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(Original Signature of Member)

119TH CONGRESS
2^D SESSION

H. R. —

To create national standards for labeling of covered materials as recyclable, compostable, reusable, and refillable, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CORREA introduced the following bill; which was referred to the Committee on

A BILL

To create national standards for labeling of covered materials as recyclable, compostable, reusable, and refillable, 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 “Truth in Labeling Act of 2026”.

SEC. 2. FINDINGS.

Congress finds that—

(1) there is significant consumer confusion about which covered materials are recyclable, compostable, reusable, or refillable;

(2) nationwide definitions of the terms “recyclable”, “compostable”, “reusable”, and “refillable” would provide—

(A) producers and consumers clarity in how to recycle, compost, reuse, or refill labeled products; and

(B) consumers confidence that covered materials that have a chasing arrows symbol, or an equivalent symbol for recyclable, compostable, reusable, or refillable, are properly labeled;

(3) the improper use of the chasing arrows symbol, or an equivalent symbol indicating that a covered material is recyclable, compostable, reusable, or refillable, leads to confusion and qualifies as a deceptive practice under the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(4) encouraging producers to design their covered materials to be recyclable, compostable, reusable, or refillable would reduce waste and emissions, help the environment, protect resources, lower expenses for businesses, communities, and consumers, and diminish the need for virgin raw materials;

(5) proper labeling of covered materials would encourage end-use consumers to properly recycle, compost, reuse, and refill covered materials, including packaging, food service products, and beverage containers;

(6) understanding what does not qualify as recyclable, compostable, reusable, or refillable is critical for producers, State and local governments, and consumers;

(7) standardized labeling provides producers with clear enforceable criteria they can follow to ensure that their covered materials meet applicable requirements if the producers choose to use a label;

(8) establishing definitions of the terms “recyclable”, “compostable”, “reusable”, and “refillable” that can be updated as technology and systems advance would benefit consumers, producers, State and local governments, and waste management facilities;

(9) having clear, consistent labels would—

(A) assist material recovery facilities and municipalities in their efforts to recycle and compost covered materials;

(B) assist in educating the public about those efforts;
and

(C) reduce costs and waste; and

(10) part 260 of title 16, Code of Federal Regulations (commonly referred to as the “Green Guides”), provides rules for marketing claims that are outdated and do not provide sufficient information to establish labeling criteria at the national level.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the advisory committee established under section 9.

(3) **BEVERAGE CONTAINER.**—The term “beverage container” means a consumer prepackaged container that—

(A) is designed to hold a beverage;

(B) is made of any material, including glass, plastic, fiber, paper, and metal, or a combination thereof; and

(C) has a volume of not less than 50 milliliters and not more than 3 liters.

(4) CHASING ARROWS SYMBOL.—The term “chasing arrows symbol” means—

(A) an equilateral triangle, formed by 3 arrows curved at their midpoints, depicting a clockwise path, with a short gap separating the apex of each arrow from the base of the adjacent arrow; and

(B) any variant of the symbol described in subparagraph (A) that is likely to be reasonably interpreted by an ordinary consumer as indicating that a covered material is recyclable, including one or more arrows arranged in a circular pattern or around a globe.

(5) COMMISSION.—The term “Commission” means the Federal Trade Commission.

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

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

(B) that has undergone treatment at mesophilic and thermophilic temperatures; and

(C) that is beneficial to plant growth.

(7) COMPOSTABLE.—

(A) IN GENERAL.—The term “compostable”, with respect to a covered material, means that the covered material—

(i) is capable of undergoing aerobic biological decomposition in a compost system, such that the covered material becomes visually indistinguishable from the rest of the material and breaks down into

carbon dioxide, water, inorganic compounds, and biomass; and

(ii) otherwise meets the criteria described in section 6(b).

(8) COVERED MATERIAL.—The term “covered material” means, regardless of whether the material is recyclable, compostable, reusable, or refillable, and regardless of the material type, a material that is—

(A) packaging;

(B) a food service product; or

(C) a beverage container.

(9) FOOD SERVICE PRODUCT.—The term “food service product” means an item associated with a food product provided to a consumer, regardless of whether the item is recyclable, compostable, reusable, or refillable, including—

(A) a drink cup;

(B) a drink lid;

(C) a food package;

(D) a food container;

(E) a plate;

(F) a bowl;

(G) a sleeve;

(H) a straw;

(I) a tray;

(J) a utensil;

(K) a food wrap; and

(L) such other items as the Administrator, in coordination with the Commission, determines to be appropriate.

(10) PACKAGING.—

(A) IN GENERAL.—The term “packaging” means any separable and distinct material piece, regardless of whether the material piece is recyclable, compostable, reusable, or refillable, used for the containment, protection, handling, delivery, and presentation of goods that are sold, offered for sale, or distributed to consumers in the United States, including through an internet transaction.

(B) INCLUSIONS.—The term “packaging” includes an item described in subparagraph (A) that is—

(i) sales packaging or primary packaging intended for the consumer market;

(ii) service packaging designed and intended to be used or filled at the point of sale, such as carry-out bags, bulk good bags, take-out bags, and home delivery food service products;

(iii) secondary packaging used to group products for multiunit sale; or

(iv) a packaging component or ancillary element integrated into packaging, including an ancillary element directly hung onto or attached to a product and that performs a packaging function, except—

(I) an element of the packaging with a de minimis weight or volume, as determined by the Administrator; and

(II) a component or element that is an integral part of the product, if all components or elements of

the product are intended to be consumed or disposed of together.

(C) EXCLUSIONS.—The Administrator may exempt from the term “packaging” under this paragraph a material that the Administrator determines—

(i) is de minimis; and

(ii) does not impact the recyclability, compostability, reusability, or refillability of the package.

(11) PERSON.—

(A) IN GENERAL.—The term “person” means an individual or entity described in subparagraph (B) that sells, offers for sale, or distributes a covered material in the United States—

(i) directly to consumers; or

(ii) to an individual or entity described in subparagraph (B) that sells, offers for sale, or distributes the covered material in the United States to consumers.

(B) ENTITIES DESCRIBED.—An entity referred to in subparagraph (A) is a corporation, company, partnership, joint venture, association, joint-stock company, trust, estate of a deceased individual, foundation, fund, institution, society, union, or club, regardless of whether such entity is incorporated.

(12) PLASTIC.—

(A) IN GENERAL.—The term “plastic” means a synthetic or semisynthetic material that is—

(i) synthesized by the polymerization of organic substances; and

(ii) capable of being shaped into various rigid or flexible forms.

(B) INCLUSIONS.—The term “plastic” includes any coating or adhesive material described in subparagraph (A).

(C) EXCLUSIONS.—The term “plastic” does not include—

(i) natural rubber; or

(ii) material containing only naturally occurring polymers, such as proteins and starches.

(13) PRODUCER.—The term “producer”, with respect to a covered material, means—

(A) the person that affixes, or directs to affix, to the covered material a chasing arrows symbol, a label, or any other marking that indicates that the covered material is recyclable, compostable, reusable, or refillable; or

(B) if the covered material was labeled as recyclable, compostable, reusable, or refillable in accordance with this Act and has subsequently been modified such that the covered material is not recyclable, compostable, reusable, or refillable, respectively, the person that so modified the covered material.

(14) QUALIFIED CLAIM OF COMPOSTABILITY.—The term “qualified claim of compostability” means a qualified claim of compostability described in section 6(a)(2).

(15) QUALIFIED CLAIM OF RECYCLABILITY.—The term “qualified claim of recyclability” means a qualified claim of recyclability described in section 5(a)(2).

(16) RECYCLABLE.—The term “recyclable”, with respect to a covered material, means that the covered material meets the criteria described in section 5(b).

(17) REFILLABLE.—The term “refillable”, with respect to a covered material, means that the covered material—

(A) is designed to be—

(i) refilled by consumers multiple times for the same or a similar purpose and in the original format of the covered material; and

(ii) sold or provided to consumers once for the duration of the usable life of the covered material; and

(B) otherwise meets the criteria described in section 7(b).

(18) RESIN IDENTIFICATION CODE.—The term “resin identification code” means a code that indicates the resin used to produce a plastic covered material that meets the requirements of ASTM International Standard D7611/D7611M–21—

(A) as in effect on the date of enactment of this Act; or

(B) as revised after the date of enactment of this Act, if the revision is approved by the Administrator.

(19) RESPONSIBLE END MARKET.—The term “responsible end market” means a material market, and intermediate supply chain entities, that—

(A) is where collected, processed, and separated covered materials are purchased and manufactured into new, saleable products or feedstock;

(B) has sufficient capacity to handle the quantity of covered materials collected; and

(C) recovers covered materials and disposes of contaminants in a manner that minimizes environmental harm and risks to public health and worker health and safety.

(20) REUSABLE.—The term “reusable”, with respect to a covered material, means that the covered material—

(A) is intentionally designed and marketed to be recovered, inspected, repaired (if necessary), and reissued by producers into the supply chain for convenient and safe reuse for multiple cycles; and

(B) otherwise meets the criteria described in section 7(b).

(21) UNITED STATES.—The term “United States” means the 50 States, the District of Columbia, and the territories and possessions of the United States.

SEC. 4. COVERED MATERIAL LABELING.

(a) IN GENERAL.—If a producer affixes a label or marking on a covered material, on the volition of the producer or by contractual obligation, that states, or that an ordinary consumer would reasonably interpret to indicate, that the covered material is recyclable, compostable, reusable, or refillable, the label or marking shall—

(1) be legible, clear, and on the appropriate side of the covered material, such that the ordinary consumer can easily read and understand the label or marking;

(2) be consistent with the standardized on-package label established under section 8(a);

(3) indicate whether the covered material is—

(A) recyclable;

(B) compostable;

(C) reusable; or

(D) refillable;

(4) be compatible with the intended method of discard for the covered material, including any shrink sleeve;

(5) not require removal by consumers to be compatible with the intended method of discard; and

(6) be in accordance with section 5, 6, or 7, as applicable.

(b) REQUIREMENT.—If a covered material is not recyclable, eligible for a qualified claim of recyclability, compostable, eligible for a qualified claim of compostability, reusable, or refillable, the producer of the covered material shall ensure that the covered material does not include any label or marking, including the chasing arrows symbol or any equivalent, that would—

(1) lead an ordinary consumer to believe that the item is recyclable, compostable, reusable, or refillable, respectively; or

(2) direct a consumer to recycle, compost, reuse, or refill, respectively, the covered material.

(c) RESIN IDENTIFICATION CODE.—

(1) IN GENERAL.—All plastic covered materials sold, offered for sale, distributed, or imported into the United States shall be labeled with a resin identification code, which may not be placed inside a chasing arrows symbol, unless—

(A) the plastic covered material meets the criteria described in section 5; and

(B) placement inside a chasing arrows symbol is the only physically feasible placement, as determined by the Administrator.

(2) PREEMPTION.—No State may impose any requirement that conflicts with the requirement under paragraph (1).

(d) NATIONWIDE ANALYSIS.—For purposes of developing the standardized on-package label required under section 8(a), the

Administrator, in coordination with the Commission and with consideration of the findings and recommendations of the Advisory Committee, shall—

(1) conduct a nationwide analysis of covered material recycling, composting, reuse, and refill facilities to identify which covered materials are commonly collected, sorted, sold, or transferred for recycling, composting, reuse, and refill in the United States that meet the requirements of this Act; and

(2) publish a list of categories of covered material identified under paragraph (1).

(e) SUBMISSION OF SUPPORTING EVIDENCE.—

(1) IN GENERAL.—Producers, individually or collectively, may submit to the Administrator technical studies, sorting and processing trials, material flow analyses, end-market assessments, or other evidence to support the classification of a covered material as recyclable, compostable, reusable, or refillable.

(2) CONSIDERATION.—The Administrator, in coordination with the Commission, and with consideration of the findings and recommendations of the Advisory Committee, shall review any evidence submitted under paragraph (1) when establishing or revising determinations for recyclable, compostable, reusable, and refillable classifications.

SEC. 5. RECYCLABLE CRITERIA.

(a) IN GENERAL.—The producer of a covered material shall not include—

(1) a claim that the covered material is recyclable unless the covered material is considered recyclable under this Act; or

(2) a qualified claim of recyclability unless the covered material meets the requirements under subsection (c).

(b) CRITERIA.—A covered material shall be considered recyclable if—

(1) the covered material is made in accordance with the design guidelines of the industry of the covered material, if approved by the Administrator, including—

(A) the Association of Plastic Recyclers Design Guide;

(B) the Recycled Materials Association Fiber Recycling Readiness Tool;

(C) the Can Manufacturers Institute Steel Container Design Guide for Recyclability;

(D) the American Forest and Paper Association Design Guidance for Recyclability;

(E) the Glass Guide on Recycling; and

(F) the Recycling Partnership Circular Packaging Assessment;

(2) the covered material does not include any component, including inks and adhesives, that prevents the product from being recycled, unless the covered material includes clear, on-package instructions that describe how to remove and properly dispose of a separable component that is not recyclable;

(3) the covered material is collected, separated, or otherwise recovered from the waste stream through an established recycling program for which a responsible end market exists that covers at least 60 percent of consumers or communities where the item is sold; and

(4) the covered material has a commercial value for recycling and a responsible end market.

(c) QUALIFIED CLAIMS OF RECYCLABILITY.—A covered material shall be eligible for a qualified claim of recyclability if—

(1) the covered material is collected, separated, or otherwise recovered from the waste stream through an established recycling program for which a responsible end market exists that covers at least 40 percent of consumers or communities where the item is sold;

(2) the covered material meets the requirements described in paragraphs (1), (2), and (4) of subsection (b);

(3) the qualified claim of recyclability is consistent with the standardized on-package label established under section 8(a);

(4) except as provided in this subsection, the qualified claim of recyclability is made in accordance with any other requirements under this Act relating to recyclable covered materials; and

(5) the Administrator has approved a plan demonstrating a reasonable and time-bound pathway for the covered material to be considered recyclable under this Act, including compliance with subsection (b)(3), not later than 2 years after the date of approval of the plan.

(d) REGULATIONS.—

(1) IN GENERAL.—The Administrator, in coordination with the Commission, and with consideration of the findings and recommendations of the Advisory Committee, shall issue regulations for—

(A) determining whether a covered material meets the criteria described in subsection (b) or (c); and

(B) describing acceptable qualified claims of recyclability that will provide clear and standardized information to consumers to allow them to determine whether the covered material is recyclable in their jurisdiction and how to recycle the covered material.

(2) REQUIREMENT.—In carrying out paragraph (1), the Administrator, in coordination with the Commission, shall strive

to issue regulations that reduce the amount of recyclable goods that are not accepted at a responsible end market.

(e) PUBLICATION OF COVERED MATERIALS.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall publish a list of covered materials that meet the requirements of this section.

(f) EXCLUSION.—For purposes of this Act, the conversion of a covered material into fuel, fuel ingredients, or fuel substitutes or the use of a covered material for the generation of electricity, heat, or steam shall not—

(1) be considered recycling;

(2) count towards the 60 percent threshold, or be considered a responsible end market, described in subsection (b)(3); or

(3) count towards the 40 percent threshold, or be considered a responsible end market, described in subsection (c)(1).

SEC. 6. COMPOSTABLE CRITERIA.

(a) IN GENERAL.—The producer of a covered material shall not include—

(1) a claim that the covered material is compostable unless the covered material is considered compostable under this Act; or

(2) a qualified claim of compostability unless the covered material meets the requirements under subsection (c).

(b) CRITERIA.—A covered material shall be considered compostable if the covered material—

(1) is designed to be compostable in accordance with the design standards and guidelines of the industry of the covered material;

(2) at a minimum—

(A) adheres to ASTM International 6640, 6868, or equivalent standard specifications that test the ability of the covered material to break down into compost; and

(B) does not contain intentionally added perfluoroalkyl or polyfluoroalkyl substances or heavy metals that are incompatible with compost;

(3) is capable of being collected and accepted by at least 50 percent of the established composting programs in the United States; and

(4) is processed by itself or with other covered material categories through controlled biological degradation to make compost or a substantially similar soil amendment.

(c) QUALIFIED CLAIMS OF COMPOSTABILITY.—A covered material shall be eligible for a qualified claim of compostability if—

(1) the covered material is capable of being collected and accepted by at least 30 percent of the established composting programs in the United States;

(2) the covered material meets the requirements described in paragraphs (1), (2), and (4) of subsection (b);

(3) the qualified claim of compostability is consistent with the standardized on-package label established under section 8(a); and

(4) except as provided in this subsection, the qualified claim of compostability is made in accordance with any other requirements under this Act relating to compostable covered materials.

(d) REGULATIONS.—The Administrator, in coordination with the Commission, and with consideration of the recommendations of the Advisory Committee, shall issue guidance or regulations for—

(1) determining whether a covered material meets the criteria described in subsection (b) or (c); and

(2) describing acceptable qualified claims of compostability that will provide clear and standardized information to consumers to allow them to determine whether the covered material is compostable in their jurisdiction and how to compost the covered material.

(e) **LIMITATION FOR PLASTIC OR PLASTIC-LINED COVERED MATERIALS.**—If a plastic or plastic-lined covered material is not compostable, the producer of the plastic covered material shall ensure that the plastic covered material does not include a marking that would intentionally or unintentionally mislead the public to believe that the covered material is compostable, such as—

(1) green or brown tinting, coloring, or striping;

(2) a green or brown certification logo, unless approved by the Administrator; or

(3) any other design, logo, or similar marking that the Administrator determines is deceptive or misleading.

(f) **PUBLICATION OF COVERED MATERIALS.**—Not later than 270 days after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall publish a list of covered materials that meet the requirements of this section.

SEC. 7. REUSABLE AND REFILLABLE CRITERIA.

(a) **IN GENERAL.**—The producer of a covered material shall not include a claim that the covered material is reusable or refillable unless the covered material is considered reusable or refillable under this Act.

(b) **CRITERIA.**—A covered material shall be considered reusable or refillable if the covered material—

(1) is designed to be reusable or refillable in accordance with the design standards and guidelines relating to reusability and refillability of the industry of the covered material, such as the American National Standards Institute;

(2) is designed for durability and maintenance to extend the useful life of the covered material and to reduce demand for new production of the covered material;

(3) at a minimum, can be recirculated or refilled multiple times, as determined by the Administrator, for the same or a similar purpose in the original format of the covered material; and

(4) is supported by a system or physical infrastructure that is—

(A) in place to ensure the possibility and likelihood of reuse or refill;

(B) provided by a producer or a third party; and

(C) designed for convenient reuse or refill; and

(5) is not intended for single use by a consumer.

(c) REGULATIONS.—The Administrator, in coordination with the Commission, and with consideration of the findings and recommendations of the Advisory Committee, shall issue regulations for determining whether a covered material meets the criteria described in subsection (b).

(d) PUBLICATION OF COVERED MATERIALS.—Not later than 270 days after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall publish a list of covered materials that meet the requirements of this section.

SEC. 8. DEVELOPMENT OF AND CHANGES TO STANDARDIZED LABELS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Commission, and with consideration of the findings and recommendations of the Advisory Committee, shall establish or approve standardized on-package labels that a producer of a covered material shall use if the producer chooses to use an on-package label

to indicate that the covered material is recyclable, compostable, reusable, or refillable in accordance with this Act, including—

(1) harmonized iconography to demonstrate the proper disposal pathway;

(2) harmonized terminology and descriptions, including, as necessary, instructions for—

(A) qualified claims of recyclability;

(B) qualified claims of compostability; and

(C) preparing covered materials for disposal; and

(3) recommended on-package placements, size, and typography to ensure legibility and accessibility.

(b) **DIGITAL LABELING.**—The Administrator, in coordination with the Commission, may, for the purpose of providing additional information to the on-package label standardized under subsection (a), establish or approve a standardized digital label, which may include a Quick Response code or a similar technology, for any covered material that may be used by producers in addition to the standardized on-package label described in that subsection.

(c) **REVIEW AND REVISIONS.**—Not less frequently than once every 5 years after the date of enactment of this Act, the Administrator, in coordination with the Commission, and with consideration of the findings and recommendations of the Advisory Committee, after providing notice and an opportunity for public comment, shall—

(1) review the label standards established under subsections (a) and (b), including a review of ongoing label compatibility challenges and best practices; and

(2) as necessary, revise the label standards under subsections (a) and (b) based on the review under paragraph (1).

SEC. 9. ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator and the Commission shall jointly establish an advisory committee to enhance public engagement and provide advice to the Administrator and the Commission with respect to—

(1) standards that should apply to the criteria for the terms “recyclable”, “compostable”, “reusable”, and “refillable” under sections 5(b), 6(b), and 7(b);

(2) standards that should apply for qualified claims of recyclability and qualified claims of compostability; and

(3) standardized labeling and guidelines for recyclable, compostable, reusable, and refillable covered materials.

(b) MEMBERSHIP.—

(1) EX OFFICIO MEMBERS.—The Administrator (or an appointee of the Administrator) and a representative appointed by the Commission shall serve as ex officio members of the Advisory Committee.

(2) COMPOSITION.—In addition to the ex officio members of the Advisory Committee described in paragraph (1), the Advisory Committee shall be composed of the following members, who shall be selected by the ex officio members:

(A) 8 representatives of relevant industries, including consumer brands, the recycled materials industry, the composting industry, the reuse industry, the refill industry, and packaging manufacturers, including 1 representative each from paper mills and aluminum smelters;

(B) 5 representatives of material recovery facilities, including—

(i) 3 representatives of material recovery facilities serving urban or suburban communities; and

(ii) 2 representatives of material recovery facilities serving rural or disadvantaged communities;

(C) 4 representatives of environmental or sustainability organizations;

(D) 2 representatives from other relevant nonprofit organizations;

(E) 2 representatives of other technical experts;

(F) 3 representatives from State governments; and

(G) 3 representatives from local governments.

(c) MEETINGS.—After selection of the members of the Advisory Committee, the ex officio members shall convene the Advisory Committee—

(1) regularly until the date on which the criteria standards and labeling standards described in paragraphs (1) through (3) of subsection (a) are initially established; and

(2) after the date described in paragraph (1), not less frequently than annually.

(d) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—Each meeting of the Advisory Committee shall be open to the public.

(2) PUBLIC COMMENT.—The Advisory Committee shall solicit public comment with respect to the establishment of the criteria standards and labeling standards described in paragraphs (1) through (3) of subsection (a).

(e) EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.—Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), shall not apply to the Advisory Committee.

SEC. 10. REPORTS TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Administrator and the Commission shall submit to Congress a report that—

(1) provides—

(A) updates on the implementation of this Act, including educational and outreach efforts;

(B) obstacles to the implementation of this Act;

(C) updates on changes to available technologies that would impact the criteria for the terms “recyclable”, “compostable”, “reusable”, and “refillable” under sections 5(b), 6(b), and 7(b); and

(D) (i) a list of covered materials that are, and covered materials that are not, considered recyclable, compostable, reusable, or refillable under this Act, as determined under sections 4 through 7; and

(ii) a description of any barriers that inhibit covered materials from being considered recyclable, compostable, reusable, or refillable under this Act;

(2) evaluates and assesses the implementation of this Act with respect to the criteria described in paragraph (1)(C), as aggregated by covered material and geographic area; and

(3) evaluates and assesses consumer understanding of—

(A) the terms “recyclable”, “compostable”, “reusable”, and “refillable”;

(B) the chasing arrows symbol and similar labels used for recyclable, compostable, reusable, and refillable covered materials; and

(C) resin identification codes.

SEC. 11. ENFORCEMENT.

(a) **GENERAL PROHIBITION.**—Beginning on the date that is 2 years after the date on which the Administrator, in coordination with the Commission, establishes or approves standardized on-package labels under section 8(a), it shall be considered a deceptive practice under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for any producer of a covered material to sell, use, distribute, or import in commerce any covered material, except in compliance with this Act.

(b) **RECYCLABLE CRITERIA.**—

(1) **IN GENERAL.**—Beginning on the date that is 2 years after the date on which the Administrator, in coordination with the Commission, establishes or approves standardized on-package labels under section 8(a) but subject to paragraph (2), it shall be considered a deceptive practice and unlawful under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer of a covered material to sell, use, distribute, or import in commerce any covered material that displays—

(A) a chasing arrows symbol or any other symbol or statement indicating the covered material is recyclable or otherwise directing the consumer to recycle the covered material unless the covered material is considered recyclable under this Act; or

(B) a chasing arrows symbol surrounding a resin identification code, as prohibited by section 4(c).

(2) **EXCEPTIONS.**—

(A) **ESTABLISHMENT OR REVISION OF STANDARDS.**—Paragraph (1) does not apply to a covered material—

(i) if the covered material is manufactured before the date that is 18 months after the date on which the Administrator, in consultation with the Commission,

publishes the standardized on-package labels under section 8(a), including any revisions; or

(ii) if—

(I) the Administrator revises the criteria standards for recyclability;

(II) the covered material met the criteria standards before the revision but no longer meets the criteria standards after that revision; and

(III) the covered material is manufactured before the date that is 18 months after the date of the revision.

(B) OTHER EXCEPTIONS.—For purposes of this subsection, none of the following constitutes a deceptive or misleading claim about the recyclability of a covered material:

(i) SYMBOLOGY.—A person using a chasing arrows symbol in combination with a clearly visible line placed at a 45-degree angle over the chasing arrows symbol to convey that an item is not recyclable.

(ii) RESIN IDENTIFICATION CODES.—A resin identification code placed inside a solid equilateral triangle.

(iii) QUALIFIED CLAIM.—A qualified claim of recyclability.

(3) USE ON NONRECYCLABLE PRODUCTS.—Subject to paragraph (2), if the entirety of a covered material is not recyclable but components of the covered material are recyclable, a chasing arrows symbol or statement indicating that a covered material is recyclable may be displayed on the external packaging that is considered to be recyclable if the

chasing arrows symbol or statement clearly describes in the same or greater font, font size, or symbol size—

(A) which components of the covered material are not recyclable; and

(B) how to properly remove those components.

(4) APPLICABILITY TO CONSUMABLE PRODUCTS.—

(A) DEFINITION OF CONSUMABLE PRODUCT.—
In this paragraph, the term “consumable product” means a commodity that is intended to be used and not disposed of.

(B) RULE.—For purposes of this subsection, the display of a chasing arrows symbol or any other statement of recyclability on packaging containing a consumable product shall be deemed to only refer to the packaging.

(c) COMPOSTABLE CRITERIA.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date on which the Administrator, in coordination with the Commission, establishes or approves standardized on-package labels under section 8(a) but subject to paragraph (2), it shall be considered a deceptive practice and unlawful under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer of a covered material to sell, use, distribute, or import in commerce any covered material that displays a symbol approved to indicate that a product is compostable, any statement indicating that the covered material is compostable, or otherwise directing the consumer to compost the covered material unless the covered material is considered compostable under this Act.

(2) EXCEPTIONS.—

(A) ESTABLISHMENT OR REVISION OF STANDARDS.—Paragraph (1) does not apply to a covered material—

(i) if the covered material is manufactured before the date that is 18 months after the date on which the Administrator, in consultation with the Commission, publishes the standardized on-package labels under section 8(a), including any revisions; or

(ii) if—

(I) the Administrator, in consultation with the Commission, revises the criteria standards for compostable;

(II) the covered material met the criteria standards before the revision but no longer meets the criteria standards after that revision; and

(III) the covered material is manufactured before the date that is 18 months after the date of the revision.

(B) OTHER EXCEPTIONS.—For purposes of this subsection, none of the following constitutes a deceptive or misleading claim about a covered material as being compostable:

(i) SYMBOLOGY.—A person using a compostable symbol in combination with a clearly visible line placed at a 45-degree angle over the compostable symbol to convey that an item is not compostable.

(ii) NONCOMPOSTABLE PACKAGING.—Directing a consumer to compost a product inside of a covered material through a composting program if the product inside the covered material is compostable but the covered material is not compostable.

(iii) QUALIFIED CLAIM.—A qualified claim of compostability.

(3) USE ON NONCOMPOSTABLE PRODUCTS.—

Subject to paragraph (2), if the entirety of a covered material is not compostable but components of the covered material are compostable, a compostable symbol or statement indicating a product is compostable may be displayed on the external packaging that is considered to be compostable if the symbol or statement clearly describes in the same or greater font, font size, or symbol size—

(A) which components of the covered material are not compostable; and

(B) how to remove and dispose of those components.

(4) APPLICABILITY TO CONSUMABLE PRODUCTS.—

(A) DEFINITION OF CONSUMABLE PRODUCT.—

In this paragraph, the term “consumable product” means a commodity that is intended to be used and not disposed of.

(B) RULE.—For purposes of this subsection, the display of a compostable symbol or any other statement that a covered material is compostable on packaging containing a consumable product shall be deemed to only refer to the packaging.

(d) REUSABLE AND REFILLABLE CRITERIA.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date on which the Administrator, in coordination with the Commission, establishes or approves standardized on-package labels under section 8(a) but subject to paragraph (2), it shall be considered a deceptive practice and unlawful under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) for any producer of a covered material to sell, use, distribute, or import in commerce any covered material that displays a symbol

approved to indicate that a product is reusable or refillable, any statement indicating that the product or packaging is reusable or refillable, or otherwise directing the consumer to reuse or refill the covered material unless the covered material is considered reusable or refillable under this Act.

(2) EXCEPTION.—Paragraph (1) does not apply to a covered material—

(A) if the covered material is manufactured before the date that is 18 months after the date on which the Administrator, in consultation with the Commission, publishes the standardized on-package labels under section 8(a), including any revisions; or

(B) if—

(i) the Administrator, in consultation with the Commission, revises the criteria standards for reusable or refillable;

(ii) the covered material met the criteria standards before the revision but no longer meets the criteria standards after that revision; and

(iii) the covered material is manufactured before the date that is 18 months after the date of the revision.

(e) SAFE HARBOR.—

(1) IN GENERAL.—A covered material included on a list published under section 5(e), 6(f), or 7(d) shall be considered recyclable, compostable, or reusable or refillable, respectively, for purposes of subsection (b)(1)(A), (c)(1), or (d)(1), respectively.

(2) GRACE PERIOD.—If a covered material is removed from a list published under section 5(e), 6(f), or 7(d), for the 1-year period beginning on the date of removal, the covered material shall be considered recyclable, compostable, or

reusable or refillable, respectively, for purposes of subsection (b)(1)(A), (c)(1), or (d)(1), respectively.

(f) PENALTIES.—

(1) CIVIL PENALTY.—

(A) NOTIFICATION.—In the case of a violation of this section, not later than 30 days after the date of a finding of the Commission of that violation, the Commission shall provide the person that violated this section notice of the violation and a 180-day period to rectify the violation.

(B) FINES.—Any person that violates this section, is provided notice under subparagraph (A), and does not rectify the violation by the end of the period described in that subparagraph shall be fined for each violation and for each day that the violation occurs under section 5(m)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(B)).

(C) USE OF FUNDS.—

(i) IN GENERAL.—Any fines collected under subparagraph (B) shall be available to and used by the Administrator, without further appropriations, to carry out—

(I) the Solid Waste Infrastructure for Recycling grant program authorized by section 302(a) of the Save Our Seas 2.0 Act (33 U.S.C. 4282(a));

(II) the Consumer Recycling Education and Outreach Grant Program established under section 70402(b) of the Infrastructure Investment and Jobs Act (42 U.S.C. 6966d(b)) to enhance recycling, composting, reuse, and refill infrastructure and education; and

(III) any educational or outreach program authorized by this Act.

(ii) SUPPLEMENT; NOT SUPPLANT.—Any amounts made available by clause (i) shall supplement, and not supplant, any other amounts made available to carry out the programs described in subclauses (I) and (II) of that clause.

(2) INJUNCTIVE RELIEF.—The Commission may bring a civil action to enjoin the sale, distribution, or importation into the United States of a covered material in violation of this Act.

(3) STATE ENFORCEMENT.—The Commission may permit a State to carry out enforcement under paragraph (1)(A) or (2) if the Commission determines that the State meets such requirements as the Commission may establish.

(4) NO PREEMPTION.—Except as provided in section 4(c), nothing in this Act shall preempt any State law.

(g) GREEN GUIDES.—In the case of a conflict between any provision of this Act and part 260 of title 16, Code of Federal Regulations, the provision of this Act shall control.

(h) COMMISSION REGULATIONS.—The Commission may promulgate such regulations as the Commission determines are necessary to carry out this Act.

SEC. 12. EDUCATION CAMPAIGN.

(a) IN GENERAL.—The Administrator, in consultation with the Commission, States, units of local government, Indian Tribes, material recovery facilities, impacted industries, nonprofit organizations, institutions of higher education, and other relevant stakeholders, shall—

(1) develop, based on the results of studies, reports, inventory, and data collected under the nationwide analysis required under section 4(d), best practices that States, units of local government, nonprofit organizations, and Indian Tribes

may use to educate consumers on the labels established pursuant to this Act; and

(2) provide the best practices developed under paragraph (1) to States, units of local governments, and Indian Tribes through the Model Recycling Program Toolkit, or a similar resource.

(b) MULTIPLE RECOVERY METHODS.—The Administrator shall prepare and distribute consumer educational materials relating to the preferred recovery method for covered materials that are considered recyclable and compostable, based on the recovery method that creates the highest value for post-consumer use.

SEC. 13. COMPATIBILITY.

In carrying out this Act, the Administrator shall encourage producers, in coordination with the supply chains for the production of labels, including substrate suppliers, converters, and ink suppliers, to work with the recycling, composting, reuse, and refill industries to address label compatibility challenges.

SEC. 14. SEVERABILITY.

If any provision of this Act or the application of that provision to any person or circumstance is held to be unconstitutional, the remaining provisions of this Act and the application of those provisions to any person or circumstance shall not be affected.
