

Dear Representative,

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,

Pamela Miller
Executive Director
Alaska Communities Against Toxics

George Povall
Executive Director
All Our Energy

Lucy Mullany
National Policy Director
Alliance of Mission Based Recyclers (AMBR)

Katie Huffling
Executive Director
Alliance of Nurses for Healthy Environments

Roland Gonzalez Pizarro
Senior Policy Associate
Azul

Karen Feridun
Co-founder
Better Path Coalition

Peggy Ann Berry, PhD
Executive Director
Between the Waters

Judith Enck
President
Beyond Plastics

Graham Hamilton
US & Canada Regional Policy Officer
Break Free From Plastic

Rebecca Roter
Chair
Breathe Easy Susquehanna County

KT Morelli
Organizer
Breathe Free Detroit

Matthew Mehalik
Executive Director
Breathe Project

Julie Boetger
Vice Chair, Board of Directors
Buckeye Environmental Network

Jane Williams
Executive Director

California Communities Against Toxics

Nick Lapis
Director of Advocacy
Californians Against Waste

Juan Mancias
Tribal Chairman
Carrizo Comecrudo Tribe of Texas

Julie Teel Simmonds
Senior Council
Center for Biological Diversity

Sarah Martik
Executive Director
Center for Coalfield Justice

Jane Patton
Campaign Manager, US Fossil Economy
Center for International Environmental Law (CIEL)

Alex Bomstein
Executive Director
Clean Air Council

Jeff Robbins
Executive Director
CleanAire NC

Cynthia Luppi
National Field Director
Clean Water Action

Sandy Field
Chair
Climate Reality Project

Maya Rommwatt
Director of Campaigns & Programs
Defend Our Health

Randy Moorman
Director of Policy & Community Campaigns
Eco-Cycle

Mike Garfield
Executive Director
Ecology Center

Lisa Frank
Executive Director
Environment America

Joanna Slaney
AVP, Political Affairs
EDF Action

Ann Mesnikoff
Federal Legislative Director
Environmental Law & Policy Center

Michelle Montoya
Policy Director
Environmental Protection Network

Jessica Hernandez
Policy Director
Environmental Working Group

Drew Guillory
Policy Advisor
Food & Water Watch

Lea Harper
Managing Director
Fresh Water Accountability Project

Marcie Kever
Oceans & Vessels Program Director
Friends of the Earth

Jessica Roff
Plastics & Petrochemicals Program Manager

Global Alliance for Incinerator Alternatives (GAIA)

Michael Sauers
Managing Editor
Greenfire Coalition Writers' Forum

John Hocevar
Ocean Campaigns Director
Greenpeace USA

Emily Sutton
Executive Director
Haw River Assembly

Lizzy Duncan
Executive Director
League of Conservation Voters

Cythina Robertson
Executive Director
Micah Six Eight Mission

Eric Engle
Board President
Mid-Ohio Valley Climate Action

Cynthia Palmer
Senior Analyst, Petrochemicals
Moms Clean Air Force

Ashley Funk
Executive Director
Mountain Watershed Alliance

Tamela Trussell
Founder
Move Past Plastic

Daniel Rosenberg
Director of Federal Toxics Policy
Natural Resources Defense Council (NRDC)

Jay Notartomaso
Founder
NEPA Green Coalition

Stephanie Schweickert
Environmental Health Campaigns Manager
North Carolina Conservation Network

Taylor Mann
Federal Policy Manager
Oceana

Anja Brandon, PhD
Director, Plastics Policy
Ocean Conservancy

Frank Rocchio
President
Ohio Valley Environmental Advocates, Inc.

Hannah Fine
Senior Director of Campaigns
Only One

Kristen McDonald
Senior Plastic Program Director
Pacific Environment

Cheryl Johncox
Regional Coordinator
People Over Petro Coalition

Alejandra Warren
Co-founder & Executive Director
Plastic Free Future

Dianna Cohen
CEO + Co-founder
Plastic Pollution Coalition

John Beard, Jr.
CEO

Port Arthur Community Action Network

Michael Schroeder
President
Quittapahilla Watershed Association

Sarah Doll
National Director
Safer States

Sandy Field
Chair
Save our Susquehanna

Melinda Pierce
Legislative Director
Sierra Club

Frankie Orona
Executive Director
Society of Native Nations

Keri Powell
Clean Air Director
Southern Environmental Law Program

Miho Ligare
Plastic Pollution Policy Manager
Surfrider Foundation

Kevin Greene
Zero Waste Committee
Sustainable Tucson

Jo Banner
Executive Director
The Descendants Project

Jan Dell
Independent Engineer
The Last Beach Cleanup

Jackie Nuñez
Founder
The Last Plastic Straw

Joel Bach
Executive Director
The YEARS Project

Barbara W. Brandom
Coordinating Committee Member
TIAA-Divest

Laurie Valeriano
Executive Director
Toxic-Free Future

Kelly Leviker
Beyond Plastic Advocate
US PIRG

Jon Groveman
Policy & Water Program Director
Vermont Natural Resources Council

Chelsea McDonald
Clean Water Defense Campaign Manager
Waterkeeper Alliance

Gary Zuckett
Executive Director
West Virginia Citizen Action