

September 15, 2026

The Honorable Brett Guthrie, Chair
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone, Ranking Member
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Guthrie, Ranking Member Pallone, and Members of the Committee,

On behalf of the 58 undersigned organizations, we urge you to oppose two misleading bills included in tomorrow's full committee markup—the Recycled Materials Attribution Act of 2026 (H.R. 7502) ("RMAA") and the Packaging and Claims Knowledge Act of 2025 (H.R. 6832) ("PACK Act"). These bills are framed as consumer right-to-know laws, but by allowing the plastics industry to promote false claims about both the recycled content of products and the recyclability of plastic packaging, they would actually strengthen industry's ability to deceive consumers and embolden their efforts to inundate consumers with plastic.

The RMAA and PACK Act may appear to be uncontroversial product labeling bills, but in reality, these proposals are integral parts of a broader effort by the fossil fuel and chemical industry to lock in a massive increase in plastic production—which is projected to triple by 2050. This deluge of plastics threatens public health and the environment, while jeopardizing climate progress. As more plastic is produced, its impacts on our health are becoming harder to ignore. Among the wide-reaching and global implications, evidence continues to grow that virtually all of us have microplastics in our bodies.

A key piece of the chemical industry's relentless expansion of plastic production is the attempt to deceptively rebrand plastic waste incineration as a solution to this crisis. The incineration of plastic waste, mostly through pyrolysis/combustion, is championed by industry under the misnomers "chemical recycling" or "advanced recycling." This old, inefficient, and highly toxic process does not actually recycle plastic, but does produce large quantities of hazardous waste and harmful air pollution—including known human carcinogens such as benzene, dioxins, and PFAS; heavy metals including cadmium, lead, and mercury; and other pollutants known to cause serious health harms including sulfur dioxide and particulate matter.

When plastic waste is incinerated via pyrolysis, in addition to harmful air pollution and hazardous waste, it generates a toxic mixture called "pyrolysis oil." This pyrolysis oil is then

heavily diluted with virgin fossil fuels for further processing, most is eventually turned into toxic fuels and burned.

Recycled Materials Attribution Act

The RMAA seeks to undermine the widely understood concept of what recycling is by requiring the Federal Trade Commission (“FTC”) to update the Green Guides to integrate a spurious definition of recycling. This new definition would sweep in both plastic incineration technologies like pyrolysis and gasification that mostly produce fuels, and other solvent-based technologies with their own large toxic footprints.

The bill then sanctions industry’s use of highly deceptive accounting practices, which allow virgin plastic to be sold as “recycled” via the transfer of credits generated from fuel production and use. As a result, a plastic bottle could be sold as containing 100% recycled plastic, when in fact it may not contain any recycled plastic at all. Converting plastic waste into fuel should never amount to a “credit” or “claim” for recycling. Turning waste into toxic fuel is not recycling. Although the bill is written to appear as if to exclude credits from fuel production and use, it actually only prevents fuel made from plastic waste from being marketed as “recycled” as an end product. It does not stop companies from transferring the recycled content claim from fuel that is generated from incineration to plastic packaging, and then marketing that plastic packaging as “recycled.” The bill would force these updates to the Green Guides with no opportunities for public input, hamstringing the agency from making a considered decision on these issues in the future. By allowing practices that result in false and misleading claims about the amount of recycled material in a product, the bill would promote the most highly polluting forms of plastic waste disposal and provide them with a market advantage over mechanical recycling. These deceptive claims also prey upon consumers’ willingness to pay a premium for products they have been led to believe contain recycled content, juicing industry profits and effectively subsidizing incineration over traditional mechanical recycling.

The bill also preempts states from taking *any* action that would protect against these types of deceptive claims. Moreover, the bill allows industry to create and then rely on their own private third-party certification methods, with no government verification of individual claims, and creates an advisory council made up of industry stakeholders, effectively leaving the fox to guard the henhouse.

Packaging and Claims Knowledge Act

The PACK Act would eliminate state “truth-in-labeling” laws which prohibit the use of recycling and compostability indicators (such as the chasing arrows symbol) on packaging unless the products are *actually* being recycled or composted at scale. The bill is based around an expansive preemption provision that would upend a suite of effective state-level policies on recyclability, reusability, and compostability claims which protect both consumers and recyclers.

The breadth of this preemption provision would also threaten states' ability to regulate PFAS or other toxic chemicals added to packaging as it relates to determining their status as recyclable, reusable, and compostable. In place of these carefully-crafted state policies, the PACK Act proposes a vague framework which fails to consider states' individual recycling capabilities, jeopardizing the work states are already doing to ensure recycling claims are clear and accurate based on local conditions and to reduce the toxicity of certain packaging. The PACK Act also prohibits the FTC from developing any binding regulations that would allow the agency to build out an effective national program. And like the RMAA, it would allow industry to rely on their own third-party certification methods with no independent oversight.

The PACK Act would also increase recycling costs for communities nationwide—when packaging contains inaccurate recycling claims, the result is a recycling stream contaminated with unwanted, unrecyclable materials, which state and local municipalities must manage at the expense of taxpayers.

The RMAA and the PACK Act would increase consumer confusion by allowing false claims about whether a product actually contains recycled material or is truly recyclable, preempt protective state laws, and undermine traditional mechanical recycling methods—all while giving industry cover to ramp up plastic production which pollutes communities with toxic chemicals and hazardous waste. We urge you to oppose both bills and to reject the chemical and plastic industry's attempts to prop up plastic incineration and deceive the public.

Sincerely,

**NATURAL RESOURCES DEFENSE COUNCIL
MOMS CLEAN AIR FORCE
LEAGUE OF CONSERVATION VOTERS
EARTHJUSTICE
BEYOND PLASTICS
BREAK FREE FROM PLASTIC U.S.
STOP WASTE TUCSON
THE PLASTICS & CLIMATE PROJECT
SURFRIDER FOUNDATION
CALIFORNIANS AGAINST WASTE
OCEANA
PACIFIC ENVIRONMENT
UPSTREAM
GREENLATINOS
ALLIANCE FOR MISSION-BASED RECYCLING
EUREKA RECYCLING
VESSEL PROJECT OF LOUISIANA**

**RISE ST. JAMES LOUISIANA
GULF SOUTH FOSSIL FINANCE HUB
THE CONCERNED CITIZENS OF ST JOHN INC
BETWEEN THE WATERS
ENVIRONMENTAL WORKING GROUP
ECOLOGY CENTER
AIR ALLIANCE HOUSTON
SAVE BARNEGAT BAY
THE LAST PLASTIC STRAW
BASEL ACTION NETWORK
RECYCLE HAWAII
TOXIC-FREE FUTURE
CLIMATE COMMUNICATIONS COALITION
PLASTIC POLLUTION COALITION
CLEAN WATER ACTION
COASTAL WATCH ASSOCIATION
MOUNTAIN WATERSHED ASSOCIATION
ECO-CYCLE
MI FAMILIA VOTA
SAFER STATES
JUST ZERO
FENCELINE WATCH
FOCO TRASH MOB, A BEYOND PLASTICS AFFILIATE
HABITAT RECOVERY PROJECT
GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA)
PEOPLE OVER PETRO COALITION
MONTEREY BAY AQUARIUM
CLEAN AIR COUNCIL
CUT THE PLASTIC ENVIRONMENTAL MITIGATION SOLUTIONS
ZERO WASTE ITHACA
ALLIANCE OF NURSES FOR HEALTHY ENVIRONMENTS
THE DESCENDANTS PROJECT
PEOPLE OVER POLYMERS
SOCIETY OF NATIVE NATIONS
PHYSICIANS FOR SOCIAL RESPONSIBILITY - LOS ANGELES
DAMASCUS CITIZENS FOR SUSTAINABILITY
BREATHE FREE DETROIT
PLASTIC FREE FUTURE
BLACK WOMEN FOR WELLNESS
CENTER FOR COALFIELD JUSTICE
CALIFORNIA COMMUNITIES AGAINST TOXICS**