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EPA Releases National Strategy to Prevent Plastic Pollution

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On November 21, 2024, the U.S. Environmental Protection Agency (EPA) announced the release of the National Strategy to Prevent Plastic Pollution: Part Three of a Series on Building a Circular Economy for All. According to EPA, together with EPA's "National Recycling Strategy" and the "National Strategy for Reducing Food Loss and Waste and Recycling Organics," the "National Strategy to Prevent Plastic Pollution" presents opportunities for voluntary and regulatory actions by businesses, academia, industry, non-governmental organizations (NGO), federal, Tribal, state, local, and territorial governments, and consumers. EPA states that "[t]ogether, these U.S. entities could eliminate the release of plastic waste from land and sea-based sources into the environment by **2040**."

EPA conducted public outreach and engagement activities to inform the development of the "National Strategy to Prevent Plastic Pollution," including issuing a draft for public comment in April 2023, as reported in our May 2, 2023 memorandum. EPA states that it received almost 92,000 comments on the draft strategy. With this input, EPA identified six objectives that aim to prevent plastic pollution throughout the entire plastics lifecycle. Each objective is followed by opportunities for action that support the United States' shift to a circular approach to materials management, which is restorative or regenerative by design, enables resources to maintain their highest value for as long as possible, and aims to eliminate waste in the management of plastic products:

- Objective A: Reduce Pollution from Plastic Production: EPA states that reducing pollution from plastic production operations in the United States "is essential to minimize the environmental and human health impacts of plastic on communities, particularly those with environmental justice concerns."
    - A1. Conduct evaluations to ensure that fossil fuel extraction, as well as petrochemical and plastic production facilities, comply with regulatory requirements;
    - A2. Continue to make progress reviewing and, where appropriate, updating regulations for fossil fuel extraction, petrochemical and plastic production facilities, and transporters of plastic pellets and plastic additives;

    - A3. Explore creating a voluntary certification to recognize plastic products that are manufactured under rigorous environmental standards; and

    - A4. Identify and reduce environmental injustice and public health impacts from fossil fuel extraction, petrochemical, and plastic production facilities.

- Objective B: Innovate Material and Product Design: According to EPA, plastic products and packaging have become increasingly complex and are not always designed to be managed sustainably once they become waste. EPA states that products and systems should be designed to minimize negative human health and environmental impacts.

    - B1. Identify alternative materials, products, or systems that can minimize impacts on human health and the environment; and

    - B2. Review, develop, update, and use sustainability standards, ecolabels, certifications and design guidelines that can minimize the negative impacts to human health and the environment from plastic products across their lifecycle.

- Objective C: Decrease Waste Generation: EPA states that circular approaches are needed to reduce the rates of plastic production and consumption and decrease waste generation to reduce the human health and environmental impacts of plastic products throughout the plastics lifecycle.

    - C1. Reduce the production and consumption of single-use plastic products;

    - C2. Enhance the effectiveness of existing public policies and incentives for decreasing waste generation;

    - C3. Develop and/or expand the capacity to reuse materials; and

    - C4. Increase public understanding about the impacts of plastic pollution (including on waterways and the ocean) and how to manage appropriately plastics and other materials.

- Objective D: Improve Waste Management: EPA states that improvements to the collection, transportation, and/or export of waste are needed so that it does not enter the environment.

- D1. Explore possible ratification of the Basel Convention and encourage environmentally sound management of scrap and recyclables traded with other countries;

- D2. Support state, local, Tribal, and territorial governments in their efforts to improve waste management to avoid adverse human health and environmental impacts, especially for communities with environmental justice concerns;

- D3. Develop a national extended producer responsibility (EPR) framework; and

- D4. Facilitate more effective composting of certified compostable products.

- Objective E: Improve Capture and Removal of Plastic Pollution: According to EPA, interventions to capture and remove plastic pollution, including micro/nanoplastic pollution, from wastewater, stormwater, and surface waters, are needed to help address potential risks to human and ecosystem health. EPA notes that such interventions “are especially important given the expected increase in plastic production over the coming years.”

    - E1. Identify and implement policies and programs that effectively remove plastics and other materials from the environment, including waterways and the ocean; and

    - E2. Improve water management to increase the capture and removal of plastics and other materials from waterways, the ocean, and stormwater/wastewater systems.

- Objective F: Minimize Loadings and Impacts to Waterways and the Ocean: EPA states that research and increased access to public and private funding are needed to measure the contributions of plastic pollution, including micro/nanoplastics, into waterways and the ocean and study the potential human health impacts of exposure to plastic pollution. EPA notes that reliable baseline measurements of plastics and other materials in waterways and the ocean can be used to measure the success of mitigation efforts over time.

    - F1. Increase and improve measurement of plastic and other material loadings into waterways and the ocean to inform management interventions;

    - F2. Increase and coordinate research on methods to determine micro/nanoplastic prevalence, impacts, and mitigation; and

    - F3. Increase and coordinate research on macroplastic transport, degradation, and impacts in waterways and the ocean.

Next Steps

According to EPA, “[i]mplementation of this strategy is expected to be an iterative process as resources, entities leading efforts, and needs change over time.” EPA states that it will continue to enable and implement this strategy and EPA-specific opportunities for action in the White House’s Mobilizing Federal Action on Plastic Pollution: Progress, Principles, and Priorities, using both voluntary efforts and regulatory approaches, where appropriate. This includes, for example, utilizing the Solid Waste Infrastructure for Recycling (SWIFR) grant program to support implementation of this strategy, as required by the Save Our Seas 2.0 Act. EPA will also provide periodic updates on the implementation of this strategy.

Commentary

This third installment in EPA’s series on building a circular economy is as ambitious as the earlier components. Readers are urged at the least to review the executive summary. Many of the recommendations are laudable, but aspirational. For example, Objective B (innovate material and product design) is what innovators are trying desperately to do and have been for years. The B1 goal of identifying “alternative materials, products or systems that can minimize impacts on human health and the environment” pretty much summarizes every business enterprise’s fondest wish. The tricky part is how best to achieve these goals. If we were to offer a comment in the “room for improvement” department it would be in the Strategy’s failure to connect the dots between the new chemical review process under the Toxic Substances Control Act (TSCA) and the Strategy’s goal of identifying “alternative materials.” New chemical innovation is the key to new product innovation, and the extraordinary challenges new chemical innovators face under TSCA will continue to prevent new chemicals from entering the market, undermining the success of achieving the Strategy’s goals.

We note also the recommendation for a “national producer responsibility (EPR) framework.” Any “national framework” would benefit from a hard look at the success and failure of state (and international) initiatives applicable to targeted products that have been in play for years. For a “national framework” to add value, it must consider lessons learned and the role of the federal government in a space that has been and continues to be filled by the states.

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