

August 31, 2026

The Honorable Gus Bilirakis, Chair
House Energy and Commerce Committee
Subcommittee on Commerce, Manufacturing, and Trade
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jan Schakowsky, Ranking Member
House Energy and Commerce Committee
Subcommittee on Commerce, Manufacturing, and Trade
2125 Rayburn House Office Building
Washington, D.C. 20515

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 Subcommittee Chair Bilirakis, Subcommittee Ranking Member Schakowsky, Chair Guthrie, Ranking Member Pallone, and Members of the Committee,

On behalf of the undersigned organizations we urge you to oppose two misleading bills included in tomorrow's subcommittee 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 propose innocuous changes related only to product labeling, but in reality, these policies 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 will jeopardize climate progress and unleash a highly toxic threat to public health. As more plastic is produced, its harms to 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 misnomer “chemical 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.

Recycled Materials Attribution Act

The RMAA seeks to change the widely understood concept of what recycling is by requiring the Federal Trade Commission (“FTC”) to update the Green Guides to integrate an unsound definition of recycling, which would sweep in both plastic incineration technologies like pyrolysis and gasification and other solvent-based technologies with large toxic footprints. When plastic waste is incinerated via pyrolysis, this generates a highly toxic mixture called “pyrolysis oil” along with hazardous waste and harmful pollution. This pyrolysis oil is then highly diluted with virgin fossil fuels for further processing, most of which is eventually turned into toxic fuels. This process does not reconstitute much, if any, plastic. It mostly produces dirty, toxic fuels—and fuel production and use are not “recycling.”

The RMAA then sanctions industry’s use of highly deceptive accounting practices (including the worst types of “mass-balance” methods), which allow virgin plastic to be sold as “recycled” based on the claims industry is attributing to pyrolysis oil and/or fuel. Turning waste into toxic fuel is not recycling. Although the bill is written to appear as if it excludes fuel production and use, it 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 to an entirely different material, and marketing products made from that material as recycled. 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 to fuel should never amount to a “credit” or “claim” for recycling. Yet the RMAA’s updates to the Green Guides authorizes these highly deceptive forms of product claims for recycled content without 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 RMAA 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 RMAA also preempts states from taking any action that would protect against these types of deceptive claims. Moreover, it allows industry to create and then rely on their own private third-party certification methods with no independent oversight, 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 packaging from using recycling and compostability indicators on labels (such as the chasing arrows symbol) unless the products are *actually* being recycled or composted at scale. The bill pre-empts effective state-level policies that protect both consumers and recyclers and leaves behind a voluntary national framework,

which fails to consider states' individual recycling capabilities, jeopardizing the work states are doing to ensure recycling claims are clear and accurate based on local conditions. The PACK Act would not only impede a traditional and established area of state regulation, but it would also saddle states and local municipalities (and thus taxpayers) with increased costs of dealing with increased volumes of unrecyclable plastic waste in the recycling stream.

The RMAA and the PACK Act would increase consumer confusion about recycling by allowing false claims about whether a product actually contains recycled material or is truly recyclable, pre-empt 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
JUST ZERO
SURFRIDER FOUNDATION
OCEANA
TURTLE ISLAND RESTORATION NETWORK
BETWEEN THE WATERS
CHEROKEE CONCERNED CITIZENS
BEYOND PLASTICS
CALIFORNIANS AGAINST WASTE
AIR ALLIANCE HOUSTON
ALLIANCE FOR MISSION-BASED RECYCLING
EUREKA RECYCLING
GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA)
CLEAN WATER ACTION
BREAK FREE FROM PLASTIC US**