

119TH 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, Mr. MERKLEY, Mr. BOOKER, Mr. VAN HOLLEN, and Mr. SANDERS) 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 2026”.

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.—

(A) IN GENERAL.—The term “toxic substance” means any substance, mixture, or compound 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

(II) adverse impacts on the environment; 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:

(i) The substance, mixture, or compound is subject to reporting requirements under—

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

(II) the Comprehensive Environmental 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 xlenol-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 AND OTHER**
8 **SUBSTANCES THAT PREVENT**
9 **RECYCLABILITY IN BEVERAGE CONTAINERS.**

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

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

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

18 (3) contains polyethylene glycol; or

19 (4) contains a toxic substance.

20 (b) PENALTY.—

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

24 (2) TREATMENT OF PRODUCT LINES.—For pur-
25 poses of this section, each product line of beverage

1 containers shall be considered to be a separate viola-
2 tion of this section if any beverage container in-
3 cluded in the product line is a beverage container de-
4 scribed in subsection (a).

5 (3) MAXIMUM AMOUNT.—The amount of a fine
6 under this subsection shall be not more than
7 \$50,000 per violation.

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

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

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

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

1 regulations relating to such infrastructure or facilities, in-
2 cluding—

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

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

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