

AMENDMENT TO H.R. 1
OFFERED BY MS. OMAR OF MINNESOTA

Page 49, after line 7, insert the following:

1 **SEC. 10017. ZERO-WASTE PROGRAM.**

2 (a) DEFINITIONS.—Except as otherwise provided, in
3 this section:

4 (1) ADAPTIVE MANAGEMENT PRACTICE.—The
5 term “adaptive management practice” means, with
6 respect to use of a grant under this Act, the integra-
7 tion of project design, management, and monitoring
8 to identify the impacts and outcomes of such use of
9 a grant as they arise for purposes of adjusting be-
10 haviors to improve outcomes.

11 (2) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Environ-
13 mental Protection Agency.

14 (3) DOMESTICALLY OWNED AND OPERATED.—
15 The term “domestically owned and operated” means,
16 with respect to a business—

17 (A) the headquarters of such a business is
18 located within the United States; and

19 (B) the primary operations of such a busi-
20 ness are carried out in the United States.

1 (4) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a single unit of State, local, or Tribal
4 government;

5 (B) a partnership of multiple units of
6 State, local, or Tribal government;

7 (C) one or more units of State, local, or
8 Tribal government in coordination with for-
9 profit or nonprofit organizations; or

10 (D) one or more nonprofit organizations.

11 (5) EMBODIED ENERGY.—The term “embodied
12 energy” means energy that was used to create a
13 product or material.

14 (6) LIVING WAGE.—The term “living wage”
15 means the minimum income necessary to allow a
16 person working 40 hours per week to afford the cost
17 of housing, food, and other material necessities.

18 (7) ORGANICS RECYCLING.—The term
19 “organics recycling” means the biological process by
20 which organic material—

21 (A) is biologically converted to compost
22 that is not harmful to humans, plants, or ani-
23 mals; and

24 (B) is treated in a specialized facility de-
25 signed to recycle organic material.

1 (8) REUSE.—The term “reuse”—

2 (A) means—

3 (i) using a product, packaging, or ma-
4 terial more than once for the same or a
5 new function without requiring additional
6 processing;

7 (ii) repairing a product, packaging, or
8 material in such a way that extends its
9 useful lifetime;

10 (iii) sharing or renting a product,
11 packaging, or material in such a way that
12 extends its useful lifetime; or

13 (iv) selling or donating a product,
14 packaging, or material in such a way that
15 extends its useful lifetime; and

16 (B) does not include incineration.

17 (9) SINGLE-USE PRODUCT.—The term “single-
18 use product”—

19 (A) means a consumer product that is de-
20 signed to be disposed of, recycled, or otherwise
21 discarded after a single use; and

22 (B) does not include—

23 (i) medical equipment, devices, or
24 other products determined by the Sec-
25 retary of Health and Human Services to

1 necessarily be made of plastic for the pro-
2 tection of public health;

3 (ii) a personal hygiene product that,
4 due to the intended use of the product,
5 could become unsafe or unsanitary to recy-
6 cle, such as a diaper; and

7 (iii) packaging that is—

8 (I) for any product described in
9 subparagraph (A); or

10 (II) used for the shipment of
11 hazardous materials that is prohibited
12 from being composed of used mate-
13 rials under section 178.509 or
14 178.522 of title 49, Code of Federal
15 Regulations (as in effect on the date
16 of enactment of this Act).

17 (10) SOURCE REDUCTION.—

18 (A) IN GENERAL.—The term “source re-
19 duction” means an activity or process that re-
20 duces the generation of waste at its source, be-
21 fore it can enter into commerce or the environ-
22 ment.

23 (B) INCLUSIONS.—The term “source re-
24 duction” includes—

1 (i) the redesign of products or mate-
2 rials such that they can be reused, rather
3 than disposed of;

4 (ii) the design and manufacture of
5 products or materials with minimal pack-
6 aging intended for disposal;

7 (iii) an activity or process that re-
8 duces the amount of waste generated dur-
9 ing a manufacturing process;

10 (iv) an activity or process that reduces
11 or eliminates the use of materials that are
12 not able to be recycled without degrading
13 the quality of the material; and

14 (v) any other activity or process that
15 reduces the weight, volume, or toxicity of
16 products or materials.

17 (C) EXCLUSION.—The term “source reduc-
18 tion” does not include an activity or process
19 used after a product or material has become
20 waste, such as incineration.

21 (11) SOURCE SEPARATION.—The term “source
22 separation”—

23 (A) means the separation of solid waste by
24 material or commodity type prior to collection,
25 such as separation into recyclable and non-recy-

1 clable materials or by recyclable commodity;
2 and

3 (B) does not require the use of tech-
4 nologies that sort mixed municipal solid waste
5 into recyclable and non-recyclable materials.

6 (12) WASTE PREVENTION.—The term “waste
7 prevention” means any method to reduce the
8 amount of materials disposed of in landfills or incin-
9 erated, including reuse and recycling.

10 (13) ZERO-EMISSIONS VEHICLE.—The term
11 “zero-emissions vehicle” means a vehicle that pro-
12 duces zero emissions of—

13 (A) greenhouse gases;

14 (B) criteria pollutants; and

15 (C) hazardous air pollutants.

16 (14) ZERO-WASTE.—The term “zero-waste”
17 means the conservation of all resources by means of
18 responsible production, consumption, reuse, and re-
19 covery of products, packaging, and materials with-
20 out—

21 (A) burning or otherwise destroying em-
22 bodied energy; and

23 (B) a discharge to land, water, or air that
24 results in adverse human health or environ-
25 mental effects.

1 (15) ZERO-WASTE PRACTICE.—The term “zero-
2 waste practice” means a practice used to help
3 achieve zero-waste, including the use of source re-
4 duction.

5 (b) GRANTS FOR ZERO-WASTE PROJECTS.—

6 (1) IN GENERAL.—The Administrator shall es-
7 tablish and carry out a program to award grants, on
8 a competitive basis, to eligible entities to carry out
9 projects described in paragraph (2).

10 (2) GRANT USE.—

11 (A) ORGANICS RECYCLING INFRASTRUC-
12 TURE.—

13 (i) IN GENERAL.—An eligible entity
14 receiving a grant under this subsection
15 may use such grant to carry out a project
16 to construct, expand, or modernize infra-
17 structure required for organics recycling,
18 including any facility, machinery, or equip-
19 ment required for the collection and proc-
20 essing of organic material on a city-wide or
21 county-wide scale.

22 (ii) REQUIREMENTS.—Each project
23 carried out under this subparagraph shall
24 result in increased capacity—

1 (I) to collect and process residen-
2 tial and commercial organic material,
3 including through source separation of
4 organic material; and

5 (II) to generate environmentally
6 beneficial byproducts, such as compost
7 with added nutritional content.

8 (iii) MIXED-WASTE COMPOSTING.—A
9 grant received under this subparagraph
10 may not be used to support the collection
11 or processing of mixed-waste composting.

12 (B) ELECTRONIC WASTE RECYCLING.—

13 (i) IN GENERAL.—An eligible entity
14 receiving a grant under this subsection
15 may use such grant to carry out a project
16 that enables the recycling or reuse of elec-
17 tronic devices at the end of their useful
18 lifetime, including—

19 (I) constructing, expanding, or
20 modernizing infrastructure and tech-
21 nology;

22 (II) research and development;
23 and

24 (III) product refurbishment.

1 (ii) REQUIREMENTS.—A project car-
2 ried out under this subparagraph—

3 (I) may not include an electronic
4 waste buy-back program—

5 (aa) that provides compensa-
6 tion for used electronics; and

7 (bb) under which such com-
8 pensation may be applied as a
9 credit toward the purchase of
10 new electronics; and

11 (II) shall be carried out by an eli-
12 gible entity that is certified to recycle
13 electronics by an organization that is
14 accredited by—

15 (aa) the National Accredita-
16 tion Board of the American Na-
17 tional Standards Institute;

18 (bb) the American Society of
19 Quality; or

20 (cc) another accrediting
21 body determined appropriate by
22 the Administrator.

23 (C) SOURCE REDUCTION.—

24 (i) IN GENERAL.—An eligible entity
25 receiving a grant under this subsection

1 may use such grant to carry out a project
2 relating to source reduction, which such
3 project may include, in accordance with
4 clause (ii), carrying out product or manu-
5 facturing redesign or redevelopment to re-
6 duce byproducts, packaging, and other out-
7 puts.

8 (ii) REDESIGN AND REDEVELOP-
9 MENT.—An eligible entity may only carry
10 out a project described in clause (i) if—

11 (I) the applicable manufac-
12 turer—

13 (aa) is domestically owned
14 and operated; and

15 (bb) pays a living wage; and

16 (II) the redesign or redevelop-
17 ment does not result in—

18 (aa) higher toxicity of the
19 product or byproducts;

20 (bb) more complicated
21 recyclability of the product or by-
22 products; or

23 (cc) increased volume of by-
24 products compared with the
25 original practice.

1 (D) MARKET DEVELOPMENT.—

2 (i) IN GENERAL.—An eligible entity
3 receiving a grant under this subsection
4 may use such grant to carry out a project
5 that—

6 (I) creates market demand for
7 source reduction, sorted recyclable
8 commodities, goods made of sorted re-
9 cyclable commodities, or refurbished
10 goods; and

11 (II) as applicable, encourages or
12 enables investment in domestically
13 owned and operated manufacturing
14 capacity with respect to the list in
15 subclause (I).

16 (ii) REQUIREMENTS.—Each project
17 carried out under this subsection—

18 (I) shall target easily or com-
19 monly recycled materials which are
20 disproportionately disposed of in land-
21 fills or incinerated;

22 (II) shall reduce the volume,
23 weight, or toxicity of waste and waste
24 byproducts; and

25 (III) may not conflict with—

- 1 (aa) minimum-content laws,
- 2 such as post-consumer recycled
- 3 content requirements;
- 4 (bb) beverage container de-
- 5 posits;
- 6 (cc) programs funded
- 7 through retail fees for specific
- 8 products or classes of products
- 9 that use such fees to collect,
- 10 treat, or recycle such products; or
- 11 (dd) any applicable recycled
- 12 product procurement laws and
- 13 expanded sustainable government
- 14 purchasing requirements, as
- 15 identified by the Administrator.

16 (E) ZERO-EMISSIONS COLLECTION VEHI-
17 CLES.—An eligible entity receiving a grant
18 under this subsection may use such grant to
19 carry out a project to purchase, operate, and
20 maintain zero-emissions vehicles used to collect
21 material for recycling or organics recycling.

22 (c) GRANTS FOR LANDFILL DIVERSION.—

23 (1) IN GENERAL.—The Administrator shall es-
24 tablish and carry out a program to award grants, on
25 a competitive basis, to eligible entities to develop and

1 implement new requirements, as described in para-
2 graph (2), that reduce the amount of waste disposed
3 of in landfills.

4 (2) GRANT USE.—

5 (A) TIPPING FEES.—An eligible entity re-
6 ceiving a grant under this subsection may use
7 such grant to develop and implement zero-waste
8 practices that are accompanied by permanent
9 increases in tipping, gate, or disposal fees im-
10 posed on the disposal of waste at landfills.

11 (B) CURBSIDE COMPOSTING COLLEC-
12 TION.—An eligible entity receiving a grant
13 under this subsection may use such grant to
14 support the implementation of State programs
15 that mandate the availability of curbside collec-
16 tion of material for organics recycling for all
17 single-family and multifamily residential house-
18 holds.

19 (C) LANDFILL DIVERSION.—An eligible en-
20 tity receiving a grant under this subsection may
21 use such grant to support the implementation
22 of statewide requirements that prohibit organic
23 waste from being sent to landfills.

1 (3) DEFINITION OF ELIGIBLE ENTITY.—In this
2 subsection, the term “eligible entity” means a single
3 unit of State government or a relevant State agency.

4 (d) GRANT APPLICATIONS.—

5 (1) APPLICATION.—

6 (A) CRITERIA FOR ALL APPLICANTS.—To
7 be eligible to receive a grant under this section,
8 an eligible entity shall submit to the Adminis-
9 trator an application at such time and in such
10 form as the Administrator requires, which shall
11 include demonstrating that the eligible entity—

12 (i) has set specific source reduction or
13 waste prevention targets; and

14 (ii) will carry out a project that meets
15 the applicable project requirements under
16 subsection (b)(2) or (c)(2).

17 (B) ADDITIONAL APPLICATION CRITERIA
18 FOR NONPROFIT ORGANIZATION.—In the case
19 of an application from an eligible entity that is
20 a nonprofit organization, the application shall
21 include—

22 (i) a letter of support for the proposed
23 project from—

24 (I) a local unit of government; or

1 (II) another nonprofit organiza-
2 tion that—

3 (aa) has a demonstrated his-
4 tory of undertaking work in the
5 geographic region where the pro-
6 posed project is to take place;
7 and

8 (bb) is not involved in the
9 project being proposed; and

10 (ii) any other information the Admin-
11 istrator may require.

12 (2) PRIORITY FACTORS.—In awarding grants
13 under this section, the Administrator shall give pri-
14 ority to any eligible entity that—

15 (A) with respect to an eligible entity that
16 is a State or unit of local government, has
17 statutorily committed to implementing one or
18 more zero-waste practices;

19 (B) demonstrates how use of such grant
20 could lead to the creation of new jobs that pay
21 a living wage and are, to the greatest extent
22 practicable, offered to individuals who experi-
23 ence barriers to employment, as determined by
24 the Administrator;

1 (C) will use such grant to carry out source
2 reduction or waste prevention in schools;

3 (D) will use such grant to employ an
4 adaptive management practice to identify, pre-
5 vent, or address any negative environmental
6 consequences of a project proposed to be carried
7 out with a grant under this section;

8 (E) has a demonstrated need for additional
9 investment in infrastructure or other resources
10 to achieve source reduction and waste preven-
11 tion targets set by the local unit of government
12 that is responsible for waste management and
13 recycling in the geographic area;

14 (F) will use such grant to develop an inno-
15 vative or new technology or strategy for source
16 reduction and waste prevention;

17 (G) demonstrates how receiving the grant
18 will encourage further investment in source re-
19 duction and waste prevention activities; or

20 (H) will incorporate multi-stakeholder in-
21 volvement, including nonprofit, commercial, and
22 public sector partners, in carrying out a project
23 using such grant.

24 (3) REQUIREMENT.—Of the amount made
25 available pursuant to subsection (g)(1), not less than

1 75 percent shall be allocated to projects that serve,
2 or are located in, environmental justice communities.

3 (e) REPORTING.—Each eligible entity that receives a
4 grant under this section shall submit to the Administrator
5 a report, at such time and in such form as the Adminis-
6 trator may require, on the results of the project carried
7 out with such grant, and such report shall include any rel-
8 evant data requested by the Administrator for purposes
9 of tracking the effectiveness of the programs established
10 under subsections (b)(2) and (c)(2).

11 (f) ANNUAL CONFERENCE.—In each of calendar
12 years 2022 through 2030, the Administrator shall convene
13 an annual conference to provide an opportunity for eligible
14 entities and other relevant stakeholders to share their ex-
15 perience and expertise in implementing zero-waste prac-
16 tices.

17 (g) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) GRANTS FOR ZERO-WASTE PROJECTS.—

19 There is authorized to be appropriated to carry out
20 subsection (b) \$150,000,000 for each of fiscal years
21 2022 through 2031, to remain available until ex-
22 pended.

23 (2) GRANTS FOR LANDFILL DIVERSION.—There
24 is authorized to be appropriated to carry out sub-
25 section (c) \$250,000,000 for the period of fiscal

- 1 years 2022 through 2031, to remain available until
- 2 expended.

