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H. R. 1821

To encourage recycling and composting by promoting the creation of markets for post-consumer materials, by establishing a grant program for recycling research, by requiring a public outreach program to provide information about recycling, by requiring procurement of recycled goods by the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1993

Mr. HOCHBRUECKNER (for himself, Mr. SABO, Mr. TORRES, Mr. BEILENSON, Mr. ACKERMAN, Mr. SHAYS, Ms. SLAUGHTER, Mr. HUGHES, Mrs. MALONEY, Ms. NORTON, Mrs. MORELLA, Mr. BROWN of California, Ms. WOOLSEY, Mr. EVANS, Mr. FISH, and Mrs. MEYERS of Kansas) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Science, Space, and Technology, and Government Operations

A BILL

To encourage recycling and composting by promoting the creation of markets for post-consumer materials, by establishing a grant program for recycling research, by requiring a public outreach program to provide information about recycling, by requiring procurement of recycled goods by the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Recyclable Materials
3 Technology and Markets Development Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The United States faces a severe and wors-
7 ening crisis in solid waste management.

8 (2) Waste disposal is becoming increasingly im-
9 practical because of concerns about environmental
10 contamination, escalating fees, the closing of dis-
11 posal facilities, and difficulties in siting new facili-
12 ties.

13 (3) Recycling offers an environmentally safe ap-
14 proach to the garbage crisis as well as benefits to
15 manufacturers in reduced material costs, energy
16 usage, and environmental impacts. However, the
17 markets for recyclable materials are currently uncer-
18 tain.

19 (4) It would be in the best interests of the
20 United States to treat waste according to the follow-
21 ing hierarchy:

22 (A) Waste reduction.

23 (B) Reuse.

24 (C) Recycling.

25 (D) Composting.

26 (E) Landfilling or incineration.

1 (b) PURPOSES.—The purposes of this Act are as
2 follows:

3 (1) To create markets for post-consumer mate-
4 rials.

5 (2) To provide consumers with information
6 about recycling.

7 (3) To solicit Federal agency recommendations
8 on appropriate measures to maximize recycling.

9 **SEC. 3. STUDY OF MARKETS FOR POST-CONSUMER MA-**
10 **TERIALS.**

11 (a) REQUIREMENT.—The Secretary shall conduct a
12 study to determine the following:

13 (1) The current and potential uses for post-
14 consumer materials.

15 (2) The current and potential international
16 markets for post-consumer materials for use in recy-
17 cling and composting.

18 (3) The current and potential domestic markets
19 for post-consumer materials for use in recycling and
20 composting.

21 (b) REPORT.—Not later than 18 months after the
22 date of the enactment of this act, the Secretary shall sub-
23 mit to Congress a report—

24 (1) describing the results of the study con-
25 ducted under subsection (a); and

1 (1) To collect, catalog, and disseminate infor-
2 mation to interested persons regarding waste dis-
3 posal, recycling, and composting technology.

4 (2) To make grants under subsection (c).

5 (3) To conduct a public outreach program
6 under subsection (d).

7 (4) To develop model programs, not later than
8 two years after the date of the enactment of this
9 Act, for various types of communities (including
10 urban and rural) for recycling and composting of
11 solid waste. Such model programs shall include pro-
12 visions for collecting, separating, transporting, and
13 reprocessing solid waste.

14 (5) To compile and update statistics on recy-
15 cling rates for all nondurable consumer products.

16 (6) To provide information to the public regard-
17 ing the recyclability and recycling rates of individual
18 products.

19 (c) GRANTS.—The Director of Recycling Research
20 and Information shall make grants to public and private
21 entities for studies and scientific research relating to recy-
22 cling of post-consumer materials, including grants for the
23 following types of studies:

24 (1) A study to determine the products and post-
25 consumer materials which—

1 (A) are not currently recycled in signifi-
2 cant amounts; and

3 (B) which are found in the largest
4 amounts by volume and by weight in municipal
5 solid waste streams.

6 (2) A study of ways to encourage industry to
7 include recyclability as a basic design goal for the
8 long-term resolution of the issue of recycling of post-
9 consumer materials.

10 (3) A study of innovative recycling technologies
11 or problem issues that are obstacles to recycling,
12 such as nonrecyclable containers and insufficient
13 uses for post-consumer materials.

14 (d) OUTREACH PROGRAM.—

15 (1) IN GENERAL.—The Director of Recycling
16 Research and Information, in consultation with the
17 Administrator, the Secretary, and the Secretary of
18 Education, shall conduct a public outreach program
19 to provide information to secondary school students,
20 State and local governments, and the general public
21 regarding—

22 (A) the harmful effects on the environment
23 of the improper disposal of wastes;

24 (B) the importance of the proper disposal
25 of municipal wastes;

1 (C) the benefits of recycling and
2 composting; and

3 (D) methods to encourage voluntary recy-
4 cling and composting activities.

5 (2) FORMAT.—In conducting the outreach pro-
6 gram described in paragraph (1), the Director of
7 Recycling Research and Information may—

8 (A) organize and conduct workshops with
9 interested groups;

10 (B) develop educational materials and pro-
11 vide them to secondary school students;

12 (C) record public service announcements
13 for radio and television broadcast and develop
14 print advertisements for newspapers, maga-
15 zines, and other publications;

16 (D) distribute leaflets, posters, and other
17 materials;

18 (E) encourage employers and labor organi-
19 zations to include appropriate educational mate-
20 rials in their in-house publications; and

21 (F) provide technical assistance and other
22 information to schools, governments, and com-
23 munity groups wishing to conduct educational
24 programs on waste disposal, recycling, and
25 composting.

1 (3) IMPLEMENTATION OF PROGRAM.—The Di-
2 rector of Recycling Research and Information shall
3 begin implementation of the outreach program not
4 later than one year after the date of the enactment
5 of this Act.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Director of Recy-
8 cling Research and Information appointed pursuant to
9 this section, for making grants and carrying out other ac-
10 tivities authorized by this section, not more than
11 \$10,000,000 for each of fiscal years 1994, 1995, 1996,
12 1997, 1998, and 1999.

13 **SEC. 5. RECYCLING RATE REQUIREMENTS FOR RECYCLA-**
14 **BLE PRODUCTS.**

15 (a) REQUIRED RECYCLING RATES FOR RECYCLABLE
16 PRODUCTS.—Each manufacturer of a recyclable product
17 designated by the Secretary under subsection (b) shall—

18 (1) during 1993 and 1994, recycle, or provide
19 for the recycling of, at least 25 percent of the prod-
20 ucts manufactured during each of those years by the
21 manufacturer;

22 (2) during 1995, 1996, and 1997, recycle, or
23 provide for the recycling of, at least 50 percent of
24 the products manufactured during each of those
25 years by the manufacturer; and

1 (b) DESIGNATION OF NONRECYCLABLE PROD-
2 UCTS.—Not later than two years after the date of the en-
3 actment of this Act, the Secretary shall prescribe regula-
4 tions to designate products as nonrecyclable products for
5 purposes of this section. A product shall be designated as
6 nonrecyclable if it is not technically or economically fea-
7 sible to be recycled in a recycling program, as determined
8 by the Secretary. The Secretary may require that an ap-
9 propriate label be displayed on any product designated as
10 nonrecyclable under the regulations, for purposes of in-
11 forming consumers that the product is nonrecyclable. The
12 Secretary may not require such labels to be displayed any
13 earlier than January 1, 1994.

14 (c) PENALTY.—Any person who violates this section
15 is subject to a civil penalty assessed by the Secretary of
16 not more than \$5,000 for each offense.

17 **SEC. 7. RECYCLING SEALS OF APPROVAL.**

18 (a) DESIGN.—The Secretary shall design labels for
19 display on—

20 (1) recyclable products, as designated under
21 section 5(b); and

22 (2) products containing a certain percentage of
23 recycled post-consumer materials.

24 (b) APPLICATION FOR USE OF LABELS.—Persons
25 who manufacture products for which the Secretary has de-

1 signed labels under subsection (a) may apply to the Sec-
2 retary for permission to display the labels on their prod-
3 ucts.

4 (c) REGULATIONS.—The Secretary shall prescribe
5 regulations to carry out this section.

6 **SEC. 8. GOVERNMENT PROCUREMENT OF RECYCLED**
7 **GOODS.**

8 Section 6002 of the Solid Waste Disposal Act (42
9 U.S.C. 6962) is amended to read as follows:

10 **“SEC. 6002. GOVERNMENT PROCUREMENT.**

11 “(a) APPLICATION OF SECTION.—This section ap-
12 plies for a fiscal year to the following entities:

13 “(1) A Federal agency if, during any one of the
14 5 fiscal years preceding such fiscal year, the Federal
15 agency has procured procurement items the price of
16 which in the aggregate exceeds \$10,000.

17 “(2) Any other entity, including a State, a po-
18 litical subdivision of a State, or a contractor, if such
19 entity uses funds appropriated to a Federal agency
20 to which this section applies for procurement of any
21 procurement item.

22 “(b) PROCUREMENT SUBJECT TO OTHER LAW.—
23 This section does not apply to a procurement by a Federal
24 agency described in subsection (a)(1) if such procurement
25 is subject to regulations of the Administrator under sec-

1 tion 6004 (as promulgated before the date of the enact-
2 ment of this section under comparable provisions of prior
3 law), but only to the extent that this section is inconsistent
4 with such regulations.

5 “(c) REQUIREMENTS.—(1) Each procuring agency
6 which procures any items designated in guidelines pre-
7 pared pursuant to subsection (e) shall procure such items
8 composed of the highest percentage of recovered materials
9 practicable (and in the case of paper, the highest percent-
10 age of post-consumer materials). The decision not to pro-
11 cure such items shall be based on a determination that
12 such procurement items—

13 “(A) are not reasonably available within a rea-
14 sonable period of time;

15 “(B) fail to meet the performance standards set
16 forth in the applicable specifications; or

17 “(C) are only available at an unreasonable
18 price.

19 In the case of a failure to procure such items, the procur-
20 ing agency shall make public the specific reasons for its
21 failure to do so.

22 “(2) During the 10-year period beginning on the date
23 of enactment of the Recyclable Materials Technology and
24 Markets Development Act, a Federal agency shall not de-
25 termine under paragraph (1)(C) that a price is unreason-

1 able unless it exceeds by more than 10 percent the price
2 of items not meeting the agency's minimum recovered ma-
3 terials content standards. The Administrator may extend
4 such 10-year time period on an item-by-item basis.

5 “(d) SPECIFICATIONS.—Within 1 year after the date
6 of publication of guidelines under subsection (e), or the
7 date on which an agency first becomes a procuring agency
8 that has the responsibility for drafting or reviewing speci-
9 fications for procurement items designated in such guide-
10 lines, such procuring agency shall—

11 “(1) eliminate from procurement specifications
12 any exclusion of recovered materials;

13 “(2) in the case of paper and paper products,
14 eliminate any specification which is not absolutely
15 essential relating to brightness, speck count, and
16 ground wood content;

17 “(3) eliminate from such specifications any re-
18 quirement that items be manufactured from virgin
19 materials; and

20 “(4) assure that such specifications, as well as
21 internal agency policies and procedures, require the
22 use of recovered materials to the maximum extent
23 possible without jeopardizing the intended end use of
24 the item.

1 “(e) GUIDELINES.—(1) The Administrator shall pre-
2 pare, and from time-to-time revise, guidelines for the use
3 of procuring agencies in complying with the requirements
4 of this section. In fulfilling the requirements of this sub-
5 section, the Secretary shall consult with the Administrator
6 of General Services and the Public Printer. Such guide-
7 lines shall, at a minimum—

8 “(A) designate those items which are or can be
9 produced with recovered materials and whose pro-
10 curement by procuring agencies will carry out the
11 objectives of this section;

12 “(B) set forth recommended practices and pro-
13 cedures with respect to the procurement of recovered
14 materials and items containing such materials and
15 with respect to certification by vendors of the per-
16 centage of recovered materials used;

17 “(C) provide information concerning the avail-
18 ability, relative price, and performance of such mate-
19 rials and items; and

20 “(D) establish standards pursuant to subsection
21 (f) specifying the minimum level of post-consumer
22 materials and other recovered materials in the pro-
23 cured item.

1 “(2) In making the designation under paragraph
2 (1)(A), the Administrator shall consider, but is not limited
3 to, the following:

4 “(A) The availability of items described in such
5 paragraph.

6 “(B) The impact of the procurement of such
7 items by procuring agencies on the volume of solid
8 waste which must be treated, incinerated, stored, or
9 disposed of.

10 “(C) The economic and technological feasibility
11 of producing and using such items.

12 “(D) Other uses for such recovered materials.

13 “(E) The impact of the procurement of such
14 items by procuring agencies on recycling and pro-
15 curement practices of nongovernmental entities.

16 “(f) GUIDELINES FOR CERTAIN ITEMS.—At a mini-
17 mum, the Administrator shall—

18 “(1) not later than 180 days after the date of
19 the enactment of the Recyclable Materials Tech-
20 nology and Markets Development Act, revise existing
21 guidelines for the procurement of paper and paper
22 products containing post-consumer materials and
23 other recovered materials;

24 “(2) not later than 1 year after the date of the
25 enactment of such Act, issue guidelines for the pro-

1 curement and use of waste glass in the construction
2 of highways, roadways, and other paved surfaces;

3 “(3) not later than 1 year after the date of the
4 enactment of such Act, issue guidelines for the pro-
5 curement and use of discarded tires and other rub-
6 ber scrap in the construction of highways, roadways,
7 and other paved surfaces, in roofing, and in other
8 nonroadway applications;

9 “(4) not later than 1 year after the date of the
10 enactment of such Act, issue guidelines for the pro-
11 curement and use of compost, fertilizers, and other
12 soil amendments made from yard waste and food
13 waste;

14 “(5) not later than 18 months after the date of
15 the enactment of such Act, issue guidelines for the
16 procurement and use of containers and packaging
17 and other durable and nondurable goods made from
18 aluminum scrap, ferrous scrap, plastic scrap, and
19 waste glass; and

20 “(6) not later than 2 years after the date of the
21 enactment of such Act, issue guidelines for at least
22 3 additional categories of items, as well as others as
23 may be deemed appropriate.

24 “(g) REVIEW OF MINIMUM CONTENT STANDARD
25 GUIDELINES.—No later than 4 years after the issuance

1 of guidelines under subsection (e), and every 4 years
2 thereafter, the Administrator shall review, and to the ex-
3 tent practicable, increase, the minimum content standards
4 described in paragraph (1)(D) of that subsection.

5 “(h) VERIFICATION PROCEDURES.—After consulta-
6 tion with appropriate recycling industries, and public or
7 private organizations that set specifications or test meth-
8 ods for recovered materials, the Administrator shall de-
9 velop verification procedures useful in ascertaining the
10 percentage of post-consumer materials and other recov-
11 ered materials in a commodity.

12 “(i) IMPLEMENTATION AND COORDINATION.—The
13 Administrator for Federal Procurement Policy shall advise
14 the Administrator on coordinating the guidelines under
15 this section with other policies for Federal procurement.
16 The Administrator for Federal Procurement Policy, in
17 consultation with the Administrator of General Services
18 Administration, shall report every two years to Congress
19 on actions taken by Federal agencies and the progress
20 made in the implementation of this section.

21 “(j) AFFIRMATIVE PROCUREMENT PROGRAM.—(1)
22 Within 1 year after the date of publication of applicable
23 guidelines under subsection (e), or the date on which an
24 agency first becomes a procuring agency, whichever is
25 later, each procuring agency shall develop an affirmative

1 procurement program which will assure that items com-
2 posed of recovered materials will be purchased to the max-
3 imum extent practicable and which is consistent with ap-
4 plicable provisions of Federal procurement law.

5 “(2) Each affirmative procurement program required
6 under this subsection shall, at a minimum, include the fol-
7 lowing:

8 “(A) A recovered materials preference program.
9 Such program shall apply to the Federal agency and
10 to each entity, including a State, a political subdivi-
11 sion of a State, or a contractor, that receives funds
12 appropriated to such Federal agency for procure-
13 ment of any procurement item.

14 “(B) An agency promotion program to promote
15 the preference program adopted under subparagraph
16 (A).

17 “(C) A program for requiring certification of
18 the minimum recovered materials content actually
19 used, or, where appropriate, to be used, and reason-
20 able verification procedures for such certifications.

21 “(D) An annual review and monitoring of the
22 effectiveness of the agency’s affirmative procurement
23 program.

24 “(3) For purposes of paragraph (2)(C), manufactur-
25 ers of items shall be required to provide to vendors certifi-

1 cations of the minimum recovered materials content actu-
2 ally used, or to be used.

3 “(4) For purposes of paragraph (2)(D), each Federal
4 agency shall prepare an annual report describing the agen-
5 cy’s affirmative procurement program and a review of its
6 effectiveness. Such reports shall be submitted simulta-
7 neously to the Administrator and the Administrator for
8 Federal Procurement Policy, who shall make them avail-
9 able to the public. At a minimum, such reports shall in-
10 clude—

11 “(A) a description of actions taken to delete
12 discriminatory specifications and internal policies
13 and procedures, and actions taken to revise such
14 specifications, policies, and procedures, pursuant to
15 subsection (d);

16 “(B) information on the amount and value of
17 items which contain recovered materials and items
18 which contain only virgin materials that are pro-
19 cured or contracted for by the agency;

20 “(C) an assessment of the effectiveness of the
21 agency’s promotion program;

22 “(D) an assessment of remaining technical, eco-
23 nomic, institutional, and legal barriers to procure-
24 ment of items containing recovered materials;

25 “(E) response of bidders; and

1 “(F) compliance by grantees and contractors of
2 the agency.

3 “(k) STATE PLANS.—Each plan prepared by a State
4 pursuant to section 4003 of this Act shall describe actions
5 taken by the State to comply with this section.

6 “(l) DEFINITIONS.—For purposes of this section:

7 “(1) The term ‘recovered materials’ means ma-
8 terials which—

9 “(A) have a known use, reuse, or recycling
10 potential;

11 “(B) can be feasibly used, reused, or recy-
12 cled; and

13 “(C) have been diverted or removed from
14 the solid waste stream for sale, use, reuse, or
15 recycling (whether or not such materials require
16 separation and processing).

17 “(2) The term ‘post-consumer materials’ means
18 only those products generated by a consumer which
19 have been made available for sale or have served
20 their intended end-uses and have been separated or
21 diverted from solid waste for the purpose of collec-
22 tion, recycling, and disposition. The term does not
23 include waste generated during production of an
24 end-product.”.

1 **SEC. 9. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) The term “Administrator” means the Ad-
4 ministrator of the Environmental Protection Agency.

5 (2) The term “Secretary” means the Secretary
6 of Commerce.

7 (3) The term “post-consumer materials” means
8 only those products generated by a consumer which
9 have been made available for sale or have served
10 their intended end-uses and have been separated or
11 diverted from solid waste for the purpose of collec-
12 tion, recycling, and disposition. The term does not
13 include waste generated during production of an
14 end-product.

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★HR 1821 IH1S—2