

116TH CONGRESS
1ST SESSION

H. R. 4050

To direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Ms. OMAR (for herself, Mr. GRIJALVA, Ms. NORTON, Ms. HAALAND, Ms. MCCOLLUM, Ms. JAYAPAL, Mr. BLUMENAUER, Mr. JOHNSON of Georgia, Ms. PRESSLEY, Ms. PINGREE, and Ms. MOORE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices, 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 “Zeroing Excess, Re-
5 ducing Organic Waste, and Sustaining Technical Exper-
6 tise Act” or the “ZERO WASTE Act”.

1 **SEC. 2. GRANT PROGRAM.**

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

6 (b) GRANT USE.—

7 (1) ORGANICS RECYCLING INFRASTRUCTURE.—

8 An eligible entity receiving a grant under this Act
9 may use grant funds to carry out a project relating
10 to organics recycling infrastructure, including facili-
11 ties, machinery, equipment, and other physical ne-
12 cessities required for organics collection or proc-
13 essing on a city-wide or county-wide scale, provided
14 that—

15 (A) implementation of such project—

16 (i) results in increased capacity for
17 residential and commercial source sepa-
18 rated organics streams; and

19 (ii) generates a usable product that
20 has demonstrable environmental benefits
21 when compared to the input materials,
22 such as compost with added nutritional
23 content; and

24 (B) such project does not include mixed-
25 waste composting.

1 (2) ELECTRONIC WASTE REUSE AND RECY-
2 CLING.—An eligible entity receiving a grant under
3 this Act may use grant funds to carry out a project
4 relating to electronic waste reuse or recycling, in-
5 cluding infrastructure and technology, research and
6 development, and product refurbishment, provided
7 that such project—

8 (A) does not include an electronic waste
9 “buy-back” program that provides compensa-
10 tion for used electronics where such compensa-
11 tion is applied as a credit toward the purchase
12 of additional electronics; and

13 (B) is carried out by an organization cer-
14 tified in sustainable electronic waste standards
15 by an organization accredited by the National
16 Accreditation Board of the American National
17 Standards Institute & The American Society of
18 Quality, or another accrediting body as deter-
19 mined appropriate by the Administrator.

20 (3) SOURCE REDUCTION.—An eligible entity re-
21 ceiving a grant under this Act may use grant funds
22 to carry out a project relating to source reduction,
23 and such project may include—

1 (A) educational programming and outreach
2 activities to encourage behavioral changes in
3 consumers that result in source reduction; and

4 (B) product or manufacturing redesign or
5 redevelopment to reduce byproducts, packaging,
6 and other outputs if—

7 (i) the applicable manufacturer—

8 (I) is domestically-owned and op-
9 erated; and

10 (II) pays a living wage; and

11 (ii) the redevelopment or redesign
12 does not result in higher toxicity of the
13 product or byproducts, more complicated
14 recyclability of the product or byproducts,
15 or increased volume of byproducts com-
16 pared with the original practice.

17 (4) MARKET DEVELOPMENT.—An eligible entity
18 receiving a grant under this Act may use grant
19 funds to carry out a project relating to market de-
20 velopment with respect to source reduction and
21 waste prevention, including by creating demand for
22 sorted recyclable commodities and refurbished goods
23 and promoting domestically-owned and operated
24 manufacturing for projects relating to source reduc-

1 tion or waste prevention, provided that such
2 project—

3 (A) targets easily or commonly recycled
4 materials which are disproportionately disposed
5 of in landfills or incinerated;

6 (B) addresses the reduction of the volume,
7 weight, or toxicity of waste and waste byprod-
8 ucts; and

9 (C) does not conflict with—

10 (i) minimum-content laws, such as
11 post-consumer recycled content require-
12 ments;

13 (ii) beverage container deposits;

14 (iii) programs funded through retail
15 fees for specific products or classes of
16 products that use such fees to collect,
17 treat, or recycle such products; or

18 (iv) any applicable recycled product
19 procurement laws and expanded sustain-
20 able government purchasing requirements,
21 as identified by the Administrator.

22 **SEC. 3. GRANT AWARDS.**

23 (a) APPLICATION.—

24 (1) CRITERIA FOR ALL APPLICANTS.—To be eli-
25 gible to receive a grant under this Act, an eligible

1 entity shall submit to the Administrator an applica-
2 tion at such time and in such form as the Adminis-
3 trator requires, demonstrating that the eligible enti-
4 ty—

5 (A) has set specific source reduction or
6 waste prevention targets;

7 (B) will carry out such project in commu-
8 nities that are in the 80th percentile or higher
9 for one or more pollutants as noted in the
10 EJSCREEN tool, or any successor system, of
11 the Environmental Protection Agency; and

12 (C) will carry out a project that meets the
13 applicable project requirements under section
14 2(b).

15 (2) ADDITIONAL APPLICATION CRITERIA FOR
16 NONPROFIT ORGANIZATION.—In the case of an ap-
17 plication from an eligible entity that is a nonprofit
18 organization, the application shall include a letter of
19 support for the proposed project—

20 (A) from—

21 (i) a local unit of government; or—

22 (ii) a nonprofit organization that—

23 (I) has a demonstrated history of
24 undertaking work in the geographic

1 region where the proposed project is
2 to take place; and

3 (II) is not involved in the project
4 being proposed; and

5 (B) containing such information as the Ad-
6 ministrator may require.

7 (b) PRIORITY FACTORS.—

8 (1) IN GENERAL.—In awarding grants under
9 this Act, the Administrator shall give priority to eli-
10 gible entities that—

11 (A) have statutorily committed to imple-
12 menting zero-waste practices;

13 (B) demonstrate how the project to be car-
14 ried out with grant funds could lead to the cre-
15 ation of new jobs that pay a living wage, with
16 preference for projects that create jobs for indi-
17 viduals with barriers to employment, as deter-
18 mined by the Administrator;

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

21 (D) will use grant funds to employ adapt-
22 ive management practices to identify, prevent,
23 or address any negative environmental con-
24 sequences of the proposed project;

1 (E) have a demonstrated need for addi-
2 tional investment in infrastructure and projects
3 to achieve source reduction and waste preven-
4 tion targets set by the local unit of government
5 that is responsible for waste and recycling
6 projects in the geographic area;

7 (F) will use grant funds to develop innova-
8 tive or new technologies and strategies for
9 source reduction and waste prevention;

10 (G) demonstrate how receiving the grant
11 will encourage further investment in source re-
12 duction and waste prevention projects; or

13 (H) will incorporate multi-stakeholder in-
14 volvement, including nonprofit, commercial, and
15 public sector partners, in carrying out a project
16 using grant funds.

17 (2) ZERO-WASTE HIERARCHY.—In determining
18 priority between multiple eligible entities who qualify
19 for priority under paragraph (1), the Administrator
20 shall grant first priority to an eligible entity that can
21 demonstrate how the zero-waste hierarchy was con-
22 sidered with respect to the project to be carried out
23 with grant funds.

1 **SEC. 4. REPORTING.**

2 An eligible entity receiving a grant under this Act
3 shall report to the Administrator, at such time and in such
4 form as the Administrator may require, on the results of
5 the project carried out with grant funds and any relevant
6 data requested by the Administrator to track the effective-
7 ness of the program established under section 2(a).

8 **SEC. 5. ANNUAL CONFERENCE.**

9 In each of calendar years 2022 through 2027, the
10 Administrator shall convene an annual conference for eli-
11 gible entities, including eligible entities that have received
12 a grant under this Act, and other stakeholders as identi-
13 fied by the Administrator, to provide an opportunity for
14 such eligible entities and stakeholders to share experience
15 and expertise in implementing zero-waste practices.

16 **SEC. 6. DEFINITIONS.**

17 In this Act:

18 (1) **ADAPTIVE MANAGEMENT PRACTICES.**—The
19 term “adaptive management practices” means, with
20 respect to a project, the integration of project de-
21 sign, management, and monitoring to identify
22 project impacts and outcomes as they arise and ad-
23 just behaviors to improve outcomes.

24 (2) **ADMINISTRATOR.**—The term “Adminis-
25 trator” means the Administrator of the Environ-
26 mental Protection Agency.

1 (3) DOMESTICALLY-OWNED AND OPERATED.—

2 The term “domestically-owned and operated” means,
3 with respect to a business, a business with—

4 (A) headquarters located within the United
5 States; and

6 (B) primary operations carried out in the
7 United States.

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

10 (A) a single unit of State, local, or Tribal
11 government;

12 (B) a consortium of multiple units of
13 State, local, or Tribal government;

14 (C) one or more units of State, local, or
15 Tribal government in coordination with for-
16 profit or nonprofit organizations; or

17 (D) one or more incorporated nonprofit or-
18 ganizations.

19 (5) EMBODIED ENERGY.—The term “embodied
20 energy” means energy that was used to create a
21 product or material.

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

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

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

6 (A) means the mechanical processing of
7 material that has reached the end of its current
8 use into material to be used in the production
9 of new products;

10 (B) does not include incineration or any
11 other energy recovery process; and

12 (C) does not include depolymerization or a
13 similar process.

14 (9) REUSE.—The term “reuse”—

15 (A) means—

16 (i) using a product, packaging, or re-
17 source more than once for the same or a
18 new function with little to no processing;
19 or

20 (ii) repairing a product so it can be
21 used longer, sharing or renting it, or sell-
22 ing or donating it to another party; and

23 (B) does not include incineration.

24 (10) SOURCE REDUCTION.—The term “source
25 reduction”—

1 (A) includes—

2 (i) activities that reduce consumption
3 of products or services that create physical
4 outputs, such as packaging, that is sec-
5 ondary to the intended use of the item
6 being consumed;

7 (ii) measures or techniques that re-
8 duce the amount of waste generated during
9 production processes; and

10 (iii) the reduction or elimination of
11 the use of materials which are not able to
12 be recycled without degrading the quality
13 of the material; and

14 (B) does not include incineration.

15 (11) SOURCE SEPARATED.—The term “source
16 separated”—

17 (A) means the separation of a stream of
18 recyclable materials at the point of waste cre-
19 ation before the materials are collected and cen-
20 tralized; and

21 (B) does not include technologies that sort
22 mixed municipal solid waste into recyclable and
23 non-recyclable materials.

24 (12) WASTE PREVENTION.—The term “waste
25 prevention” includes reuse, recycling, and other

1 methods to reduce the amount of materials disposed
2 of in landfills or incinerated.

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

10 (14) ZERO-WASTE PRACTICE.—The term “zero-
11 waste practice” means a practice used to help
12 achieve zero-waste, including source reduction and
13 waste prevention.

14 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to the Admin-
16 istrator to carry out this Act \$250,000,000 for the period
17 of fiscal years 2020 through 2027.

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