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Udall, Lowenthal Release Outline of Legislation to Tackle Plastic Waste Pollution Crisis

Lawmakers seek input from stakeholders ahead of planned Fall 2019 introduction

WASHINGTON – Today, **U.S. Senator Tom Udall (D-N.M.)** and **U.S. Representative Alan Lowenthal (D-Calif.)** announced that they plan to introduce comprehensive legislation to the tackle the plastic waste crisis this fall. The lawmakers are releasing an outline of the bill today, and are seeking input from stakeholders by August 21, 2019. Those interested in commenting can submit responses and reactions to the proposal to plastic@tomudall.senate.gov and plastic@mail.house.gov. Comments submitted after the deadline will continue to be considered as the legislation is refined.

"We have passed a tipping point in the plastic pollution crisis," **Udall said**. "We are in dire need of action to tackle this enormous problem. The ripple effects of plastic waste are everywhere: in our neighborhoods, our rivers and oceans, our food and water, and even our inside our bodies. And on top of all that, the public is having to shell out more and more of their hard-earned money to fund clean-up and disposal of these products that were manufactured and sold—for a profit. We need to work across industry sectors and with all stakeholders on solutions that reduces plastic waste and make the marketplace more accountable—and sustainable."

"After decades of treating our oceans and rivers as plastic dumping grounds, we now face a global plastic pollution crisis," **Lowenthal said**. "Plastic waste has invaded every level of the world marine ecosystem, from miles-wide floating trash piles to microplastics that have worked their way into marine life at a cellular level. These plastics are inundating our coastal communities and becoming part of the food chain through polluted fish. Countries around the world have acknowledged this crisis and begun taking steps to apply solutions. It is past time for the United States to do the same. We are running out of time to deal with this crisis of our own creation, and our nation needs to join with the international community and implement solutions immediately."

The outline of the lawmakers' legislation is below:

PURPOSE

The goal of the legislation is to prevent plastic pollution from consumer products from getting into animal & human food-chains, landscapes, and waterways across the United States and into our oceans. The proposal includes a mix of phase-outs of certain single-use consumer products, an extended producer responsibility for those and other products, and deposit or charge requirements at the consumer retail level.

By shifting the large and growing financial burden of cleaning up plastic pollution from state and local governments to the companies that manufacture and sell the products, the bill will increase the effectiveness of pollution control.

The retail charge at the consumer level will create incentives to shift to more sustainable products and the charge itself will be redistributed to states and affected communities for investments in waste minimization, pollution reduction, recycling, safe disposal and innovation research.

The legislation will also protect local governments who have acted to prevent plastic products from polluting lands and waterways.

BACKGROUND AND NEED FOR LEGISLATION

Plastic packaging products, commonly made of, but not limited to, ‘‘polyethylene,’’ ‘‘polypropylene,’’ “polystyrene” and “polyethylene terephthalate (PET)” have benefitted consumers as an important economic engine for the United States (U.S.) and a valuable tool to safely circulate important products, such as food and beverages. However, the growing reliance on plastic products for packaging has created a human health and environmental crisis with an estimated 40% of plastic waste items designed as single-use. These items turn into litter and debris that pollute our oceans, rivers and neighborhoods.

Even plastic products designed for recycling find their way into the environment due to improper disposal or a lack of recycling resources that cannot keep up with demand. Experts estimate that 300,000 metric tons of plastic waste from the U.S. pollute the ocean every year, which is about 65 dump trucks of plastic waste per day. Plastic waste breaks down into micro-plastics in the oceans, moving both through the marine food web and through the hydrologic cycle as rain to re-enter the terrestrial system. The current level of plastic litter and debris is threatening our waterways, wildlife & food chain, and the average American may be consuming more than 70,000 micro-plastic particles a year. The current rate of plastic production is expected to double by 2030.

The tremendous amount of plastic litter in communities and the oceans is evidence of the urgent need to tackle the environmental problems in the production, use, and consumption of plastics today. There is currently no incentive to reduce and reuse plastic, or for producers to use recycled plastics. A greater focus on waste minimization, an increased focus on reuse systems, and a more “circular” approach to recycle unavoidable plastic packaging would have greater economic and environmental benefits.

COMPONENTS OF LEGISLATION

Reduce Plastic Pollution and Products from Circulation in the Marketplace

Obligations for producers: Producers will be required to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale. These programs may or may not use existing collection and processing infrastructure. Programs should cover all products in a given category.

Producers will help cover the costs of waste management and clean-up, as well as awareness raising measures for food containers, packets and wrappers, drink containers, cups and lids, tobacco products with filters (such as cigarette butts), wet wipes, balloons, and lightweight plastic bags. The industry will also be given incentives to develop less polluting alternatives for these products.

Nationwide Container Deposit Requirements: Place a national deposit requirement on beverage containers (all materials, including glass, plastic and aluminum) to be added at the retail level and returned to consumers for returning containers. Non-refunded monies should go into the Federal Fund to assist with collection infrastructure. Require major beverage retailers to install and operate reverse vending systems to promote collection of containers.

Carryout Bag Fee: A fee will be placed on the distribution of available carryout bags (paper bags and non-reusable bags). That fee will be deposited into a Federal Fund.

Plastic ban of certain products: Where alternatives are readily available and affordable, the most commonly polluted single-use plastic products will be banned from the market in the near future. The ban will apply to lightweight plastic carryout bags, cups and lids, cotton buds, cutlery, plates, straws, snack packaging and drink stirrers, which will all have to be made exclusively from reusable or more sustainable materials instead. Exceptions will be made for persons with disabilities until safe and adequate alternatives are developed.

Styrofoam: Ban use of expanded polystyrene in food-ware, disposable coolers and shipping packaging.

Labelling Requirements: Consumer products made from plastic will require a clear and standardized labelling which indicates how waste should be disposed and the presence of plastics in the products.

Awareness-raising measures: States will be encouraged to raise consumers' awareness about the negative impact of littering of single-use plastics and other items as well as about the available re-use systems and waste management options for all these products.

Increase Recyclability of Plastic Products and Improve Recycling Capacity

Collection targets: Set goals for states to collect a high percentage of single-use plastic drink bottles in the near future. Set targets to standardize recycling collection across communities and states.

Requirements: Set requirements toward plastic bottles, packaging and other certain products to be made out of 100% recyclable materials and be made from a significant percentage post-consumer recycled product.

Federal Fund

Federal Fund: A federal fund will be set-up, and proceeds from carry-out bag fees, unused Container Deposit requirement, and other revenues will ensure resources are available for pollution reduction, remediation programs and innovation research.

Producers, state/local governments and disproportionally affected communities can apply for grants to assist in recycling capabilities and environmental remediation. Universities, non-profit organizations and industry can apply for grants to improve research in the development of sustainable and safe alternative products, litter reduction, waste minimization, and advanced methods for recycling and reuse.

Protect Local Governments Ability to Tackle Plastic Pollution More Aggressively

Protect Local Governments and Political Subdivisions: States that prohibit local governments from implementing more aggressive measures to reduce plastic products (such as fees at retail levels) will lose funding from the Federal Fund.

Encourage Local Government Action: Create Clean Cities Program to leverage smart technology and social media to help local governments cost-effectively identify pollution hot spots and implement source reduction solutions.

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