

An underwater photograph showing a large amount of plastic pollution in the water. A prominent white plastic bag is in the center, surrounded by other debris like plastic bottles, fragments, and seaweed. The water is clear blue.

# Existing U.S. Federal Authorities to Address Plastic Pollution



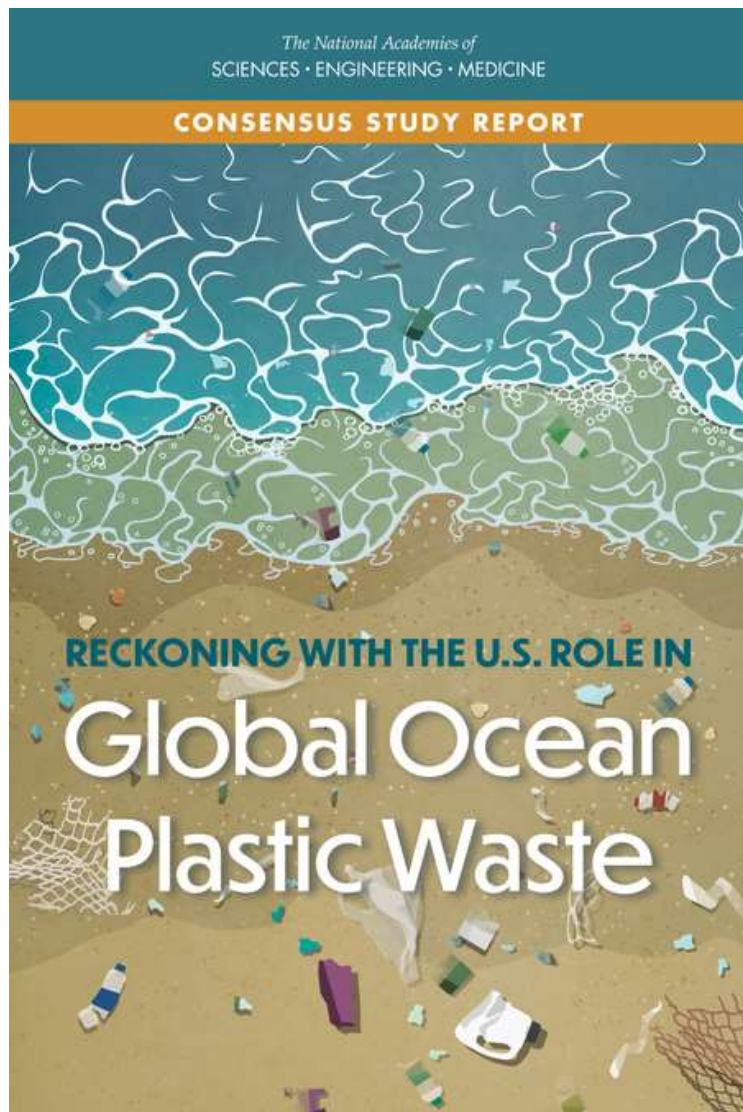
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# Background



## **NASEM Report: “Reckoning with the U.S. Role in Global Ocean Plastic Waste”**

- First scientific synthesis released 2022, sponsored by NOAA.
- Mandated by Congress in 2020 bipartisan law: Save Our Seas 2.0 Act.
- Recommended a life cycle (intervention) approach and a national strategy.

# Background

Calls for comprehensive U.S. plastic strategy *at each stage*

Interventions



# Background

## Explores Legal Framework for Action (App. C)

U.S. Law and Key Agencies	Intervention Stage	Key Provisions	Gaps, Roles, and Related Activities
<b>Plastic Related Authorities</b>			
<b>Marine Debris Research, Prevention, and Reduction Act of 2006</b> (as amended in 2012, 2018, and 2020) 33 U.S.C. §§1951 et seq.	Stages 5–6, Waste Capture; Monitoring, Research and Development (R&D), Outreach	The 2006 Marine Debris Act was amended in 2012 and further amended in 2018 and 2020 by the Save Our Seas Act (SOS) and Save Our Seas 2.0 Act (SOS 2.0).  Establishes a program at NOAA to “identify,	Does not establish plastic waste limits or establish liability.  Authorizes federal and international coordination through U.S. Coast Guard (U.S. CG), U.S. State Department, U.S. EPA, and IMDCC, the federal interagency coordinating

# New Report: Builds on NASEM Framework

- Catalogs existing U.S. federal authorities across interventions, agencies
- Recognizes federal response to recommendations, including:
  - Interagency Policy Committee on Plastics and a Circular Economy
  - Environmental Justice and Sustainability Executive Orders
  - EPA Draft National Strategy to Prevent Plastic Pollution
  - Rulemakings and agency actions underway
- “Comprehensive, but not exhaustive”
- Does not:
  - Identify timeline for federal action
  - Evaluate State action
- Feedback welcome!

# Interventions and Strategies to Address Plastic Pollution



- Regulate production and associated pollution; restrict problematic and unnecessary polymers and chemicals of concern
- Enforceable product standards; voluntary commitments; and standard for labeling and marketing
- Plastic product bans; mandatory procurement rules; extended producer responsibility
- Disposal, collection, and recycling improvements; water treatment improvements and monitoring and data collection requirements
- Remove plastic waste from waterways, wildlife and habitats, and hotspots
- Increase enforcement for at-sea disposal; reduce at-sea abandonment or discard of fishing gear
- Support other interventions through information/data collection, research and development, and outreach/education



# Reduce Production and Associated Pollution

## **Clean Air Act (EPA)**

- Limit emissions of microplastics as particulate matter

## **Toxic Substances Control Act (EPA)**

- Strengthen review and controls on polymers and chemicals

## **Clean Water Act (EPA)**

- Regulate the discharge limits of chemicals and additives associated with plastic production

## **National Environmental Policy Act**

- Agencies can consider how plastic and petrochemical manufacturing facilities implicate human health and environmental justice concerns in their cumulative impacts analysis for actions that trigger NEPA review



# Innovate Material and Product Design

## **Food, Drug, and Cosmetic Act (FDA)**

- Establish enforceable product standards for plastic manufacturers

## **Energy Independence and Security Act (DOE)**

- “Strategy for Plastics Innovation” voluntary partnership to address key challenges that limit plastic recycling

## **Federal Trade Commission Act (FTC)**

- “Green Guides” nonbinding standards for marketers intended to prevent deceptive marketing claims of environmental attributes of products





# Decrease Waste Generation

## **Toxic Substances Control Act (EPA)**

- Restrict products based on certain additives, plasticizers, or other chemicals

## **Executive Order 14057**

- Directs federal agencies to minimize waste and support a circular economy in their procurement practices

## **Pollution Prevention Act (EPA)**

- Authorization to support source reduction strategies; could issue guidance and technical assistance on deposit return system policies



# Improve Waste Management

## **Resource Conservation and Recovery Act (EPA)**

- “Sustainable Materials Management Program” supports systematic approach to using and reusing products more productively
- Control plastic waste import and export

## **Clean Water Act (EPA)**

- Impose additional monitoring and data collection requirements on NPDES permittees



# Capture Waste

## **Clean Water Act (EPA)**

- State Revolving Fund support for projects that implement trash capture devices

## **Marine Debris Research, Prevention, and Reduction Act (NOAA)**

- Supports community-based marine debris removal projects

## **National Aeronautics and Space Act (NASA)**

- NASA satellite programs to identify plastic waste hotspots



# Minimize at-sea disposal

## **Marine Plastic Pollution Research and Control Act (USCG)**

- Enforce prohibition on ocean waste dumping

## **Marine Protection, Research, and Sanctuaries Act (EPA, NOAA, USCG)**

- Enforce prohibition on dumping of wastes from plastics and petrochemical refineries, as well as synthetic or natural plastic materials into oceans

## **Marine Debris Research, Prevention, and Reduction Act (NOAA)**

- Marine Debris Program supports programs, including international initiatives to reduce at-sea abandonment of fishing gear



# Information & Data Collection, Research & Development, Outreach & Education

## **Emergency Planning and Community Right-to-Know Act (EPA)**

- Requires plastics manufacturing facilities to report information on use, storage, and disposal of toxic chemicals such as PFAS

## **Public Health Service Act, amended by Health Research Extension Act (HHS)**

- Agencies within HHS collect data and information, as well as conduct research related to human health effects of plastics

## **Consumer Product Safety Improvement Act (CPSC)**

- Fund and lead research examining human health risks from exposure to plastic and plastic products; and issue public safety warnings

# Takeaways

- The federal government has authority to start to address plastic pollution at every stage of the life cycle.
- Increased funding and legislative support could support faster or more robust action.
- Information and data collection, research and development are imperative.

# Thank you!

**“Existing U.S. Federal Authorities to Address Plastic Pollution: A Synopsis for Decision Makers”**

is available at:

[eli.org](http://eli.org) | [montereybayaquarium.org](http://montereybayaquarium.org)

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