To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Recycling and Composting Accountability Act”.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CIRCULAR MARKET.—The term “circular market” means a market that utilizes industrial processes and economic activities to enable post-industrial and post-consumer materials used in those processes and activities to maintain their highest values for as long as possible.

(3) COMPOST.—The term “compost” means a product that—

(A) is manufactured through the controlled aerobic, biological decomposition of biodegradable materials;

(B) has been subjected to medium and high temperature organisms, which—

(i) significantly reduce the viability of pathogens and weed seeds; and

(ii) stabilize carbon in the product such that the product is beneficial to plant growth; and
(C) is typically used as a soil amendment, but may also contribute plant nutrients.

(4) COMPOSTABLE MATERIAL.—The term “compostable material” means material that is a feedstock for creating compost, including—

(A) wood;

(B) agricultural crops;

(C) paper;

(D) certified compostable products associated with organic waste;

(E) other organic plant material;

(F) marine products;

(G) organic waste, including food waste and yard waste; and

(H) such other material that is composed of biomass that can be continually replenished or renewed, as determined by the Administrator.

(5) COMPOSTING FACILITY.—The term “composting facility” means a location, structure, or device that transforms compostable materials into compost.

(6) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the

(7) MATERIALS RECOVERY FACILITY.—

(A) IN GENERAL.—The term “materials recovery facility” means a dedicated facility where primarily residential recyclable materials, which are diverted from disposal by the generator and collected separately from municipal solid waste, are mechanically or manually sorted into commodities for further processing into specification-grade commodities for sale to end users.

(B) EXCLUSION.—The term “materials recovery facility” does not include a solid waste management facility that may process municipal solid waste to remove recyclable materials.

(8) RECYCLABLE MATERIAL.—The term “recyclable material” means a material that is obsolete, previously used, off-specification, surplus, or incidentally produced for processing into a specification-grade commodity for which a circular market currently exists or is being developed.

(9) RECYCLING.—The term “recycling” means the series of activities—
(A) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(B) that may include sorting, collection, processing, and brokering; and

(C) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

(10) STATE.—The term “State” has the meaning given the term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) DEFINITION OF PROCESSING.—In paragraphs (7), (8), and (9) of subsection (a), the term “processing” means any mechanical, manual, or other method that—

(1) transforms a recyclable material into a specification-grade commodity; and

(2) may occur in multiple steps, with different steps, including sorting, occurring at different locations.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—
(1) recycling and composting conserve resources, protect the environment, and are important to the United States economy;

(2) the United States recycling and composting infrastructure encompass each of the entities that collect, process, broker, and consume recyclable materials and compostable materials sourced from commercial, industrial, institutional, and residential sources;

(3) the residential segment of the United States recycling and composting infrastructure is facing challenges from—

(A) confusion over what materials are recyclable materials or compostable materials;

(B) reduced export markets;

(C) growing, but still limited, domestic end markets; and

(D) an ever-changing and heterogeneous supply stream;

(4) in some areas, recycling and composting infrastructure is in need of revitalization; and

(5) in an effort to address those challenges, the United States must use a combination of tactics to improve recycling and composting in the United States.
SEC. 4. REPORT ON COMPOSTING INFRASTRUCTURE CAPABILITIES.

The Administrator, in consultation with States, units of local government, and Indian Tribes, shall—

(1) prepare a report describing the capability of the United States to implement a national composting strategy for compostable materials for the purposes of reducing contamination rates for recycling, including—

(A) an evaluation of existing Federal, State, and local laws that may present barriers to implementation of a national composting strategy;

(B)(i) an evaluation of existing composting programs of States, units of local government, and Indian Tribes; and

(ii) a description of best practices based on those programs;

(C) an evaluation of existing composting infrastructure in States, units of local government, and Indian Tribes for the purposes of estimating cost and approximate land needed to expand composting programs; and

(D) a study of the practices of manufacturers and companies that are moving to using compostable packaging and food service ware.
for the purpose of making the composting process the end-of-life use of those products; and

(2) not later than 1 year after the date of enactment of this Act, submit the report prepared under paragraph (1) to Congress.

SEC. 5. REPORT ON FEDERAL AGENCY RECYCLING PRACTICES.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Comptroller General of the United States, in consultation with the Administrator, shall make publicly available a report describing—

(1) the total annual recycling and composting rates reported by all Federal agencies;

(2) the total annual percentage of products containing recyclable material, compostable material, or recovered materials purchased by all Federal agencies, including—

(A) the total quantity of procured products containing recyclable material or recovered materials listed in the comprehensive procurement guidelines published under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e)); and
(B) the total quantity of compostable material purchased;

(3) recommendations for updating—

(A) the comprehensive procurement guidelines published under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e)); and

(B) the environmentally preferable purchasing program established under section 6604(b)(11) of the Pollution Prevention Act of 1990 (42 U.S.C. 13103(b)(11)); and

(4) the activities of each Federal agency that promote recycling or composting.

SEC. 6. IMPROVING DATA AND REPORTING.

(a) INVENTORY OF MATERIALS RECOVERY FACILITIES.—Not later than 1 year after the date of enactment of this Act, and biannually thereafter, the Administrator, in consultation with States, units of local government, and Indian Tribes, shall—

(1) prepare an inventory of public and private materials recovery facilities in the United States, including—

(A) the number of materials recovery facilities in each unit of local government in each State; and
(B) a description of the materials that each materials recovery facility can process, including—

(i) in the case of plastic, a description of—

(I) the types of accepted resin, if applicable; and

(II) the packaging or product format, such as a jug, a carton, or film;

(ii) food packaging and service ware, such as a bottle, cutlery, or a cup;

(iii) paper;

(iv) aluminum, such as an aluminum beverage can, food can, aerosol can, or foil;

(v) steel, such as a steel food or aerosol can;

(vi) other scrap metal;

(vii) glass; or

(viii) any other material not described in any of clauses (i) through (vii) that a materials recovery facility can process; and

(2) submit the inventory prepared under paragraph (1) to Congress.
(b) ESTABLISHMENT OF A COMPREHENSIVE BASELINE OF DATA FOR THE UNITED STATES RECYCLING SYSTEM.—The Administrator, in consultation with States, units of local government, and Indian Tribes, shall determine, with respect to the United States—

(1) the number of community curbside recycling and composting programs;

(2) the number of community drop-off recycling and composting programs;

(3) the types and forms of materials accepted by each community curbside recycling, drop-off recycling, or composting program;

(4) the number of individuals with access to recycling and composting services to at least the extent of access to disposal services;

(5) the number of individuals with barriers to accessing recycling and composting services to at least the extent of access to disposal services;

(6) the inbound contamination and capture rates of community curbside recycling, drop-off recycling, or composting programs;

(7) where applicable, other available recycling or composting programs within a community, including store drop-offs; and
(8) the average cost to States, units of local
government, and Indian Tribes of recycling and
composting programs.

(e) Standardization of Recycling Reporting

Rates.—

(1) Collection of rates.—

(A) In general.—The Administrator may
use amounts made available under section 9 to
biannually collect from each State the nation-
ally standardized rate of recyclable materials in
that State that have been successfully diverted
from the waste stream and brought to a mate-
rials recovery facility or composting facility.

(B) Confidential or proprietary
business information.—Information col-
lected under subparagraph (A) shall not include
any confidential or proprietary business infor-
mation, as determined by the Administrator.

(2) Use.—Using amounts made available under
section 9, the Administrator may use the rates col-
lected under paragraph (1) to further assist States,
units of local government, and Indian Tribes—

(A) to reduce the overall waste produced
by the States and units of local government; and
(B) to increase recycling and composting rates.

(d) REPORT ON END MARKETS.—

(1) IN GENERAL.—The Administrator, in consultation with States, units of local government, and Indian Tribes, shall—

(A) provide an update to the report submitted under section 306 of the Save Our Seas 2.0 Act (Public Law 116–224; 134 Stat. 1096) to include an addendum on the end-market sale of all recyclable materials, in addition to recycled plastics as described in that section, from materials recovery facilities that process recyclable materials collected from households and publicly available recyclable materials drop-off centers, including—

(i) the total, in dollars per ton, domestic sales of bales of recyclable materials; and

(ii) the total, in dollars per ton, international sales of bales of recyclable materials;

(B) prepare a report on the end-market sale of compost from all compostable materials collected from households and publicly available
compost drop-off centers, including the total, in
dollars per ton, of domestic sales of
compostable materials; and

(C) not later than 1 year after the date of
enactment of this Act, submit to Congress the
update to the report prepared under subpara-
graph (A) and the report prepared under sub-
paragraph (B).

(2) CONFIDENTIAL OR PROPRIETARY BUSINESS
INFORMATION.—Information collected under sub-
paragraphs (A) and (B) of paragraph (1) shall not
include any confidential or proprietary business in-
formation, as determined by the Administrator.

SEC. 7. STUDY ON THE DIVERSION OF RECYCLABLE MATE-
RIALS FROM A CIRCULAR MARKET.

(a) IN GENERAL.—Not later than 1 year after the
date of enactment of this Act, the Administrator shall de-
velop a metric for determining the proportion of recyclable
materials in commercial and municipal waste streams that
are being diverted from a circular market.

(b) STUDY; REPORT.—Not later than 1 year after the
development of a metric under subsection (a), the Admin-
istrator shall conduct a study of, and submit to Congress
a report on, the proportion of recyclable materials in com-
mercial and municipal waste streams that, during each of
the 10 calendar years preceding the year of submission of the report, were diverted from a circular market.

(c) DATA.—The report under subsection (b) shall provide data on specific recyclable materials, including aluminum, plastics, paper and paperboard, textiles, and glass, that were prevented from remaining in a circular market through disposal or elimination, and to what use those specific recyclable materials were lost.

(d) EVALUATION.—The report under subsection (b) shall include an evaluation of whether the establishment or improvement of recycling programs would—

(1) improve recycling rates; or

(2) reduce the quantity of recyclable materials being unutilized in a circular market.

SEC. 8. VOLUNTARY GUIDELINES.

The Administrator shall—

(1) in consultation with States, units of local government, and Indian Tribes, develop, based on the results of the studies, reports, inventory, and data determined under sections 4 through 7, and provide to States, units of local government, and Indian Tribes best practices that the States, units of local government, and Indian Tribes may use to enhance recycling and composting, including—
(A) labeling techniques for containers of waste, compostable materials, and recycling, with the goal of creating consistent, readily available, and understandable labeling across jurisdictions;

(B) pamphlets or other literature readily available to constituents;

(C) primary and secondary school educational resources on recycling;

(D) web and media-based campaigns; and

(E) guidance for the labeling of recyclable materials and compostable materials that minimizes contamination and diversion of those materials from waste streams toward recycling and composting systems; and

(2) not later than 2 years after the date of enactment of this Act, submit to Congress a report describing the best practices developed under paragraph (1).
SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this Act for each fiscal year.

Passed the Senate July 28, 2022.

Attest:

Secretary.
AN ACT

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.