

# Client Alert

**MAY 23, 2024**

For more information,  
contact:

Matthew J. Blaschke  
+1 415 318 1212  
[mblaschke@kslaw.com](mailto:mblaschke@kslaw.com)

Bailey J. Langner  
+1 415 318 1214  
[blangner@kslaw.com](mailto:blangner@kslaw.com)

Rachel Rubens  
+1 415 318 1210  
[rrubens@kslaw.com](mailto:rrubens@kslaw.com)

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## King & Spalding

San Francisco  
50 California Street  
Suite 3300  
San Francisco, California  
94111  
Tel. +1 415 318 1200

## EPA Releases Draft National Strategy to Prevent Plastic Pollution

In April 2023, the U.S. EPA released its [Draft National Strategy to Prevent Plastic Pollution](#), which aims to eliminate the release of plastic waste from land-based sources into the environment by 2040. The Draft Plastics Strategy, which is part of the EPA's National Recycling Strategy, seeks to accomplish that goal via voluntary actions that can be implemented throughout the United States. To that end, EPA identified three objectives in its Draft Plastics Strategy, which together include more than a dozen specific proposed actions and nearly fifty related elements. These objectives and action items, according to the Draft Strategy, are intended to support the US's shift to a circular economy—that is, one that is restorative and regenerative by design and aims to eliminate waste in the management of plastic products.

### OBJECTIVE A: REDUCE POLLUTION DURING PLASTIC PRODUCTION

According to the Draft Plastics Strategy, most plastic products found in the environment are unrecyclable, single-use, and frequently littered items. To that end, the Draft Strategy recommends employing various policy approaches to encourage stakeholders to reduce the production of these types of items in the first instance. For example, according to the Draft Strategy, (i) EPA should recommend specifications, standards, and ecolabels, to assist federal purchasers identify and procure environmentally preferable products and services. (ii) The federal government should create an innovation challenge program to develop alternatives to single-use, unrecyclable, and frequently littered plastic products—*i.e.*, a program similar to the Genius Prize, which was established by the Save Our Seas 2.0 Act that seeks to advance solutions to decrease plastic marine debris. In addition to reducing production of these types of single-use items, the Draft Strategy further recommends minimizing pollution across the life cycle of plastic products. To



accomplish this objective, which is mostly aimed at manufacturers, the Strategy recommends, for example, (i) conducting life cycle assessments (LCAs) to better understand the health, environmental, social, and economic impacts of a product across its lifespan from production to end of life, as well as (ii) map plastic production facilities and evaluate their environmental justice and public health impacts on nearby communities.

#### **OBJECTIVE B: IMPROVE POST-USE MATERIALS MANAGEMENT**

To further increase circularity beyond actions identified in EPA’s National Recycling Strategy, the Draft Plastics Strategy recommends that the U.S. develop (i) reuse systems for plastic and alternative products, (ii) composting systems, and (iii) increased public outreach and education on proper management of plastics. In support of these targets, the Draft Strategy contemplates actions such as providing funding to communities create and implement reuse or refill centers, updating compostable product standards to ensure that products labeled as “compostable” fully decompose in composting facilities, and evaluating claims by companies about the degradability of plastic products to prevent “greenwashing.” Furthermore, because “consumers play a pivotal role in determining how plastic products are used and disposed of,” the government should identify effective ways to increase public understanding of waste reduction, materials reuse, and composting options, as well as review plastic resin identification codes to determine if changes are needed to reduce confusion around the recyclability of plastic products. Finally, as a means to support this objective, the Draft Strategy identifies possible ratification by the U.S. of the Basel Convention, which requires parties to control the transboundary movement of certain materials and hazardous wastes.

#### **OBJECTIVE C: PREVENT TRASH AND MICRO/NANOPLASTICS FROM ENTERING WATERWAYS AND REMOVE ESCAPED TRASH FROM THE ENVIRONMENT**

Finally, the Draft Strategy indicates that interventions are necessary to prevent littering and trash, including plastic waste and microplastics, from entering waterways, including programs to reduce littering and illegal dumping; installing trash-capture technologies to collect and remove trash from stormwater, wastewater, and surface water; and increasing street sweeping to remove trash before it is carried into waterways. The Draft Strategy noted that such efforts can be hindered by lack of reliable data, and as such, recommends conducting analyses on the cost, effectiveness, and equity of policies and programs addressing these issues, particularly in disadvantaged and vulnerable communities. Further to that end, the Draft Survey recommends developing definitions for micro/nanoplastics, as well as standardized methods for their collection, extraction, quantification, and characterization.

Public requested public comment on the Draft Strategy and asked the public to consider several key questions when reviewing and commenting on it. For example:

- Which actions are the most important and would have the greatest positive impact on at the local, regional, national, and global levels?
- What are the most important roles and/or actions for federal agencies to lead?
- What key metrics and indicators should EPA use to measure progress in reducing plastic and other waste in waterways and oceans?
- What criteria should processes other than mechanical recycling meet to be considered “recycling activities” (e.g., “plastics-to-plastics outputs are ‘recycling’ if the output is a product that could again be recycled into another product or to extent that it can achieve viable feedstock for new plastic materials”)? How should health and environmental impacts be considered in these criteria?



EPA received almost 1,000 public comments before the comment period closed on July 31, 2023. EPA is currently reviewing all comments received.

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