

he world faces an indisputable plastic pollution crisis. More than 99% of plastic is created from chemicals sourced from fossil fuels, including an oversupply of fracked gas, which is spurring a global boom in new plastic production. That plastic is causing serious environmental problems at every step of its lifecycle.

Plastic production fuels the climate crisis with increased greenhouse gas emissions and damages local communities where plastic is made with toxic air and water pollution.

Plastic is also a threat to human health: As we increasingly consume more and more of our food and drinks from single-use plastic wrappers and containers, we're exposed to chemicals linked to many of the known public health crises of our time, including obesity, ADD/ADHD, and many forms of cancer.

Once discarded, plastic clogs our rivers and oceans, harms wildlife, infiltrates our drinking water, and persists in the environment for centuries. Half of all plastics ever manufactured have been made in the last 15 years, and annual plastic pollution into rivers, lakes and oceans could surpass 50 million tons within the next 10 years unless significant policy changes are made. Banning bags and straws are important first steps taken by state and local governments, but we need bold new federal policies to address the plastic pollution crisis.

And despite false and misleading claims by the makers of plastics, we cannot recycle our way out of this problem. According to the United States Environmental Protection Agency, the U.S. plastic recycling rate is an anemic 8%. Instead, more than 90% of plastics in the United States is buried, burned or released into the environment.

The solution to plastic pollution is simple: Reduce the amount of unnecessary plastic produced.

We can transform our extractive, throwaway economy to a regenerative, inclusive one that's good for our environment and creates American jobs.

We need to stop plastic contamination at its source before it enters the marketplace, while improving our waste-management systems, developing new business models, phasing out the worst plastic offenders, and shifting to reusable non-plastic alternatives. The federal government needs to be a catalyst for innovation. There is time to make this transition, but the question remains:

How can we make this large-scale transition quickly enough?

President Biden can take the following eight key steps without any action from Congress. These actions will *immediately* set the nation on a pathway to a plastic pollution-free future while longer-term measures that require action at all levels of government and society develop.

Each of the actions described requires the president to prioritize support for communities that historically have been harmed 'first and worst' by the petrochemical industrial sector and the waste it creates: communities of color, Indigenous communities, and impoverished communities. Moreover, these actions will provide an opportunity to drive job growth in a new green economy, providing unionized jobs with family-sustaining wages in communities that need them the most. Workers in the petrochemical sector and

related industries will find their jobs fundamentally transformed, but not abandoned, in an economy and workforce that is inclusive, fair, and just for all people.

In 2021, we will urge President Biden to take these actions in the first year in office, in addition to the ten steps proposed by #ClimatePresident. The actions called for in #ClimatePresident, such as keeping fossil fuels in the ground by ending fossil fuel extraction on federal lands and waters and banning fracking, are inextricably linked to #PlasticFreePresident. Acting together, these plans will lead to a safer, healthier, and more equitable world for everyone.



THE 8 PRIORITY PLASTIC ACTIONS

1. USE THE PURCHASING POWER OF THE FEDERAL GOVERNMENT TO ELIMINATE SINGLE-USE PLASTIC ITEMS AND REPLACE THEM WITH REUSABLE PRODUCTS.

The federal government is the single largest purchaser of goods and services in the United States, spending more than \$450 billion on products and services each year. That means the government is likely the country's largest consumer of disposable plastic products. By altering its product specifications to give preference to reusable products, the federal government could both significantly reduce the amount of plastics going to landfill and incinerators each year and spur demand for alternatives to single-use plastic products.

- Appoint a Plastic Pollution Czar to coordinate plastic reduction efforts amongst federal agencies and internationally.
- ➤ Direct the head of each federal agency to ensure that it does not purchase single-use plastic products, or allow them to be sold on federal property, with limited exemptions. Require each agency to submit a plan within the first six months of the administration detailing what it will do to eliminate single-use plastic products.
- Issue an Executive Order immediately prohibiting all federal agencies and

- federal contractors from purchasing or selling single-use plastic water bottles in national parks or other federal facilities.
- Direct the EPA to update its Environmentally Preferable Purchasing Program to clarify agencies must not acquire single-use plastics.
- Work with federal agencies to develop and implement a strategy to phase out single-use plastic products across the federal government. The new strategy should have numerical goals, timelines to achieve them and sufficient funding for any new capital costs, such as installing dishwashing equipment, water fountains, and other improvements.
- In any new stimulus or other spending bills, include funding for projects that reduce the use of plastic by the federal government and other federally funded projects or entities.
- 2. SUSPEND AND DENY PERMITS FOR NEW OR EXPANDED PLASTIC PRODUCTION FACILITIES, ASSOCIATED INFRASTRUCTURE PROJECTS, AND EXPORTS.

In the next 10 years, the petrochemical industry plans to increase plastics production by at least 35%, with more than 300 new projects slated for the United States alone. Using cheap fracked gas, the new and expanded facilities planned by the industry produce raw material for an endless deluge of throwaway plastic, approximately 40% of which is discarded within minutes. This dirty industry disproportionately fouls the air and water of poor communities and communities of color.

- Urge all federal agencies to use all existing legal authorities to deny permits for new plastics production and infrastructure projects, including but not limited to refineries, ethane crackers, propane dehydrogenation facilities, polymerization facilities, pipelines, gasification and pyrolysis facilities, natural gas liquid storage facilities and hubs, fraction-ation facilities, import and export terminals, and facilities that repolymerize plastic polymers into chemical feedstocks for use in new products or as fuel.
- > Support a bill that bans fracking and bans new petrochemical infrastructure.
- Direct all federal agencies to use their full existing legal authority to object in writing to any new permit issued to plastics production and infrastructure projects by a State delegated authority under the Clean Air Act, the Clean Water Act, or any other relevant federal statute.
- Halt the export of gas liquids, monomers, and polymers used for plastic production to the fullest extent allowed under federal law.
- ➤ Use the president's authority under the National Emergencies Act to reinstate the crude oil export ban.

3. MAKE CORPORATE POLLUTERS PAY AND REJECT FALSE SOLUTIONS.

Plastic producers must be held accountable for the plastic pollution they have created. Voluntary measures like Operation Clean Sweep, small scale financial contributions like the industry-backed ALLIANCE to End Plastic Waste, and the plastics industry's promotion of "chemical recycling" and

"waste to energy" are all dangerous distractions from the massive, global plastic pollution problem we need to face. We need to place the responsibility where it belongs: on the industry that generates the waste.

- ➤ Support the Break Free From Plastic Pollution Act, which, among other things, would make plastic product manufacturers accountable for wasteful products and phase out unnecessary single-use plastic products.
- ➤ Ensure that stimulus or other bills supported by the administration do not fund industry's false solutions that exacerbate the plastic pollution crisis, such as chemical recycling, waste-to-fuel, waste-to-energy, incineration, gasification, pyrolysis, and plasma arc, which are harmful to human health and the environment and violate the principles of environmental justice. Veto any section of spending bills that fund the false solutions listed above.
- ➤ Direct the Attorney General to investigate all violations of law by plastic producers, transporters, and molders/formers impacting the environment and prosecute them to the maximum extent of the law for the damages they have caused.
- Direct the Federal Trade Commission, in its "Green Guide" on environmental marketing claims, to prohibit companies from falsely claiming their plastic products are recyclable.
- Direct the EPA and the National Institute of Standards and Technology to set minimum recycled content standards for beverage containers and other items.
- Impose tariffs on the import of single-use plastics, with exemptions

- for medical and personal protective equipment and accessibility options for persons with disabilities.
- ➤ Establish a moratorium on the construction of any new garbage incinerators and direct each state to develop a schedule to close existing municipal incinerators and develop a plan to close and remediate all incinerator ash landfills.
- Direct the EPA to develop new data collection methodologies to accurately report waste reduction, recycling, and composting rates throughout the United States. Require consistent reporting from local and state governments and the private sector.
- Direct the Department of Commerce to establish a new office on Recycling Market Development and Waste Reduction Innovation.

4. ADVANCE ENVIRONMENTAL JUSTICE IN PETROCHEMICAL CORRIDORS.

Petrochemical companies continue to locate new and expanded plastics facilities near existing fossil fuel infrastructure, which means they are targeting the Gulf Coast, Appalachia, the Ohio River Valley, and other communities that already shoulder a heavy burden of oil, gas, and plastic industry pollution. Across the United States, these facilities are often located in and have a disproportionate impact on low-income and minority neighborhoods.

Direct all federal agencies to ensure that communities of color, Indigenous communities, and low-income communities have access to public information and opportunities for meaningful public participation in all petrochemical permitting decisions.

- Direct EPA to promulgate regulations requiring continuous emissions and fenceline monitoring of pollutants for all plastics facilities, accurate and continuous recordkeeping, as well as the provision of records to the public.
- Direct EPA to conduct cumulative risk assessments to human health in all petrochemical and disposal industry permitting decisions, and as part of any National Environmental Policy Act processes.
- Develop measures that will increase clean and green long-term economic investment in communities, workers and economies.
- Direct the U.S. Department of Housing and Urban Development to establish a petrochemical displacement fund to enable families facing immediate health risk to access funds to assist with relocation.
- Direct federal agencies to strengthen their relationship with Indian tribes, and ensure tribes are actively involved

- in the consultation process for all proposals affecting tribal lands and other properties that attach traditional religious and cultural significance.
- ➤ Direct the Department of Treasury, Health and Human Services, and the Attorney General to commence a study for mitigation and payment of damages to those disproportionately exposed to and harmed by industrial facilities that produce petrochemicals and plastics.
- Direct the Attorney General to investigate the linkages between petrochemical corridors and human trafficking, sexual violence, and the incidence of murdered and missing Indigenous women.
- 5. UPDATE EXISTING FEDERAL REGULATIONS TO CURTAIL POLLUTION FROM PLASTICS FACILITIES BY USING BEST AVAILABLE SCIENCE AND TECHNOLOGY.

The EPA has the authority and obligation to ensure that our nation's air, waterways, wildlife, and communities are not polluted by emissions and discharges from industrial facilities. To meet its obligations, it is tasked with developing and implementing pollution standards that reflect the best available technology and changing nature of the industries it regulates. Nevertheless, the agency continues to rely on decadesold standards when permitting plastics facilities and infrastructure, putting public health and the environment in harm's way.

> Direct EPA to update its Clean Air

Act new source performance standards (NSPS) regulations and National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations that apply to plastics facilities and require they use only zero-emissions energy sources; direct EPA to initiate a rulemaking to designate ethane and methane as volatile organic compounds.

- Direct EPA to update its decades-old Clean Water Act regulations for plastics facilities to reflect the best available technology for conventional, non-conventional, and toxic pollut-ants from new and modified sources and establish a zero plastic standard for wastewater and stormwater discharges. Direct EPA to update Effluent Limitations Guidelines and Standards for new and expanded facilities to eliminate the discharge of toxic priority pollutants from wastewater and stormwater streams.
- Direct EPA to promulgate regulations to prevent the discharge of plastic from other entities that transport, make, and package plastic materials.
- Direct EPA to initiate rulemakings under the Resource Conservation and Recovery Act to (1) consider listing plastic as hazardous waste due to its public health and environmental harms, which would result in waste reduction measures, recordkeeping in transit, and strict criteria for disposal and export; (2) ensure proper disposal of plastic hazardous waste that does not include incineration; and (3) require the inclusion of best management practices for the disposal of plastics in state and regional solid waste plans.
- Direct EPA to conduct risk evaluations of plastics and update its Toxic Substances Control Act regulations to regulate plastics that pose an unreasonable risk

- to public health or the environment, and for those plastics (1) prohibit production of single-use products, except as necessary to supply medical and personal protective equipment, and accessibility options for persons with disabilities; (2) require manufacturers to track and ensure proper disposal or recycling of those plastics; and (3) require zero discharge of plastic pellets and powders in the generation, storage, and transportation of those plastics.
- ➤ Direct EPA to enter into an agreement with the National Academy of Sciences, the National Institutes of Health, and the National Oceanic and Atmospheric Administration to conduct a study and report on the environmental, public health, and environmental justice impacts of the plastic industry and its planned expansion, including the production, entire supply chain, end uses, disposal fate, and lifecycle impacts of plastic products. The study and report must also assess the best available technologies and practices that reduce or eliminate the environmental justice and pollution impacts of plastics facilities and associated infrastructure. These will inform EPA's revision of environmental regulations to mitigate these impacts.
- Direct the Food and Drug Administration to fund a nationwide study on the presence of microplastics in water and food products, including fish, fruits, and vegetables.
- Direct the Centers for Disease Control and Prevention to fund a nationwide study on the presence of plastics in the human body and to determine how the presence of plastics in human blood and organs is affecting human health.

6. STOP SUBSIDIZING PLASTICS PRODUCERS.

For too long, the United States has subsidized the fossil fuel industry. It's time to stop the flow of financing to the petrochemical industry and the oil and gas industry that supplies its feedstocks.

- Direct the Department of Energy to end all loan and guarantee financing programs that increase plastics production, from extraction, pipelines, storage to manufacturing and export.
- Direct all federal agencies to ensure that polluters who enter into settlement agreements in connection with their violations of laws and regulations are not able to deduct the payments from their taxes.
- Direct the Department of Commerce to include alternatives to plastics as a cornerstone of its next Strategic Plan, including mechanisms for shifting federal financing and other support from the petrochemical industry to financing for alternatives to plastics, including reusable products as well as sustainable waste reduction and management technologies.
- Direct the EPA to enforce financial assurance obligations under the Comprehensive Environmental Response, Compensation, and Remediation Act (Superfund) for oil refining and chemical manufacturing industries to ensure that companies are not self-bonded and are fully funding closure costs.
- Direct the Department of Commerce to advocate globally for the selection of U.S. suppliers of plastic alternatives in foreign government procurement opportunities, to provide assistance to green investors that want to do business

in and with the United States, and to produce other opportunities to promote plastics solutions that reduce impacts to public health and the environment.

7. JOIN INTERNATIONAL EFFORTS TO ADDRESS THE GLOBAL PLASTIC POLLUTION CRISIS THROUGH NEW AND STRENGTHENED MULTILATERAL AGREEMENTS.

For many years, the U.S. government has hindered the work of a growing number of countries to enact new and strengthen existing global governance structures to address the plastic pollution crisis. It is time for the U.S. to become a proactive partner with key allies to address the global plastic crisis by targeting production, consumption, and disposal.

- End the objection process to block the incorporation of the updated Basel Plastic Amendment into the Organization for Economic Co-operation and Development (OECD) Decision Annexes.
- Work with Congress to ratify the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and finalize implementing legislation for the Convention and Basel Ban.
- End the export of plastic wastes (including for "recycling") to non-OECD countries.
- Publicly acknowledge the full lifecycle impacts of plastic pollution and microplastics on human health and marine and terrestrial ecosystems, and the need for new global governance to address those harms.

- Negotiate in good faith a new legallybinding convention on plastic pollution that addresses the full lifecycle of plastics, building on and complementing existing regional and global frameworks while addressing key gaps around global objectives, market restrictions, and a just and safe circular economy for plastics.
- Negotiate in good faith a new legallybinding treaty to eliminate fossil fuel extraction, which provides the raw material of 99% of plastics.
- Convene a Major Economies Forum on Plastics to bring together the countries most responsible for consumption of plastic that ultimately ends up as waste, as well as the United Nations, to spur cooperative action to combat the plastics crisis.
- 8. REDUCE AND MITIGATE THE IMPACTS OF DISCARDED AND LOST FISHING GEAR.

Abandoned, lost or otherwise discarded fishing gear, including gillnets and fishing traps/pots causes ecological and economic harms. This fishing gear is often called "ghost gear" because long after it is lost it entangles, captures, and kills sea turtles, seabirds, marine mammals, and fish. It changes the marine environment, poses navigational hazards, introduces plastic into the marine food web, and creates a persistent marine debris and pollution problem, with high cleanup costs.

Direct the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the Environmental Protection Agency,

- to develop regulations for reducing litter and the environmental impacts of U.S. commercial and recreational fishing gear that is lost or abandoned. These regulations must include (1) reporting, labeling, traceability, and monitoring measures and (2) measures to eliminate or substantially reduce the impacts of lost and abandoned fishing gear on wildlife, including gear retrieval projects.
- Commit to working with NOAA, the states, and Congress to complete a plan and allocate new federal funding to eliminate abandoned, lost or otherwise discarded fishing gear from U.S. vessels and in the U.S. exclusive economic zone (EEZ).
- Revise the NOAA "Fishing for Energy" program that collects derelict fishing gear at 31 ports in 9 states, which recycles a limited amount of metal and sends the rest of the collected material to garbage incinerators. The incinerator element of this program should be eliminated.



CONCLUSION

resident Biden can lead the United States towards a fundamental transformation of the plastics economy, one that reduces the amount of plastic produced and shifts responsibility for pollution onto the plastics manufacturers themselves.

Implementing the steps in this plan would protect frontline communities from the plastic industry's toxic emissions while also preventing plastic pollution from contaminating our rivers and oceans. These actions will resonate with the American public, which overwhelmingly supports measures to reduce our over-reliance on single-use plastic.

Through innovation and design, we can rediscover how to produce and deliver goods in a way that respects our communities and our planet.



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The Last Beach Cleanup















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