



BREAK FREE FROM PLASTIC POLLUTION ACT

Introduced by Senator Merkley and Representative Lowenthal

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What You Need to Know

Plastic pollution is a crisis threatening our public health, our climate, our economy, and our planet. Plastic production and waste is fueling climate change and poisoning our bodies through the air we breathe, the water we drink, and the food we eat. And unless we act, things are only going to get worse. **The *Break Free From Plastic Pollution Act***, from U.S. Senator Jeff Merkley (D-OR) and U.S. Representative Alan Lowenthal (D-CA) is the national strategy we need to address this growing crisis.

Plastic pollution has exploded into a global crisis that threatens our public health, economic security, and the future of our planet.

- Studies suggest that humans swallow a credit card's worth of plastic every week. Exposure to plastic toxins has been linked to cancers, birth defects, and other ailments.
- The United States disposes or incinerates 32 million tons of plastic waste each year, burdening our local government budgets and overwhelming systems to handle it.
- Our recycling system is broken: just 8% of plastic waste in the United States is sorted for recycling, and less than 3% of plastic waste is recycled into a similar quality product.
- Global plastic production will triple by 2050, accounting for 20% of global oil consumption and emissions linked to plastic will reach 1.3 billion tons by 2030, equal to 300 coal-fired power plants.
- Emissions from plastic production and waste management facilities are disproportionately impacting low-income and minority communities, perpetuating the harm of historic environmental injustices.

Americans are fed up with the plastic pollution crisis and broadly support many steps to tackle the plastic pollution crisis. Recent polling shows that two-thirds of Americans believe that businesses that produce or use plastics in their products should pay for collecting, sorting, and recycling plastics.

The *Break Free from Plastic Pollution Act* will provide national leadership to reduce the amount of wasteful plastic produced and reforming our broken waste and recycling systems. The bill will shift the burden of cleanup and waste management to where it belongs: on the corporations that produce this waste, by –

- Requiring big corporations take responsibility for their pollution, requiring producers of plastic products to design, manage, and finance waste and recycling programs.
- Spurring innovation, incentivizing big corporations to make reusable products and items that can actually be recycled.
- Creating a nationwide beverage container refund program, which is successful at the state level.
- Reducing and ban certain single-use plastic products that are not recyclable.
- Establishing minimum recycled content requirements for beverage containers, packaging, and food-service products.
- Generating massive investments in domestic recycling and composting infrastructure, while pressing pause on new plastic facilities until critical environment and health protections are put in place.

Together we can tackle plastic pollution with the bold action – but we must act now, before it's too late.



**BREAK FREE FROM PLASTIC
POLLUTION ACT**

Bill Summary

The *Break Free From Plastic Pollution Act* will:

Require Product Producers to Take Responsibility for Collecting and Recycling Waste:

- The bill requires producers of covered products (packaging, containers, food service products and paper) to design, manage, and finance programs to collect and process product waste that would normally burden state and local governments. The legislation will encourage producers to cooperate with those who produce similar products through Producer Responsibility Organizations (PRO) to take responsibility for their waste and implement cleanup programs with Environmental Protection Agency (EPA) approval.
- Producers will invest in U.S. domestic recycling and composting infrastructure, cover the costs of waste management and clean-up, and promote awareness-raising measures to reduce waste.

Create Nationwide Beverage Container Refunds:

- The legislation will incentivize consumers to recycle by creating a 10-cent national refund program for all beverage containers, regardless of material, to be refunded to customers when they return containers.
- Any unclaimed refunds will go to beverage producers to supplement investments in nationwide collection and recycling infrastructure. This legislation encourages states that have already implemented similar initiatives to continue their current systems if they match the federal requirements.

Source Reduction and Phase-Out Top Polluting Products:

- Beginning in January 2023, some of the most common single-use plastic products that pollute our environment, cannot be recycled, and have readily-available alternatives will be source reduced and phased out from sale and distribution. The prohibitions will apply to lightweight plastic carryout bags, food and drinkware from expanded polystyrene, plastic stirrers and plastic utensils. Straws will only be available upon request.

Carryout Bag Fee:

- The legislation would impose a fee on the distribution of carryout bags.
- The bill allows retailers who implement a reusable bag credit program to retain the fee to finance the program. Fees collected from retailers without a bag credit program will fund public access to reusable bags as well as litter clean up and recycling infrastructure.

Create a Minimum Recycled Content Requirement:

- The bill requires plastic beverage containers to include an increasing percentage of recycled content in their products before entering the market. Informed by a feasibility study by the

National Institute of Standards and Technology, the EPA will also phase in new requirements for producers to manufacture containers from recycled content. The recycled content requirements will steadily increase over time.

Standardize Recycling and Composting:

- The EPA will develop standardized recycling and composting labels for products and receptacles to encourage proper sorting and disposal of items that can be recycled or composted.

Review Effects of Plastic Tobacco Filters, Electronic Cigarettes and Derelict Fishing Gear:

- Following studies on the environmental impacts of plastic tobacco filters, electronic cigarette parts and derelict fishing gear, the relevant agencies will propose measures to reduce those environmental impacts.

Reduce Other Sources of Plastic Pollution including Microfibers and Microplastics:

- Mandates filtration units on all new clothes washing machines sold in the U.S. by 2025 to catch microfiber pollution.
- Directs the EPA to establish a pilot program to test the efficacy and cost effectiveness of technologies to prevent and remove microplastics from the environment.

Expand Support for Reuse and Refill Technology:

- Within the one year, the EPA Administrator will establish a competitive grant program to fund pilot-scale packaging reduction, reuse, and refill projects.
- Within three years, and every five years thereafter, the EPA will issue a report on feasibility and best practices on reuse and refill technology across different sectors.

Prevent Plastic Waste from Being Shipped to Developing Countries that Cannot Manage It:

- The United States has exported plastic waste, scrap, and pairings to developing countries with the claim that the material would be recycled. However, the majority of this material has instead fueled the global plastic pollution crisis by overburdening countries with already strained waste management systems.
- The bill prevents the export of plastic waste, scrap and pairings to countries that are not part of the Organization for Economic Co-operation and Development (OECD), many of whom have been a major source of ocean plastic pollution. The bill also requires that the United States receive consent from countries receiving the waste before it is exported and prevents the export of plastic waste to countries who then re-export to countries outside the OECD.

Protect Existing State Action:

- The bill protects the ability of state and local governments to enact more stringent standards, requirements, and additional product bans.

Temporarily Pause New Plastic Facilities:

- The legislation gives environmental agencies the valuable time needed to investigate the cumulative impacts of new and expanded plastic-producing facilities on the air, water, climate, and communities before issuing new permits to increase plastic production. The legislation would also update EPA regulations to eliminate factory-produced plastic pollution in waterways and direct the EPA to update existing Clean Air and Clean Water Act emission and discharge standards to ensure that plastic-producing facilities integrate the latest technology to prevent further pollution.



BREAK FREE FROM PLASTIC POLLUTION ACT

A Background: How We Got Here, and What's Next

The crisis

Annual global production of plastic has reached 335 million tons and continues to rise. Global plastic production is projected to more than triple by 2050, accounting for 20 percent of all global oil consumption. Of the 8.3 billion metric tons of plastic produced in the past 60 years, 6.3 billion metric tons have become plastic waste.

The United States alone disposes or incinerates 32 million tons of plastic each year. Every year, enough plastic--about 8 million tons – escapes into the ocean that five trash bags would fit on every foot of coastline around the world. In addition to ocean pollution, plastic is contaminating every corner of the world, including miles above us in the rainwater sustaining Rocky Mountain National Park.

How we got here

While plastic is an important material for building a variety of products like medical devices, lighter cars and other advanced products, plastic producers have steadily designed unnecessary products that have flooded the market. These products have overwhelmed waste management systems, as many of them are not recyclable. Producers are not required to incorporate recycled content into their products and the cost of virgin plastic from cheap natural gas is far lower.

Rather than reducing the waste they create or taking responsibility for its management, producers have shifted the responsibility for managing waste to government entities whose budgets are already stretched thin. Meanwhile, industry has promoted pollution reduction strategies that put even more burden on taxpayers instead of taking responsibility themselves – emphasizing their view that the government should invest in recycling infrastructure and accept plastic items in recycling bins that will never be recycled. All of this comes at the expense of U.S. taxpayers.

Reforming Our Broken Recycling System

We cannot recycle our way out of this crisis or rely solely on the government to clean it all up. According to data from the United States Environmental Protection Agency, the US Census Bureau Trade Data and plastic industry recycling reports, the national recycling rate for plastic waste in the United States is projected to sink from 8.4 percent in 2017 to about 5 percent in 2019. Consumers have been led to believe that everything they put in their blue bin will be magically turned into a new product somewhere because items are labeled recyclable.

The truth is that the recycling in our blue bins is often landfilled, incinerated, or shipped overseas to countries that are unable to manage this waste. Before 2017, the United States was sending 4,000 shipping containers a day full of American waste to China every year. But China has changed its import policies, severely restricting the amount of contaminated and poorly sorted plastics it would accept. China's policy shift means that fewer plastic products have a

recycling market. Those materials are now being landfilled, burned, or shipped to other countries who cannot manage the influx of this waste – meaning that most of it ends up burned or contaminating the ocean.

How Plastic Fuels Climate Change

The oil and gas industries are investing in unprecedented plastic expansion. The industry announced \$164 billion in investments for 264 new plastic facilities or expansion projects in the United States alone, many relying on state and local tax incentives. In just five years, these investments could increase global plastic production by a third. As a result, this wave of investment will increase pollution risks to frontline communities – communities closest to these facilities – throughout the plastics supply chain. They will also undermine efforts by cities, countries, and the global community to combat the growing plastics crisis, and exacerbate the growing climate crisis.

In 2019 alone, the production and incineration of plastic will add more than 850 million metric tons of greenhouse gases to the atmosphere – equal to the pollution from 189 new 500-megawatt coal-fired power plants. If plastic production and use grow as currently planned, by 2030, these emissions could reach 1.34 billion tons per year – equivalent to the emissions released by more than 295 new 500-megawatt coal-fired power plants.

Environmental Justice Impacts of Plastic

We need only look at the disproportionate impacts that plastic production and pollution have on some of our poorest communities to understand how racial and environmental justice are inextricably linked. Plastic production and processing facilities, much like landfills, oil refineries, and other sources of industrial pollution, are overwhelmingly constructed in low-income communities of color that already bear the brunt of environmental and economic burdens and are further at risk from new and expanded industrial activity.

We Must Act Now, and Act Boldly

All of this is placing a tremendous strain on our environment and on our budgets. Wildlife and sea creatures are suffering and dying from ingesting plastic products or getting entangled in them. Plastic, which does not biodegrade, is breaking down into microplastics that are contaminating our food, water and air. A growing body of research is finding plastic and associated toxins throughout the food web, including in our blood, feces, and tissues. Exposure to these toxins has been linked to cancers, birth defects, impaired immunity, endocrine disruption, and other ailments. With local governments spending billions of dollars to manage plastic waste and prevent it from entering our rivers, streams, oceans and landscapes, citizens are being hit by the impacts of plastic pollution from all ends.

The time has come to truly address this massive crisis. Countries are working together across the world to reduce plastic production and handle their waste efficiently. Here in the United States, state and local governments are implementing policies to reduce unnecessary plastic products and shift responsibility to producers for managing their waste. Many businesses are already leading the way with investments in reusable packaging and increased recycled content of their products.

It's time for **national leadership** and a **comprehensive strategy** to steer the country in the right direction. The *Break Free from Plastic Pollution Act* is the bold action we need to tackle this crisis head-on.



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Supporting Organizations

Organizations That Support This Bill Include:

Algalita
American Sustainable Business Council
Aquarium Conservation Partnership
Azul
Beyond Plastic
Captain Planet Foundation
C.A.R.E.
Center for Biological Diversity
Center for International Environmental Law
COARE
Container Recycling Institute
Dr. Bronner's
Earthjustice
Environment America
Environment and Human Health Inc.
Fenceline Watch
Friends of the Earth
Forest Keeper
Global Alliance for Incinerator Alternatives (GAIA)
GreenLatinos
Greenpeace
Grove
Heirs to Our Oceans
Inland Ocean Coalition
League of Conservation Voters
Lonely Whale
Moms Clean Air Force
National Audubon Society
National Caucus of Environmental Legislators
Natural Resources Defense Council
National Stewardship Action Council
National Wildlife Federation
Ocean Conservancy
Oceana
Ocean Protection Coalition
Plastic Pollution Coalition
Product Stewardship Institute
Recycle Across America
Riverkeeper
Rise Saint James
Safer States
Seventh Generation
Sierra Club
Society of Native Nations
Surfrider Foundation
The Ocean Project | World Ocean Day
The Story of Stuff Project
UPSTREAM
U.S. Green Chamber
U.S. Public Interest Research Group (PIRG)
Waterkeeper Alliance
World Wildlife Fund
4ocean
5 Gyres Institute

Find a letter endorsing the *Break Free From Plastic Pollution Act of 2021* signed by over 500 organizations [here](#).

Environmental Advocates Hail the Bold and Comprehensive *Break Free From Plastic Pollution Act*

“Time is running out to prevent a future completely overrun by plastic — the U.S. has the responsibility, and the power, to turn the tide on this global problem and hold companies responsible for this crisis before it’s too late,” said actor, advocate and Oceana board member Ted Danson. “The United States creates more plastic waste than any other country, and yet we have not passed a federal law to tackle this monumental threat to our planet. Thanks to Senator Merkley and Representative Lowenthal, the U.S. can now join other countries around the world that are leading the fight to reduce the production and use of this persistent pollutant.”

— *Ted Danson, actor, activist, and Oceana board member*

“For far too long, corporations have exploited loopholes to pollute our communities and our water with plastic and then passed the consequences and the costs onto individuals and local municipalities. It is past time to put an end to unnecessary and unchecked plastic production and pollution. The Sierra Club applauds Senator Merkley and Representative Lowenthal for putting concrete steps in place to end our country’s overwhelming and destructive plastic problem.”

— *Sonya Lunder, Senior Toxics Policy Advisor, Sierra Club*

“Our over-reliance on plastics is bad for our health, air quality, the climate, local waterways, and the oceans, and particularly for those low-wealth communities and communities of color who bear the brunt of air, water, and climate pollution from their fossil fueled production. Nothing we use for a minute should pollute our environment for hundreds of years. It’s time for us to reduce the use of plastics, increase recycling, and maximize the use of recycled materials.”

— *Matthew Davis, Legislative Director, League of Conservation Voters*

“The 250,000 businesses the American Sustainable Business Council (ASBC) represents understand how plastic waste and toxins unnecessarily burden our economy and our lives,” said David Levine, ASBC President. “Solutions exist and can be expanded with research and development of new, safer, reusable and recyclable materials and innovative processes which will cut business costs and create economic opportunities and new jobs.”

— *Thomas Oppel, Executive Vice President, American Sustainable Business Council*

“Packaging pollution is drowning our planet in single use waste. The nation desperately needs leadership from Washington if we are to move to a circular economy—one in which products aren’t just used and thrown away but are reused and recycled again and again. The Break Free from Plastic Pollution Act takes a comprehensive approach to reform U.S. recycling. By reinvesting in our woefully neglected recycling infrastructure, focusing on incentives for real recycling, creating mechanisms to hold such waste producers accountable for the costs of recycling, and phasing-out products that can’t be recycled, this legislation would be a giant leap towards restoring health in our country’s natural environment.”

— *John Hayes, Chairman and CEO, Ball Corporation*

“The Break Free From Plastic Pollution Act is unique in that it addresses plastic pollution across the entire lifecycle, from extraction and manufacture to distribution and the point of sale, to disposal and recycling. The BFFPPA is built upon a foundation of policies that have been proven effective at the local and state level.”

— *Jennie Romer, Legal Associate, Surfrider Foundation*

"I applaud Senator Merkley's and Representative Lowenthal's leadership in introducing the Break Free from Plastic Pollution Act. Pollution from plastic is felt throughout its life cycle, from production to use and disposal. It impacts all of us around the globe. But it is low income and communities of color who suffer the most harm to their health and well-being from the pollution emitted during the creation of plastics. Toxins emitted into the air, hanging over communities, comes not only from the fracking for gas needed to make plastic, but it is also generated by refineries, and by the processing by 'cracker' plants that create the basic building block of plastic. This pollution also contributes to climate change. The petrochemical industry has created a health-harming legacy and this must end. Americans cannot accept sacrifice zones like 'Cancer Alley' in Louisiana where toddlers have skyrocketing levels of childhood leukemia—while the rest of us blithely throw away single use plastics that pollute the Earth."

— *Dominique Browning, Senior Director and Co-Founder, Moms Clean Air Force*

"Plastic pollution is one of the most significant environmental justice, climate change, water quality and human health issues facing the world. The public cares about this issue and wants a comprehensive solution. The Break Free From Plastic Pollution Act will reduce the generation of plastics at the source. This bill will be ferociously opposed by both the fossil fuel industry and the chemical industry and now is the time for people to jump in and make their voices heard."

— *Judith Enck, President, Beyond Plastics and former EPA Regional Administrator*

"The millions of tons of plastic trash polluting our ocean every year harm our nation's marine wildlife and ecosystems. We cannot recycle our way to the solution. The United States must take stronger action to reduce the sources of plastic pollution, especially single-use plastic, and move to more sustainable solutions. The Break Free From Plastic Pollution Act of 2021 provides a powerful blueprint to address the plastic pollution crisis. It increases accountability, addresses equity issues, and provides incentives for innovation."

— *Margaret Spring, Chief Conservation & Science Officer, Monterey Bay Aquarium*

"We need to tackle the plastics crisis now, and the Break Free From Plastic Pollution Act does just that by reducing plastic pollution at the source. We know policies regulating single-use plastic make a difference because we've seen it happen in the many cities and states that have been taking action for years. All of those efforts have led to this moment. We urgently need our federal elected leaders to build on this support and push industry to ditch its plastic habit and start making the shift to sustainable alternatives, like reusable and refillable systems."

— *Christy Leavitt, Plastics Campaign Director, Oceana*

"Plastic pollution is one of the most visible and most prolific threats facing our ocean today, and requires truly bold and ambitious action. Ocean Conservancy is thrilled to see Senator Merkley and Representative Lowenthal reintroduce an even stronger Break Free From Plastic Pollution Act in the 117th Congress. The bill hits all the most important policy levers available to tackle the ocean plastics crisis – from reducing our reliance on single-use plastics to mandating recycled content minimums to holding producers accountable for the waste their products generate – and we look forward to working with the bill sponsors, members of Congress and the Biden Administration to implement them for a healthy ocean free of plastics."

— *Janis Searles Jones, CEO, Ocean Conservancy*

"Our planet is inundated with plastic pollution, and yet we continue to make more plastic each year, harming our environment and ourselves. Finally, we have a Federal bill that offers real solutions, drawing from successful ordinances across the globe. Undeterred by the many voices trumpeting false solutions, this bill addresses our problem at the source, by reducing the amount

of disposable plastic we use, and encouraging a shift towards better and reusable materials. At this moment, it is exactly what we need.”

— *Alex Truelove, Zero Waste Director, U.S. Public Interest Research Group*

“We want to thank Senator Merkley, Representative Lowenthal, and all the cosponsors of the Break Free From Plastic Pollution Act for introducing such important legislation. The accelerating crisis of plastic pollution is a massive and growing driver of climate change, environmental injustice, and public exposure to toxic chemicals, in addition to the direct harms of plastic waste in communities and ecosystems. By focusing on the upstream production and design of plastic products and slowing the unabated expansion of plastic production in the United States, the BFFPPA presents a crucial set of measures to tackle this crisis head on.”

— *Steven Feit, Senior Attorney, Center for International Environmental Law*

“Expansion of plastic use is propping up the fossil fuel industry, polluting our waters, polluting our communities as well as the environment with toxic chemicals, and creating enormous amounts of waste, all of which harm our health or exacerbate the climate crisis or both. Senator Merkley, Representative Lowenthal, and their colleagues are laying the groundwork for an ambitious new path for Congress to tackle this massive problem and we stand with the broad coalition of stakeholders supporting this initiative.”

— *Avinash Kar, Senior Attorney and Director of State Health Policy, National Resources Defense Council*

“This Act will fix the broken feedback loops of our waste management and materials creation systems, protect vulnerable communities from undue harm and promote a truly circular economy. Better yet, producer responsibility principles are supported by 68% of the public, and plastic pollution is a major public concern. World Wildlife Fund is proud to work with industry, activists and Members of Congress to advance the Break Free From Plastic Pollution Act.”

— *Roberta Elias, Director of Policy and Government Affairs, World Wildlife Fund*

“In order to end the ocean plastic crisis, it’s imperative that we stop plastic pollution at its source. By reducing the amount of plastics we’re creating and consuming, as well as regulating the plastic currently in development to be fully recyclable, we can ensure the US is leading the way to ending this crisis for future generations to come. We are proud to support the Break Free From Plastic Pollution Act because it holds brands accountable, helps to increase recycling rates, and expands already successful local policies nationwide.”

— *Alex Schulze, CEO and Co-Founder, 4ocean*

“We are far from achieving a circular economy when it comes to plastics. Attempts to recycle plastic just aren’t working while the producers do little - labeling products with chasing arrows that cannot be recycled yet blame consumers for the contamination and vilifying local governments and waste haulers for not doing enough. The producers are the source of the problem and its time they do their fair share. The Break Free from Plastic Pollution Act will finally correct course and drive real solutions from truth in labeling on personal wipes to driving markets with recycled content requirements.”

— *Heidi Sanborn, Executive Director, National Stewardship Action Council*