

118TH CONGRESS
2D SESSION

S. _____

To eliminate toxic substances in beverage containers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WELCH (for himself and Mr. MERKLEY) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To eliminate toxic substances in beverage containers, 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 “Banning Toxics from
5 Plastic Bottles Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

1 (2) BEVERAGE.—

2 (A) IN GENERAL.—The term “beverage”
3 means any drinkable liquid intended for human
4 oral consumption, including—

5 (i) water;

6 (ii) flavored water;

7 (iii) soda water;

8 (iv) mineral water;

9 (v) beer;

10 (vi) a malt beverage;

11 (vii) a carbonated soft drink;

12 (viii) liquor;

13 (ix) tea;

14 (x) coffee;

15 (xi) hard cider;

16 (xii) fruit juice;

17 (xiii) an energy or sports drink;

18 (xiv) coconut water;

19 (xv) wine;

20 (xvi) a yogurt drink;

21 (xvii) a probiotic drink;

22 (xviii) a wine cooler; and

23 (xix) any other beverage determined

24 to be appropriate by the Administrator.

1 (B) EXCLUSIONS.—The term “beverage”
2 does not include—

3 (i) a drug regulated under the Federal
4 Food, Drug, and Cosmetic Act (21 U.S.C.
5 301 et seq.);

6 (ii) infant formula; or

7 (iii) a meal replacement liquid.

8 (3) BEVERAGE CONTAINER.—

9 (A) IN GENERAL.—The term “beverage
10 container” means a prepackaged container
11 that—

12 (i) is designed to hold a beverage;

13 (ii) is made of any material, including
14 glass, plastic, and metal; and

15 (iii) has a volume of not more than 3
16 liters.

17 (B) EXCLUSIONS.—The term “beverage
18 container” does not include—

19 (i) a carton; or

20 (ii) aseptic packaging, such as a drink
21 box.

22 (4) BRAND.—

23 (A) IN GENERAL.—The term “brand”
24 means any mark, word, name, symbol, design,
25 device, or graphic element that—

- 1 (i) identifies a product; and
2 (ii) distinguishes the product from
3 other products.

4 (B) INCLUSIONS.—The term “brand” in-
5 cludes—

- 6 (i) any combination of 2 or more
7 marks, words, names, symbols, designs, de-
8 vices, or graphic elements described in sub-
9 paragraph (A); and
10 (ii) any registered or unregistered
11 trademark.

12 (5) PLASTIC.—

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

- 16 (i) synthesized by the polymerization
17 of organic substances; and
18 (ii) capable of being shaped into var-
19 ious rigid and flexible forms.

20 (B) INCLUSIONS.—The term “plastic” in-
21 cludes any coating or adhesive described in sub-
22 paragraph (A).

23 (6) PRODUCT LINE.—The term “product line”
24 means a group of related products marketed under
25 a single brand name that—

1 (A) is sold, offered for sale, or distributed
2 by a distributor in the United States, including
3 through an internet transaction; and

4 (B) is used by the distributor for the pur-
5 pose of distinguishing those products from
6 other, similar products for better usability for
7 consumers.

8 (7) RETAILER.—

9 (A) IN GENERAL.—The term “retailer”
10 means an entity located in the United States
11 that—

12 (i) engages in the sale of beverage
13 containers to a consumer; or

14 (ii) provides beverage containers to an
15 individual or entity in commerce, including
16 provision free of charge, such as at a work-
17 place or event.

18 (B) INCLUSION.—The term “retailer” in-
19 cludes an entity located in the United States
20 that engages in the sale of, or provides, bev-
21 erage containers as described in subparagraph
22 (A) through a vending machine or similar
23 means.

24 (8) SINGLE-USE.—The term “single-use”, with
25 respect to a beverage container, means that the bev-

1 erage container is routinely disposed of, recycled, or
2 otherwise discarded after 1 use.

3 (9) TOXIC SUBSTANCE.—

4 (A) IN GENERAL.—The term “toxic sub-
5 stance” means any substance, mixture, or com-
6 pound that—

7 (i) may cause—

8 (I) personal injury or disease to
9 humans through ingestion, inhalation,
10 or absorption through any body sur-
11 face; or

12 (II) adverse impacts on the envi-
13 ronment; and

14 (ii) satisfies 1 or more of the condi-
15 tions described in subparagraph (B).

16 (B) CONDITIONS.—The conditions referred
17 to in subparagraph (A)(ii) are the following:

18 (i) The substance, mixture, or com-
19 pound is subject to reporting requirements
20 under—

21 (I) the Emergency Planning and
22 Community Right-To-Know Act of
23 1986 (42 U.S.C. 11001 et seq.);

24 (II) the Comprehensive Environ-
25 mental Response, Compensation, and

1 Liability Act of 1980 (42 U.S.C. 9601
2 et seq.); or

3 (III) section 112(r) of the Clean
4 Air Act (42 U.S.C. 7412(r)).

5 (ii) The National Institute for Occu-
6 pational Safety and Health, the Occupa-
7 tional Safety and Health Administration,
8 the National Toxicology Program, the Cen-
9 ters for Disease Control and Prevention,
10 the Administrator of Health and Human
11 Services, the National Institute for Envi-
12 ronmental Health Sciences, or the Envi-
13 ronmental Protection Agency has estab-
14 lished that the substance, mixture, or com-
15 pound poses an acute or chronic health
16 hazard, including developmental, reproduc-
17 tive, or endocrine effects.

18 (iii) The National Institute for Occu-
19 pational Safety and Health or the Environ-
20 mental Protection Agency has recognized
21 that the substance, mixture, or compound
22 may increase the risk of developing a la-
23 tent disease.

24 (iv) The substance, mixture, or com-
25 pound is—

- 1 (I) a perfluoroalkyl or
2 polyfluoroalkyl substance;
- 3 (II) an orthophthalate;
- 4 (III) a bisphenol compound (but
5 not including an alkyl-substituted
6 bisphenol compound generated
7 through a xylenol-aldehyde process);
- 8 (IV) a halogenated or nanoscale
9 flame-retardant chemical;
- 10 (V) UV 328 (2-(2H-benzotriazol-
11 2-yl)-4,6-di-tert-pentylphenol);
- 12 (VI) a chlorinated paraffin;
- 13 (VII) listed as a persistent or-
14 ganic pollutant by the Stockholm Con-
15 vention on Persistent Organic Pollut-
16 ants;
- 17 (VIII) given an overall carcino-
18 genicity evaluation of Group 1, Group
19 2A, or Group 2B by the International
20 Agency for Research on Cancer; or
- 21 (IX) listed as a toxic, poisonous,
22 explosive, corrosive, flammable,
23 ecotoxic, or infectious waste by the
24 Basel Convention on the Control of
25 Transboundary Movements of Haz-

1 ardous Wastes and Their Disposal,
2 done at Basel, Switzerland, March 22,
3 1989.

4 (v) The substance, mixture, or com-
5 pound is a chemical or chemical class that,
6 as determined by the Administrator, has
7 been identified by a Federal agency, State
8 agency, or international intergovernmental
9 agency as being 1 or more of the following:

10 (I) A carcinogen, mutagen, repro-
11 ductive toxicant, immunotoxicant,
12 neurotoxicant, or endocrine disruptor.

13 (II) A persistent bioaccumulative.

14 (III) A chemical or chemical class
15 that may—

16 (aa) harm the normal devel-
17 opment of a fetus or child or
18 cause other developmental tox-
19 icity in humans or wildlife;

20 (bb) harm organs or cause
21 other systemic toxicity; or

22 (cc) have an adverse impact
23 on—

24 (AA) air quality;

25 (BB) ecology;

1 (CC) soil quality; or

2 (DD) water quality.

3 (IV) A chemical or chemical class
4 that has toxicity equivalent to the tox-
5 icity reflected in a criterion described
6 in any of subclauses (I) through (III).

7 **SEC. 3. ELIMINATION OF TOXIC SUBSTANCES IN BEVERAGE**

8 **CONTAINERS.**

9 (a) PROHIBITION.—Effective beginning on the date
10 that is 2 years after the date of enactment of this Act,
11 no retailer may sell, offer for sale, or distribute any single-
12 use beverage container that—

13 (1) is composed wholly or partially of poly-
14 ethylene terephthalate glycol;

15 (2) is opaque or pigmented a color other than
16 transparent blue or transparent green;

17 (3) contains polyethylene glycol; or

18 (4) contains a toxic substance.

19 (b) PENALTY.—

20 (1) IN GENERAL.—A retailer that violates a
21 prohibition under subsection (a) shall be subject to
22 a fine for each violation.

23 (2) TREATMENT OF PRODUCT LINES.—For pur-
24 poses of this section, each product line of beverage
25 containers shall be considered to be a separate viola-

1 tion of this section if any beverage container in-
2 cluded in the product line is a beverage container de-
3 scribed in subsection (a).

4 (3) MAXIMUM AMOUNT.—The amount of a fine
5 under this subsection shall be not more than
6 \$50,000 per violation.

7 (4) DEPOSITS.—Fines collected under this sub-
8 section shall be deposited into the Local Clean Up
9 of Plastics Fund established by section 4(a).

10 **SEC. 4. GRANTS TO LOCAL GOVERNMENTS FOR SOLID**
11 **WASTE AND WATER SYSTEM INFRASTRUC-**
12 **TURE IMPROVEMENTS.**

13 (a) ESTABLISHMENT OF FUND.—There is estab-
14 lished in the Treasury of the United States a fund, to be
15 known as the “Local Clean Up of Plastics Fund”.

16 (b) USE OF FUND.—Amounts in the Fund shall be
17 available to the Administrator, without further appropria-
18 tion or fiscal year limitation, to make competitively award-
19 ed grants to units of local government for projects to make
20 improvements to solid waste infrastructure, water system
21 infrastructure, recycling facilities, and composting facili-
22 ties, for the purpose of increasing the rate of diversion
23 of waste from landfills or complying with environmental
24 regulations relating to such infrastructure or facilities, in-
25 cluding—

- 1 (1) the remediation of toxic substances;
- 2 (2) improving water filtration;
- 3 (3) replacing broken infrastructure;
- 4 (4) expanding infrastructure; and
- 5 (5) educational programming relating to such
- 6 infrastructure or facilities.

7 (c) PRIORITY.—In making grants under subsection
8 (b), the Administrator shall give priority to projects that
9 would serve—

- 10 (1) a rural area (as defined in section 203(b)
- 11 of the Rural Electrification Act of 1936 (7 U.S.C.
- 12 924(b))); or
- 13 (2) an underserved community, as determined
- 14 by the Administrator.