designed to be used solely for medical purposes."

S. 1507 – Plastic Pellet Free Waters Act  
Sponsor: Sen. Dick Durbin (D-IL)  
- Introduced April 2021.  
- Would require the EPA to prohibit preproduction plastic discharge — including pellets — by any sources that use, transport or manufacture those items.

H.R. 2821 – Plastic Waste Reduction and Recycling Act  
Sponsor: Rep. Haley Stevens (D-MI-11)  
- Reintroduced April 2021.  
- Directs the establishment of a plastic waste reduction and recycling research and development program, calls on the Federal government to develop a strategic plan for plastic waste reduction, and calls for the development of standards for plastics recycling technologies.

H.R. 2357 – RECOVER Act  
Sponsor: Rep. Tony Cárdenas (D-CA-29)  
- Reintroduced April 2021.  
- The bill would allocate $500 million in matching federal grants to states and localities to invest in improving recycling infrastructure.

H.R. 1512 – CLEAN Future Act  
Sponsor: Rep. Frank Pallone (D-NJ-06)  
- Introduced in March 2021.  
• The Subcommittee on Environment and Climate Change of the Committee on Energy and Commerce held a hearing on May 25, 2021.
• The bill establishes recycled content standards for plastic beverage containers. Plastic manufacturers must incorporate:
  o By 2025, at least 25% post-consumer recycled content from United States sources;
  o By 2030 at least 30% post-consumer recycled content from United States sources;
  o By 2035 at least 50% post-consumer recycled content from United States sources;
  o By 2040, at least 80% post-consumer recycled content from United States sources.