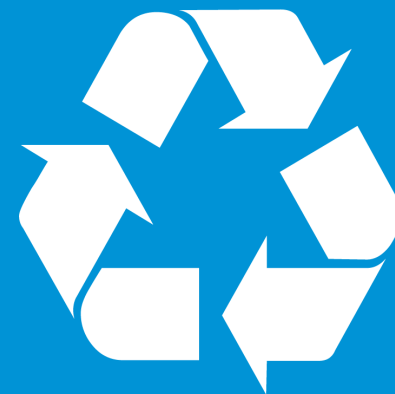


Federal and State Legislation

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**Vinyl
Recycling
Summit**

Agenda

- Themes
- State Legislation
- Federal Legislation
- Outlook
- Q&A

Themes

- Extended Product Responsibility
- Post-Consumer Recycled Content
- Advanced Recycling
- Infrastructure Investment
- Consumer Education

Select State Legislation

EPRs

Extended Producer Responsibility: Activity in CA, CO, CT, HI, MD, ME, MA, NJ, NY, NC, OR, VT, WA

- No multi-product extended producer responsibility (EPR) program currently operating in US.
- ME: Chapter 455, signed by Gov. July 12; the first EPR bill to be enacted; unique in that it proposes state-run producer responsibility organization (PRO) via contractor; state to initiate the rule making process to establish the program by December 31, 2023; program start date not determined until after state contracts with PRO; packaging producers would pay fee to PRO based on weight/volume of packaging sold into state; PRO would determine how to spend money to improve recycling.
- OR SB582 awaiting Gov's. signature; requires PRO plans approved and implemented by July 1, 2025; producer fees to PRO must incentivize lower environmental impact (recycled content, recycling rate, etc.); plastic packaging recycling rate goal of 25% by 2028 up to 70% by 2050; producers have more say in operation of PROs vs. ME bill, but regulatory control is still very detailed
- CA: SB54; spot bill for full, material neutral EPR will not move in 2021; more negotiations through 2022; ballot initiative imposing plastics-only EPR likely on Nov. 2022 ballot if no EPR legislation is passed next year.
- NY: S.1185-C; Full material neutral EPR bill picked up opposition and slowed; unlikely to pass both houses in 2021 but sponsor considers it highest priority to pass next year.

Post-Consumer Recycled Mandates

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Advanced Recycling

Advanced Recycling: Activity in AZ, AR, DE, KY, LA, MA, MD, MI, MN, NJ, NY, OK, OR, RI, SC, VA

- ACC's model bills seek to define Advanced Recycling as a manufacturing operations rather than solid waste handling/processing facilities; this makes permitting Advanced Recycling facilities easier; to date, five of these bills have been enacted in 2021: AR, AZ, OK, LA and VA.
- Some have decided that enhancing the ability to recycle plastics does not fit the strategic goal of eliminating plastics and petroleum products altogether. This has resulted in some pushback on ACC's bills and, in some states, outright efforts to ban Advanced Recycling:
 - Comprehensive EPR bills in OR, NY and MA contain language that would preclude AR facilities in the state.
 - Stand-alone bills to ban AR introduced this year in MD and OR are dead for 2021 and a DE bill to ban all high heat waste facilities was amended favorably to narrow the applicability to the siting of certain medical waste incinerators.



Federal Legislation

Different Visions

Transformative Legislation

- CLEAN Future Act
- Break Free From Plastic Pollution Act

Transitional Legislation

- RECOVER Act
- RECYCLE Act
- Plastic Waste and Reduction Research Act

Transformative

- Break Free From Plastic Pollution Act (S.984)
 - National EPR
 - 3 year “pause” on permitting
 - Limits advanced recycling
 - National recycling content standards
 - Ban certain single-use plastics that are not recyclable
- CLEAN Future Act (H.R.1512)
 - Temporary pause on new permits on facilities that produce plastic as well as raw materials such as ethylene
 - Temporary pause on advanced recycling facilities
 - EPA to develop grants for recycling education
 - NSA to study the effects of single use bans

Transitional legislation

- **RECOVER Act (H.R.5115)**
 - Would boost curbside collection and education up to \$500m in matching funds
 - Sets up a recycling program inside EPA invest in new technologies and improve sorting of materials
- **RECYCLE Act (S.923)**
 - EPA to develop a toolkit to boost recycling and reduce contamination
 - \$15m/year over 5 years to educate consumers about recycling programs
 - Require EPA to update its Comprehensive Procurement Guidelines

Transitional (cont.)

- Plastic Waste Reduction and Recycling Act (H.R.7228)
 - Develop standards for recycling technologies
 - Directs the Office of Science and Technology Policy (OSTP) to establish a “Plastic Waste Recycling Program”
 - Directs the OSTP to establish an interagency committee to develop a strategic plan to reduce plastic waste
 - Directs the NSF, DOE, EPA, and NOAA to support research on advanced recycling
 - Authorizes \$85m in 2021 with a \$6.5 annual increase through 2025

Outlook

- State legislation is likely to continue
 - Maine and Oregon could be models for states like California, New York, and other progressive states
 - Many progressive states have super-majorities in the legislature and a sympathetic Governors with no check on activists
 - Will take years for state DEQs to sort out the Producer Responsibility Organizations (PRO)
- Federal legislation on transformative bills is very unlikely
 - House and Senate majorities are very narrow
 - Moderate Democrats understand the need for plastic in our lives
 - Transitional bills are competing with bigger issues

Q&A