

103D CONGRESS
1ST SESSION

S. 938

To amend the Solid Waste Disposal Act to enhance recycling opportunities,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, APRIL 19), 1993

Mr. LAUTENBERG introduced the following bill; which was read twice and
referred to the Committee on Environment and Public Works

A BILL

To amend the Solid Waste Disposal Act to enhance recycling
opportunities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recycling Enhance-
5 ment Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the use of recycled materials in manufactur-
9 ing can result in significant energy resource savings
10 when compared to the use of virgin materials; and

1 (2) recycling can significantly reduce the quan-
2 tity of waste that must be disposed of.

3 **SEC. 3. NATIONAL RECYCLING OPPORTUNITIES.**

4 Subtitle F of the Solid Waste Disposal Act (42
5 U.S.C. 6961 et seq.) is amended—

6 (1) by striking the subtitle heading and insert-
7 ing the following new heading:

8 **“Subtitle F—Recycling and Federal**
9 **Responsibilities”;**

10 and

11 (2) by inserting after section 6004 the following
12 new sections:

13 **“SEC. 6005. WHITE GOODS AND AUTOMOBILE RECYCLING.**

14 “(a) STUDY REQUIREMENT.—The Administrator, in
15 consultation with the Secretary of Transportation, the
16 Secretary of Energy, the Secretary of Commerce, and in-
17 terested and affected members of the public, shall conduct
18 a study of the opportunities for recycling white goods and
19 automobile components in the United States and the steps
20 needed to increase the recycling.

21 “(b) MATTERS TO BE STUDIED.—In carrying out
22 the study, the Administrator shall—

23 “(1) identify the quantities of white goods and
24 automobiles collected for recycling and the percent-
25 age of the collected quantities that is recycled; and

1 “(2) consider, at a minimum—

2 “(A) the major obstacles to increased recy-
3 cling of white goods and automobile components
4 and how the obstacles can be overcome;

5 “(B) methods of incorporating recyclability
6 into the planning, design, and manufacturing of
7 white goods and new automobiles;

8 “(C) the use of toxic and nonrecyclable
9 materials in white goods and automobiles and
10 possible substitutes for the materials;

11 “(D) the feasibility of establishing design
12 guidelines for white goods and automobiles that
13 would result in a gradual phase-out of hazard-
14 ous and nonrecyclable materials used in white
15 goods and automobiles;

16 “(E) methods of engineering new and more
17 easily recyclable plastics for use in white goods
18 and automobiles;

19 “(F) any environmental impact from the
20 recycling of white goods and automobile compo-
21 nents;

22 “(G) reasonably available economic or mar-
23 ket incentives to promote, as appropriate, recy-
24 cling or environmentally sound alternatives for

1 minimizing the landfilling of white goods, tak-
2 ing into account—

3 “(i) population densities;

4 “(ii) local markets;

5 “(iii) transportation distances and
6 costs; and

7 “(iv) such other factors as the Admin-
8 istrator determines are relevant and appro-
9 priate.

10 “(c) REPORT.—Not later than 18 months after the
11 date of enactment of this section, the Administrator shall
12 submit to Congress a report on the study required by sub-
13 section (a). The report shall contain a discussion of each
14 matter described in subsection (b), and the findings and
15 recommendations of the Administrator.

16 “(d) GUIDELINES FOR WHITE GOODS RECYCLING.—
17 Not later than 1 year after the submission to Congress
18 of the report required under subsection (c), and after con-
19 sultation with other interested Federal agencies, appro-
20 priate State and local officials, and interested and affected
21 members of the public, the Administrator shall promulgate
22 guidelines identifying appropriate economic and regulatory
23 incentives to encourage recycling and other environ-
24 mentally sound alternatives for minimizing the landfilling

1 of white goods. In preparing the guidelines, the Adminis-
2 trator shall consider, at a minimum—

3 “(1) deposits;

4 “(2) disposal fees and rebates;

5 “(3) loans and loan guarantees;

6 “(4) tax incentives; and

7 “(5) regulatory restrictions on disposal in land-
8 fills.

9 “(e) DEFINITION OF WHITE GOODS.—As used in this
10 section, the term ‘white goods’ means major appliances
11 such as refrigerators, washing machines, water heaters,
12 stoves, clothes dryers, and air conditioners.

13 **“SEC. 6006. RECYCLING BUILDING CODES.**

14 “(a) IN GENERAL.—The Administrator, in consulta-
15 tion with the Secretary of Housing and Urban Develop-
16 ment, shall develop model construction guidelines that pro-
17 vide suitable space for the separation, collection, and tem-
18 porary storage of material for recycling in new multifamily
19 or multiunit building construction and major renovation
20 of multifamily and multiunit buildings.

21 “(b) GUIDELINES.—The model construction guide-
22 lines shall be consistent with the safety, health, and well-
23 being of building occupants and shall provide for recycling
24 as an integral component of the waste management sys-
25 tems of the building.

1 “(c) ASSISTANCE OF ORGANIZATIONS.—To the maxi-
2 mum extent possible, the model construction guidelines
3 shall be developed with the assistance of—

4 “(1) organizations involved in establishing na-
5 tional building construction standards; and

6 “(2) authorities of State governments or politi-
7 cal subdivisions of State governments that regulate
8 building construction.

9 “(d) REVIEW OF GUIDELINES.—

10 “(1) DRAFT GUIDELINES.—The Administrator
11 shall make a draft of the model construction guide-
12 lines available for public review and comment.

13 “(2) FINAL GUIDELINES.—The Administrator
14 shall make the final model construction guidelines
15 available to the public not later than 2 years after
16 the date of enactment of this section.

17 “(e) OUTREACH.—

18 “(1) IN GENERAL.—The Administrator shall
19 conduct outreach activities to encourage the organi-
20 zations and authorities described in paragraphs (1)
21 and (2) of subsection (c) to adopt the final model
22 construction guidelines.

23 “(2) ADDITIONAL OUTREACH ACTIVITIES.—The
24 Administrator shall conduct additional outreach ac-
25 tivities to disseminate information regarding recy-

1 “(2) AMOUNT.—The amount of the grant shall
2 be equal to 50 percent of the cost to the Center of
3 carrying out the research activities described in sub-
4 section (b).

5 “(3) MATCHING FUNDS.—The grant shall be
6 made on the condition that the institution match the
7 amount of the grant with funds provided from non-
8 Federal sources (including funds provided by the
9 State in which the Center is located, the institution
10 of higher education associated with the Center, and
11 the private sector).

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Environmental
14 Protection Agency to carry out this section, \$5,000,000
15 for each of the fiscal years 1993 through 1996.

16 **“SEC. 6008. PLASTICS RECYCLING CODES.**

17 “(a) DEFINITIONS.—As used in this section:

18 “(1) ASTM.—The term ‘ASTM’ means the
19 American Society for Testing and Materials.

20 “(2) ISO.—The term ‘ISO’ means the Inter-
21 national Standards Organization.

22 “(3) PLASTIC CONTAINER.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the term ‘plastic container’
25 means—

1 “(i) a rigid or semirigid vessel, includ-
2 ing bottles, made of plastic with a capacity
3 of 8 fluid ounces or more and less than 5
4 gallons, designed to hold a commodity; and

5 “(ii) a flexible garden or leaf bag
6 made of plastic.

7 “(B) EXCLUSIONS.—The term shall not
8 apply to—

9 “(i) a vessel manufactured for use in
10 a medical or laboratory process or proce-
11 dure; or

12 “(ii) a container used in a motor vehi-
13 cle.

14 “(4) PLASTIC PRODUCT.—The term ‘plastic
15 product’ means an article, other than a plastic con-
16 tainer, made of plastic and weighing more than 0.1
17 kilogram. The term shall not include a lead-acid bat-
18 tery regulated under part V.

19 “(5) PLASTIC.—The term ‘plastic’ means a ma-
20 terial that contains as an essential ingredient one or
21 more organic polymeric substances of large molecu-
22 lar weight, that is solid in its finished state, and
23 that at some stage in the manufacture or processing
24 into finished articles can be shaped by flow.

1 “(6) SAE.—The term ‘SAE’ means the Society
2 of Automotive Engineers.

3 “(b) CODING REQUIREMENTS FOR PLASTIC CON-
4 TAINERS.—

5 “(1) IDENTIFICATION OF PLASTIC RESIN.—
6 Effective beginning on the date that is 1 year after
7 the date of enactment of this section, a plastic con-
8 tainer manufactured in or imported into the United
9 States shall be encoded on or near the bottom of the
10 container to identify the principal plastic resin used
11 in the manufacture of the container in accordance
12 with paragraph (2) or (3).

13 “(2) PARTICULAR RESINS.—In the case of a
14 resin identified in subparagraph (B), the code re-
15 quired under paragraph (1) shall consist of all of the
16 following:

17 “(A) A symbol that is triangular in shape.

18 “(B) A specific number within the symbol
19 and a series of letters immediately below the
20 base of the symbol identifying the principal type
21 of plastic resin from which the container was
22 produced in accordance with the following
23 schedule:

24 “(i) The number ‘1’ and the letters
25 ‘PETE’ for polyethylene terephthalate.

1 “(ii) The number ‘2’ and the letters
2 ‘HDPE’ for high density polyethylene.

3 “(iii) The number ‘3’ and the letter
4 ‘V’ for vinyl.

5 “(iv) The number ‘4’ and the letters
6 ‘LDPE’ for low density polyethylene.

7 “(v) The number ‘5’ and the letters
8 ‘PP’ for polypropylene.

9 “(vi) The number ‘6’ and the letters
10 ‘PS’ for polystyrene.

11 “(vii) The number ‘7’ and the letters
12 ‘PC’ for polycarbonate.

13 “(3) OTHER RESINS.—In the case of a resin or
14 multiple resin that is not identified under paragraph
15 (2)(B), including a resin that is added or revised by
16 the Administrator under paragraph (4), the code re-
17 quired under paragraph (1) shall consist of all of the
18 following:

19 “(A) A symbol that is triangular in shape.

20 “(B) Immediately below the base of the
21 symbol, the letter or letters identifying the prin-
22 cipal type of plastic resin from which the con-
23 tainer was produced as provided in Table 1 or
24 2 of the American Society for Testing and Ma-

1 materials' Standards for Generic Marking of Plas-
2 tic Products, ASTM D1972.

3 “(4) REVISIONS.—

4 “(A) IN GENERAL.—The Administrator,
5 after consultation with standard setting organi-
6 zations such as the ASTM, may, by rule, from
7 time to time, add to or otherwise revise the des-
8 ignation of a resin referred to in paragraph
9 (2)(B).

10 “(B) REQUIREMENTS.—Any such revision
11 shall, as appropriate—

12 “(i) require any additional informa-
13 tion that the Administrator considers ap-
14 propriate to facilitate recycling of plastic
15 resins;

16 “(ii) prohibit the use of any single
17 resin code established under paragraph
18 (2)(B) or designated under paragraph
19 (4)(A) on any plastic container, if any
20 nonprincipal resin used in the manufacture
21 of the container is incompatible with its re-
22 cycling based on the single resin code for
23 the principal resin;

24 “(iii) adopt consensus codes developed
25 under the auspices of ASTM, or, as appro-

1 appropriate, similarly recognized standards orga-
2 nizations, except in any case in which the
3 Administrator determines that the codes
4 are inconsistent with the purposes of this
5 subsection; and

6 “(iv) adopt codes that, to the maxi-
7 mum extent practicable, promote an inter-
8 nationally uniform and compatible system
9 of plastic container coding.

10 “(5) PETITIONS.—

11 “(A) IN GENERAL.—Any person may peti-
12 tion the Administrator to revise regulations is-
13 sued under this subsection either to—

14 “(i) add to or otherwise revise the
15 designation of a resin referred to in para-
16 graph (2)(B), including a resin added or
17 revised by the Administrator under para-
18 graph (4); or

19 “(ii) adopt internationally accepted
20 consensus coding requirements.

21 “(B) EXPLANATION.—The Administrator
22 shall, not later than 90 days after receiving a
23 petition under this paragraph, publish an expla-
24 nation of the proposed response of the Adminis-
25 trator to the petition.

1 “(6) SAVINGS CLAUSE.—Nothing in this sub-
2 section should be construed—

3 “(A) to require coding or to prohibit the
4 sale of any noncoded plastic container manufac-
5 tured or imported and placed in commerce, or
6 held as inventory prior to the effective date pro-
7 vided in paragraph (1); or

8 “(B) to preclude any manufacturer of a
9 plastic container from including additional in-
10 formation on the container relevant to the iden-
11 tification of resins or additives used in the man-
12 ufacture of the container if the information is
13 not inconsistent with the requirements of this
14 subsection.

15 “(c) CODING REQUIREMENTS FOR PLASTIC PROD-
16 UCTS.—

17 “(1) REGULATIONS.—

18 “(A) PROPOSED REGULATIONS.—Not later
19 than the end of the 9-month period beginning
20 on the date of enactment of this section, and
21 after consulting with the ASTM, SAE, ISO,
22 and, as appropriate, other similarly recognized
23 standards organizations, the Administrator
24 shall propose regulations requiring manufactur-
25 ers of plastic products manufactured or offered

1 for sale in the United States to encode the
2 products to identify the principal plastic resins
3 used in their manufacture.

4 “(B) FINAL REGULATIONS.—Final regula-
5 tions requiring the encoding shall be promul-
6 gated, after notice and opportunity for public
7 comment, not later than 18 months after such
8 date of enactment.

9 “(C) EFFECTIVE DATE.—The effective
10 date for the requirement to encode plastic prod-
11 ucts shall be 4 years after the date final regula-
12 tions under this paragraph are promulgated, ex-
13 cept that the Administrator may encourage ear-
14 lier compliance where practical and without a
15 cost penalty to the manufacturers.

16 “(2) LIMITATIONS.—Regulations required
17 under paragraph (1) shall adopt codes—

18 “(A) that have been developed under the
19 auspices of the ASTM, SAE, ISO, and, as ap-
20 propriate, other similarly recognized standards
21 organizations, except in any case in which the
22 Administrator determines that the codes are in-
23 consistent with the purposes of this subsection;
24 and

1 “(B) that, to the maximum extent prac-
2 ticable, promote an internationally uniform and
3 compatible system of plastic product coding.

4 “(3) APPLICABILITY.—The regulations required
5 under paragraph (1) shall not apply to a manufac-
6 turer with respect to a plastic product produced in
7 a quantity of less than 1,000 per year by the manu-
8 facturer and that has an expected useful life of 15
9 years or more.

10 “(4) REVISIONS.—

11 “(A) IN GENERAL.—The Administrator
12 shall revise regulations issued under this sub-
13 section, as necessary and on a timely basis, to
14 keep domestic plastic product recycling codes
15 consistent, to the maximum extent practicable,
16 with internationally accepted consensus coding
17 requirements.

18 “(B) STANDARDS ORGANIZATIONS.—The
19 revisions shall be made after consultation with
20 the Secretary of Commerce, ASTM, SAE, ISO,
21 and, as appropriate, other similarly recognized
22 standards organizations and shall adopt codes
23 developed under the auspices of the organiza-
24 tions, except in a case in which the Adminis-

1 trator determines that the codes are inconsis-
2 tent with the purposes of this subsection.

3 “(C) PETITIONS.—

4 “(i) IN GENERAL.—Any person may
5 petition the Administrator to revise regula-
6 tions established under this subsection to
7 adopt internationally accepted industry
8 consensus coding requirements.

9 “(ii) RESPONSE.—Not later than 90
10 days after receiving any such petition, the
11 Administrator shall publish an explanation
12 of the proposed response of the Adminis-
13 trator to the petition.

14 “(5) SAVINGS CLAUSE.—Nothing in this sub-
15 section shall be interpreted to—

16 “(A) require coding of standing inventory
17 manufactured prior to the effective date of the
18 regulations, or parts or replacement parts made
19 after the effective date of the regulations, if the
20 parts or replacement parts are made (i) with
21 tooling, and (ii) for products, both of which
22 were manufactured prior to the effective date of
23 the regulations; or

24 “(B) preclude any manufacturer of plastic
25 products from including additional information

1 on the products relevant to the identification of
2 resins or additives used in their manufacture, if
3 the information is not inconsistent with the re-
4 quirements of this subsection.

5 “(d) UNIFORMITY.—No State or political subdivision
6 of a State may enforce any requirement of a State or local
7 law applicable to the coding of any plastic container or
8 plastic product unless the requirement is identical to the
9 provisions of this section and regulations issued under this
10 section.

11 “(e) VIOLATIONS.—A violation of this section or a
12 regulation issued under this section shall be determined
13 on a per run basis, not on a per unit basis.”.

14 **SEC. 4. AMENDMENTS TO TABLE OF CONTENTS.**

15 The table of contents in section 1001 of the Solid
16 Waste Disposal Act (42 U.S.C. prec. 6901) is amended—

17 (1) by striking the item relating to the heading
18 of subtitle F and inserting the following new head-
19 ing:

“Subtitle F—Recycling and Federal Responsibilities”;

20 and

21 (2) by inserting after the item relating to sec-
22 tion 6004 the following new items:

“Sec. 6005. White goods and automobile recycling.

“Sec. 6006. Recycling building codes.

“Sec. 6007. National centers for plastics recycling.

“Sec. 6008. Plastics recycling codes.”.



S 938 IS—2