

Dear Representative,

September 27, 2024

The undersigned environmental, health, science, consumer protection and environmental justice organizations urge you **not** to co-sponsor H.R. 9676, the “Accelerating a Circular Economy for Plastics and Recycling Innovation Act.” **This legislation, developed in close collaboration with the American Chemistry Council and other plastics industry lobbyists, would carve out dangerous exemptions to existing law, allowing plastics incinerators to operate without adhering to the environmental and health protections mandated by the Clean Air Act and other environmental laws.**

Under the guise of offering a “circular” solution to the global plastic pollution crisis, the American Chemistry Council has invented an Orwellian new name for decades-old incineration technologies to burn plastics. It seeks to rebrand pyrolysis and gasification incinerators as [“chemical recycling”](#) (also [greenwashed](#) as “advanced recycling” and “molecular recycling”) even though there is [nothing advanced](#) about them and almost nothing gets recycled.. In reality, the plastic waste that enters pyrolysis and gasification incinerators is burned, [creating cancer-causing dioxins](#) and other harmful highly-toxic air pollution. And most of these dangerous [incinerators burning plastic are in environmental justice communities](#).

The air pollution from pyrolysis and gasification incinerators is not their only problem. What’s left at the end of these processes is either concentrated, toxic, chemical waste that gets burned again later at hazardous waste disposal facilities, or pyrolysis oil and syngas, most of which gets burned as a [dirty fuel](#). Far from “recycling” the plastic waste, gasification and pyrolysis incinerators are turning plastic into highly toxic air pollutants and [generating hundreds of thousands of pounds of hazardous waste](#).

Pyrolysis and gasification incinerators are rightly regulated as incinerators under the Clean Air Act because they combust solid waste. The statute mandates the same strong protection for pyrolysis and gasification incinerators as it does for all other incinerators—a point EPA recognized nearly 30 years ago when it first set incinerator emission standards under the Clean Air Act, and reinforced in its May 2023 draft National Plastics Strategy. H.R. 9676 exempts pyrolysis and gasification incinerators from the Clean Air Act by declaring that they are not incinerators, that the waste plastic they burn is not waste, and that the toxic pollution released during their plastic waste incineration is exempt from incinerator standards. To that same end, **H.R. 9676 removes federal pollution controls on the plastic waste, including hazardous waste generated from plastic disposal** under the Resource Conservation and Recovery Act (also known as the Solid Waste Disposal Act). **The legislation rolls back the nation’s hard-won, federal environmental protections against plastics industry pollution, and promotes new and expanding, uncontrolled, plastic waste burning all over the country.**

[Plastic contains thousands](#) of toxic chemicals, including heavy metals, phthalates, flame retardants, bisphenol A, and PFAS. Burning plastic via pyrolysis and gasification generates even more [toxic pollution](#), including chemicals known to cause cancer, birth defects, infertility, neurological damage, and other serious health hazards. Toxic [emissions from burning plastics include](#) dioxins, benzene, cadmium, arsenic, lead, polycyclic aromatic hydrocarbons (PAHs), and mercury. Removing federal health protections will sanction and promote uncontrolled burning of plastic waste—or any other toxic waste—in pyrolysis and gasification incinerators across the country. Most of that uncontrolled incineration will occur in communities of color and in low-income neighborhoods already overburdened by toxic pollution. **It is irresponsible to change the legal definition of incineration and waste and to remove toxic pollution control measures for chemical companies to burn plastic and hazardous waste in poor and environmental justice communities. This is [environmental injustice](#) at its worst.**

The harms from H.R. 9676 are not limited to removing federal controls on toxic air pollution and hazardous waste. Since so-called chemical recycling is not economically viable on its own, [as evidenced by the number of facilities which have failed over recent years](#), the bill forces the creation of a captive market for these facilities by requiring 30% “recycled” plastic in packaging. But there’s a catch. H.R. 9676 also authorizes use of [an accounting gimmick](#) called “mass balance” which allows companies to *claim* that their packaging contains recycled plastic content when in reality it [may have little or no such recycled content](#). In fact, much of the plastic waste that industry claims is recycling is actually currently being burned, and even more would continue to be burned under this bill – the antithesis of true recycling. This is in no way a “circular” recycling solution.

Moreover, H.R. 9676 prevents cities and states from protecting their residents from plastic incinerator pollution. The bill overturns existing – and prevents any new -- state and local laws addressing the plastic crisis, including restrictions on single use plastics, polystyrene, and other packaging. In short, this bill is an unabashed attempt to impose on the American people a set of unsafe, economically unsustainable technologies that have not been successful for the past four decades, so chemical companies can produce more plastic while shifting their costs onto the public.

We urge you to reject the advances by chemical manufacturers and lobbyists interested in a business model that deceives and harms the public. H.R. 9676 *weakens* protections for Americans’ health, water and air quality, and lands and communities, and provides zero responsible solutions to a plastics problem of their own creation. **We urge you to say “No” to co-sponsoring H.R. 9676**, which would remove existing federal health protections and pollution controls from plastic incineration.

For more information please contact Daniel Rosenberg, NRDC, at drosenberg@nrdc.org; Jim Pew, Earthjustice jpew@earthjustice.org; Cynthia Palmer, Moms Clean Air Force, at CynthiaPalmerMail@gmail.com; or Jane Williams, California Communities Against Toxics at dcapjane@aol.com.

Sincerely,

Alaska Community Action on Toxics

All Our Energy

Alliance for Mission Based Recycling (AMBR)

Alliance of Nurses for Healthy Environments

Azul

Better Path Coalition

Between the Waters

Beyond Plastics

Breathe Easy Susquehanna County

Breathe Free Detroit
Breathe Project
Buckeye Environmental Network
California Communities Against Toxics
Californians Against Waste
Carrizo Comecrudo Tribe of Texas
Center for Biological Diversity
Center for Coalfield Justice
Center for International Environmental Law
Clean Air Council
Clean Water Action
CleanAIRE NC
Climate Reality Project: Susquehanna Valley PA Chapter
Defend Our Health
Eco-Cycle
Ecology Center
Environment America
Environmental Defense Fund
Environmental Law & Policy Center
Environmental Protection Network
Environmental Working Group
Food and Water Watch
Fresh Water Accountability Project
Friends of the Earth
Global Alliance for Incinerator Alternatives (GAIA)
Greenfire Coalition Writers' Forum
Greenpeace USA
Haw River Assembly
League of Conservation Voters
Micah Six Eight Mission
Mid-Ohio Valley Climate Action
Moms Clean Air Force
Mountain Watershed Association
Move Past Plastic (MPP)
Natural Resources Defense Council (NRDC)

NEPA Green Coalition
North Carolina Conservation Network
Oceana
Ocean Conservancy
Ohio Valley Environmental Advocates, Inc.
Only One
Pacific Environment
People Over Petro Coalition
PIRG
Plastic Free Future
Plastic Pollution Coalition
Port Arthur Community Action Network (PACAN)
Quittapahilla Watershed Association
Safer States
Save our Susquehanna
Sierra Club
Society of Native Nations
Southern Environmental Law Program
Surfrider Foundation
Sustainable Tucson
The Descendants Project
The Last Beach Cleanup
The Last Plastic Straw
The YEARS Project
TIAA-Divest!
Toxic-Free Future
Vermont Natural Resources Council
Waterkeeper Alliance
West Virginia Citizen Action