

AMENDMENT TO
RULES COMMITTEE PRINT 116-54
OFFERED BY MS. OMAR OF MINNESOTA

Page 1677, after line 16, insert the following:

1 **Subtitle E—Zero Waste**

2 **SECTION 33501. SHORT TITLE.**

3 This subtitle may be cited as the “Zeroing Excess,
4 Reducing Organic Waste, and Sustaining Technical Ex-
5 pertise Act” or the “ZERO WASTE Act”.

6 **SEC. 33502. GRANT PROGRAM.**

7 (a) IN GENERAL.—The Administrator shall establish
8 and carry out a program to award grants, on a competitive
9 basis, to eligible entities for projects that are consistent
10 with zero-waste practices.

11 (b) GRANT USE.—

12 (1) ORGANICS RECYCLING INFRASTRUCTURE.—

13 An eligible entity receiving a grant under this sub-
14 title may use grant funds to carry out a project re-
15 lating to organics recycling infrastructure, including
16 facilities, machinery, equipment, and other physical
17 necessities required for organics collection or proc-
18 essing on a city-wide or county-wide scale, provided
19 that—

1 (A) implementation of such project—

2 (i) results in increased capacity for
3 residential and commercial source sepa-
4 rated organics streams; and

5 (ii) generates a usable product that
6 has demonstrable environmental benefits
7 when compared to the input materials,
8 such as compost with added nutritional
9 content; and

10 (B) such project does not include mixed-
11 waste composting.

12 (2) ELECTRONIC WASTE REUSE AND RECY-
13 CLING.—An eligible entity receiving a grant under
14 this subtitle may use grant funds to carry out a
15 project relating to electronic waste reuse or recy-
16 cling, including infrastructure and technology, re-
17 search and development, and product refurbishment,
18 provided that such project—

19 (A) does not include an electronic waste
20 “buy-back” program that provides compensa-
21 tion for used electronics where such compensa-
22 tion is applied as a credit toward the purchase
23 of additional electronics; and

24 (B) is carried out by an organization cer-
25 tified in sustainable electronic waste standards

1 by an organization accredited by the National
2 Accreditation Board of the American National
3 Standards Institute & The American Society of
4 Quality, or another accrediting body as deter-
5 mined appropriate by the Administrator.

6 (3) SOURCE REDUCTION.—An eligible entity re-
7 ceiving a grant under this subtitle may use grant
8 funds to carry out a project relating to source reduc-
9 tion, and such project may include—

10 (A) educational programming and outreach
11 activities to encourage behavioral changes in
12 consumers that result in source reduction; and

13 (B) product or manufacturing redesign or
14 redevelopment to reduce byproducts, packaging,
15 and other outputs if—

16 (i) the applicable manufacturer—

17 (I) is domestically-owned and op-
18 erated; and

19 (II) pays a living wage; and

20 (ii) the redevelopment or redesign
21 does not result in higher toxicity of the
22 product or byproducts, more complicated
23 recyclability of the product or byproducts,
24 or increased volume of byproducts com-
25 pared with the original practice.

1 (4) MARKET DEVELOPMENT.—An eligible entity
2 receiving a grant under this subtitle may use grant
3 funds to carry out a project relating to market de-
4 velopment with respect to source reduction and
5 waste prevention, including by creating demand for
6 sorted recyclable commodities and refurbished goods
7 and promoting domestically-owned and operated
8 manufacturing for projects relating to source reduc-
9 tion or waste prevention, provided that such
10 project—

11 (A) targets easily or commonly recycled
12 materials which are disproportionately disposed
13 of in landfills or incinerated;

14 (B) addresses the reduction of the volume,
15 weight, or toxicity of waste and waste byprod-
16 ucts; and

17 (C) does not conflict with—

18 (i) minimum-content laws, such as
19 post-consumer recycled content require-
20 ments;

21 (ii) beverage container deposits;

22 (iii) programs funded through retail
23 fees for specific products or classes of
24 products that use such fees to collect,
25 treat, or recycle such products; or

1 (iv) any applicable recycled product
2 procurement laws and expanded sustain-
3 able government purchasing requirements,
4 as identified by the Administrator.

5 **SEC. 33503. GRANT AWARDS.**

6 (a) APPLICATION.—

7 (1) CRITERIA FOR ALL APPLICANTS.—To be eli-
8 gible to receive a grant under this subtitle, an eligi-
9 ble entity shall submit to the Administrator an ap-
10 plication at such time and in such form as the Ad-
11 ministrator requires, demonstrating that the eligible
12 entity—

13 (A) has set specific source reduction or
14 waste prevention targets;

15 (B) will carry out such project in commu-
16 nities that are in the 80th percentile or higher
17 for one or more pollutants as noted in the
18 EJSCREEN tool, or any successor system, of
19 the Environmental Protection Agency; and

20 (C) will carry out a project that meets the
21 applicable project requirements under section
22 33502(b).

23 (2) ADDITIONAL APPLICATION CRITERIA FOR
24 NONPROFIT ORGANIZATION.—In the case of an ap-
25 plication from an eligible entity that is a nonprofit

1 organization, the application shall include a letter of
2 support for the proposed project—

3 (A) from—

4 (i) a local unit of government; or—

5 (ii) a nonprofit organization that—

6 (I) has a demonstrated history of
7 undertaking work in the geographic
8 region where the proposed project is
9 to take place; and

10 (II) is not involved in the project
11 being proposed; and

12 (B) containing such information as the Ad-
13 ministrator may require.

14 (b) PRIORITY FACTORS.—

15 (1) IN GENERAL.—In awarding grants under
16 this subtitle, the Administrator shall give priority to
17 eligible entities that—

18 (A) have statutorily committed to imple-
19 menting zero-waste practices;

20 (B) demonstrate how the project to be car-
21 ried out with grant funds could lead to the cre-
22 ation of new jobs that pay a living wage, with
23 preference for projects that create jobs for indi-
24 viduals with barriers to employment, as deter-
25 mined by the Administrator;

1 (C) will use grant funds for source reduc-
2 tion or waste prevention in schools;

3 (D) will use grant funds to employ adapt-
4 ive management practices to identify, prevent,
5 or address any negative environmental con-
6 sequences of the proposed project;

7 (E) have a demonstrated need for addi-
8 tional investment in infrastructure and projects
9 to achieve source reduction and waste preven-
10 tion targets set by the local unit of government
11 that is responsible for waste and recycling
12 projects in the geographic area;

13 (F) will use grant funds to develop innova-
14 tive or new technologies and strategies for
15 source reduction and waste prevention;

16 (G) demonstrate how receiving the grant
17 will encourage further investment in source re-
18 duction and waste prevention projects; or

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

23 (2) ZERO-WASTE HIERARCHY.—In determining
24 priority between multiple eligible entities who qualify
25 for priority under paragraph (1), the Administrator

1 shall grant first priority to an eligible entity that can
2 demonstrate how the zero-waste hierarchy was con-
3 sidered with respect to the project to be carried out
4 with grant funds.

5 **SEC. 33504. REPORTING.**

6 An eligible entity receiving a grant under this subtitle
7 shall report to the Administrator, at such time and in such
8 form as the Administrator may require, on the results of
9 the project carried out with grant funds and any relevant
10 data requested by the Administrator to track the effective-
11 ness of the program established under section 33502(a).

12 **SEC. 33505. ANNUAL CONFERENCE.**

13 In each of calendar years 2022 through 2027, the
14 Administrator shall convene an annual conference for eli-
15 gible entities, including eligible entities that have received
16 a grant under this subtitle, and other stakeholders as iden-
17 tified by the Administrator, to provide an opportunity for
18 such eligible entities and stakeholders to share experience
19 and expertise in implementing zero-waste practices.

20 **SEC. 33506. DEFINITIONS.**

21 In this subtitle:

22 (1) **ADAPTIVE MANAGEMENT PRACTICES.**—The
23 term “adaptive management practices” means, with
24 respect to a project, the integration of project de-
25 sign, management, and monitoring to identify

1 project impacts and outcomes as they arise and ad-
2 just behaviors to improve outcomes.

3 (2) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (3) DOMESTICALLY-OWNED AND OPERATED.—
7 The term “domestically-owned and operated” means,
8 with respect to a business, a business with—

9 (A) headquarters located within the United
10 States; and

11 (B) primary operations carried out in the
12 United States.

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

15 (A) a single unit of State, local, or Tribal
16 government;

17 (B) a consortium of multiple units of
18 State, local, or Tribal government;

19 (C) one or more units of State, local, or
20 Tribal government in coordination with for-
21 profit or nonprofit organizations; or

22 (D) one or more incorporated nonprofit or-
23 ganizations.

1 (5) EMBODIED ENERGY.—The term “embodied
2 energy” means energy that was used to create a
3 product or material.

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

8 (7) ORGANICS RECYCLING.—The term
9 “organics recycling” means the biological processes
10 by which organics streams are converted to compost
11 which is not harmful to humans, plants, or animals.

12 (8) RECYCLING.—The term “recycling”—

13 (A) means the mechanical processing of
14 material that has reached the end of its current
15 use into material to be used in the production
16 of new products;

17 (B) does not include incineration or any
18 other energy recovery process; and

19 (C) does not include depolymerization or a
20 similar process.

21 (9) REUSE.—The term “reuse”—

22 (A) means—

23 (i) using a product, packaging, or re-
24 source more than once for the same or a

1 new function with little to no processing;
2 or

3 (ii) repairing a product so it can be
4 used longer, sharing or renting it, or sell-
5 ing or donating it to another party; and
6 (B) does not include incineration.

7 (10) SOURCE REDUCTION.—The term “source
8 reduction”—

9 (A) includes—

10 (i) activities that reduce consumption
11 of products or services that create physical
12 outputs, such as packaging, that is sec-
13 ondary to the intended use of the item
14 being consumed;

15 (ii) measures or techniques that re-
16 duce the amount of waste generated during
17 production processes; and

18 (iii) the reduction or elimination of
19 the use of materials which are not able to
20 be recycled without degrading the quality
21 of the material; and

22 (B) does not include incineration.

23 (11) SOURCE SEPARATED.—The term “source
24 separated”—

1 (A) means the separation of a stream of
2 recyclable materials at the point of waste cre-
3 ation before the materials are collected and cen-
4 tralized; and

5 (B) does not include technologies that sort
6 mixed municipal solid waste into recyclable and
7 non-recyclable materials.

8 (12) WASTE PREVENTION.—The term “waste
9 prevention” includes reuse, recycling, and other
10 methods to reduce the amount of materials disposed
11 of in landfills or incinerated.

12 (13) ZERO-WASTE.—The term “zero-waste”
13 means the conservation of all resources by means of
14 responsible production, consumption, reuse, and re-
15 covery of products, packaging, and materials without
16 burning or otherwise destroying embodied energy,
17 with no discharges to land, water, or air that threat-
18 en the environment or human health.

19 (14) ZERO-WASTE PRACTICE.—The term “zero-
20 waste practice” means a practice used to help
21 achieve zero-waste, including source reduction and
22 waste prevention.

1 **SEC. 33507. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Admin-
3 istrator to carry out this subtitle \$250,000,000 for the pe-
4 riod of fiscal years 2020 through 2027.

