



APPENDIX 2

APPENDIX 2: MODEL BILL BANNING CHEMICAL RECYCLING

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A MODEL BILL

PROHIBITING THE CONSTRUCTION, OPERATION, AND PUBLIC FUNDING OF CHEMICAL CONVERSION OF WASTE IN [STATE]

FOR the purpose of protecting the environment by altering the definition of recycling to exclude the use of plastics into fuel or feedstocks through certain processes and prohibiting the construction or operation in the State of any facility that converts or attempts to convert plastics into fuel or feedstock through certain chemical conversion processes.

WHEREAS the past, current, and projected increase in the production and demand of plastics in the United States has raised concerns regarding environmental degradation caused by the proliferation of plastic waste, especially in communities of color and or low-income communities.

WHEREAS the petrochemical industry in the United States has utilized and touted chemical conversion processes as supposedly effective mechanisms to mitigate the ongoing plastic pollution problem, pointing to the supposed ability of chemical conversion to encourage more effective plastic waste management and create a circular economy.

WHEREAS recent scientific and technological evidence demonstrates that, by using heat and or chemicals to break down plastic waste into new plastic polymers or feedstock, chemical conversion releases pollutants into the environment (e.g.dioxin emissions and crude, contaminated hydrocarbon fuels) and emits carbon.

WHEREAS recent scientific and technological evidence also demonstrates that chemical conversion, despite its ascendant popularity in the petrochemical industry, has not handled a significant amount of plastic waste.

SECTION 1. BE IT THEREBY ENACTED BY THE LEGISLATURE OF THE STATE OF [INSERT STATE], that the laws of the [INSERT STATE] read as follows:

(A) DEFINITIONS.

(1) CHEMICAL CONVERSION TECHNOLOGIES: With regard to plastic, “chemical conversion technologies” means—

- (a) the use of plastic as a fuel or fuel substitute or the general use of plastic in energy production; or
- (b) the following processes:
 - (i) gasification;
 - (ii) pyrolysis;
 - (iii) solvolysis;
 - (iv) hydrolysis;
 - (v) methanolysis;
 - (vi) glycolysis;
 - (vii) enzymatic breakdown;
 - (viii) solvent-based purification;
 - (ix) combustion; or

(x) any other process used to transform plastic or plastic-derived materials into plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, or home heating oil.

- (2) **FACILITY:** “Facility” means any structure, place, amenity, equipment, tool, or operation built, installed, or established for the purpose of performing, facilitating, aiding, or otherwise engaging in chemical conversion as defined in Section 1(A).
- (3) **PERSON:** “Person” means any natural person as well as any corporation, company, partnership, firm, society, or association of persons.
- (4) **RECYCLING:**
 - (a) **GENERALLY—** “Recycling” means any process in which materials are collected, separated, or processed and returned to the marketplace in the form of raw materials to make new products.
 - (b) **EXCEPTION—** “Recycling” does not include chemical conversion as defined in Section 1(A).

(B) PROHIBITION ON CHEMICAL CONVERSION TECHNOLOGIES.

- (1) The definition of recycling shall exclude chemical conversion technologies pursuant to Section 1(A).
- (2) A person may not use, facilitate, or otherwise deploy chemical conversion technologies in the State.

(C) PROHIBITION ON FACILITIES USING CHEMICAL CONVERSION TECHNOLOGIES.

- (1) A person may not build, construct, establish, or operate any facilities that use chemical conversion technologies in the State.
- (2) The prohibition in this subsection applies to the modification or conversion of any existing non-covered facilities in the State into facilities that use chemical conversion technologies as defined in Section 1(A) and which are covered by this Act.

(D) PROHIBITION ON STATE INCENTIVES FOR CHEMICAL CONVERSION TECHNOLOGIES.

- (1) The State shall not provide subsidies, grants, tax breaks, or any other financial or non-financial incentives to support the development of facilities that use chemical conversion technologies or programs focused on chemical conversion technologies.

(E) ENFORCEMENT & IMPLEMENTATION. The [Department] may adopt regulations to enforce and implement this Section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect immediately.