

118TH CONGRESS
1ST SESSION

S. 2728

To encourage reduction of disposable plastic products in units of the National Park System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2023

Mr. MERKLEY (for himself, Mr. PADILLA, Ms. DUCKWORTH, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. FETTERMAN, Mr. HEINRICH, Mrs. FEINSTEIN, Mr. SANDERS, Mr. WYDEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To encourage reduction of disposable plastic products in units of the National Park System, 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 “Reducing Waste in
5 National Parks Act”.

6 **SEC. 2. DISPOSABLE PLASTIC PRODUCTS REDUCTION IN**
7 **UNITS OF THE NATIONAL PARK SYSTEM.**

8 (a) PROGRAM FOR REDUCTION OF DISPOSABLE
9 PLASTIC PRODUCTS IN UNITS OF THE NPS.—Not later

1 than 180 days after the date of the enactment of this Act,
2 the Director shall establish, for the National Park System
3 a program for reduction of disposable plastic products
4 and, if applicable, elimination of the sale and distribution
5 of disposable plastic products under subsection (b). Each
6 regional director shall implement the plan for park units
7 in their region.

8 (b) ELIMINATION OF SALE AND DISTRIBUTION OF
9 DISPOSABLE PLASTIC PRODUCTS.—

10 (1) IN GENERAL.—Each regional director con-
11 cerned shall eliminate the sale of water in disposable
12 plastic products and the sale and distribution of
13 other disposable plastic products to the greatest ex-
14 tent feasible in the relevant unit of the National
15 Park System after consideration of the following fac-
16 tors, when applicable, with respect to the relevant
17 unit:

18 (A) The costs and benefits to the overall
19 operations.

20 (B) The amount of waste that would be
21 eliminated.

22 (C) The infrastructure costs and funding
23 sources for bottle refill stations.

24 (D) Any contractual implications with re-
25 spect to concessioners, including considerations

1 of new leaseholder surrender interest or
2 possessory interest.

3 (E) The operational costs of bottle refill
4 stations, including utilities and regular public
5 health testing.

6 (F) The cost and availability of bisphenol
7 A-free reusable containers.

8 (G) The effect on concessioner and co-
9 operation association sales revenue.

10 (H) The availability of water within con-
11 cession food service operations.

12 (I) The ability to provide visitor education
13 in the unit and online so that visitors may come
14 prepared with their own water bottles.

15 (J) Input from the National Park Service
16 Office of Public Health.

17 (K) The feasibility of posting signs so that
18 visitors can easily find bottle refill stations.

19 (L) Safety considerations for visitors who
20 may resort to not carrying enough water or
21 drinking from surface water sources with poten-
22 tial exposure to disease.

23 (M) Any input from concessioners and co-
24 operating associations within the relevant unit.

1 (2) UNITS OF NPS PREVIOUSLY ELIMINATED
2 SALE OF WATER IN DISPOSABLE PLASTIC PROD-
3 UCTS.—With respect to a unit of the National Park
4 System that did not offer for sale water in dispos-
5 able plastic products before the date of the enact-
6 ment of this Act, the applicable superintendent of
7 the relevant unit may continue to not offer for sale
8 water in disposable plastic bottles.

9 (c) PROACTIVE VISITOR EDUCATION STRATEGY.—
10 Each regional director concerned shall develop for the rel-
11 evant unit of the National Park System a proactive visitor
12 education strategy to address visitor expectations of water
13 availability and explain the rationale for the program and
14 its implementation in the relevant unit.

15 (d) CONTINUITY WITHIN UNIT OF THE NPS.—Each
16 regional director concerned shall, to the extent possible,
17 implement the program in a manner that is consistent
18 throughout the relevant unit of the National Park System,
19 including incorporation of such program into any agree-
20 ment with an organization operating within the relevant
21 unit, including a concessioner operating plan and cooper-
22 ating association scope of sales.

23 (e) BIENNIAL EVALUATION.—Each regional director
24 concerned shall, not less than once every 2 years—

1 (1) conduct an evaluation of the program for
2 the relevant unit of the National Park System, in-
3 cluding—

4 (A) public response to the program;

5 (B) visitor satisfaction with the availability
6 of water;

7 (C) buying behavior with respect to prod-
8 ucts sold in disposable plastic products;

9 (D) public safety including information on
10 cases of dehydration or exposure to disease
11 from drinking from surface water; and

12 (E) disposable plastic bottle collection
13 rates; and

14 (2) submit the evaluation to the Director and
15 the Secretary of the Interior.

16 (f) DEFINITIONS.—For the purposes of this Act—

17 (1) the term “Director” means the Director of
18 the National Park Service;

19 (2) the term “disposable plastic products” in-
20 cludes—

21 (A) disposable plastic beverage bottles;

22 (B) carryout bags made from film plastic;

23 (C) plastic food ware, including plastic
24 food ware products marketed as compostable or
25 biodegradable; and

1 (D) expanded polystyrene products;

2 (3) the term “program” means the program for
3 recycling and reduction of disposable plastic prod-
4 ucts established under subsection (a); and

5 (4) the term “regional director concerned”
6 means, with respect to a unit of the National Park
7 System, the regional director of the region of the
8 National Park System in which the relevant unit is
9 located, working in coordination with the super-
10 intendent of such unit.

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