

**Congress of the United States**  
Washington, DC 20510

July 14, 2022

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Regan:

We are writing to express our concern over recent investments in chemical recycling as a means to manage our growing plastic pollution crisis. In addition to the harmful downstream impacts of inadequately managed plastic waste that finds its way into the environment, plastic production is a substantial source of greenhouse gas emissions and a driver of environmental injustice in vulnerable communities located near polluting petrochemical facilities. Plastic production and consumption are on track to double in the next decade, exacerbating these harmful impacts. Addressing this growing crisis requires a focus on reducing the production of new plastic. Chemical recycling technologies, specifically pyrolysis and gasification, are forms of incineration and do not help us achieve new source reduction. For these reasons, we urge caution in how the Environmental Protection Agency (EPA) treats these technologies moving forward.

A recent National Academies of Science report called for a comprehensive approach to address this crisis and transition to a circular economy. While we cannot recycle our way out of the plastic pollution crisis, the science is clear that we need recycling to work if we want to move towards a circular economy independent of fossil fuels. According to EPA's latest estimates (2018 data), the plastics recycling rate in the country was 8.7%. However, it appears plastics recycling rates are even lower as the Department of Energy analyzed data from 2019, finding that only 5% of plastics are being recycled. We support EPA's continued work towards helping our country reach our national recycling goal of increasing the recycling rate to 50% by 2030.

However, we were disappointed to see EPA include chemical recycling in Part One of the National Recycling Strategy. Whereas current plastics recycling technology employs mechanical processes like washing, grinding, and re-granulating to recover plastic resins, chemical recycling, sometimes called "advanced recycling" or "molecular recycling," includes a suite of technologies that use non-mechanical processes to break down plastics. Of particular concern are pyrolysis and gasification, which produce fuels like crude oil or synthetic natural gas in part through combustion and other plastic burning technologies. There is no way to guarantee that the feedstocks created through these processes are used to produce new plastics, meaning that they may not advance a circular economy.

Instead of leading to the recovery of plastic and supporting the transition to a circular economy, pyrolysis and gasification lead to the release of more harmful pollutants and greenhouse gases.

Estimates suggest that pyrolysis of plastic waste emits nearly twice as much CO<sub>2</sub> as mechanical recycling<sup>1</sup> – and unlike mechanical recycling, is not guaranteed to recover plastics into the supply chain or reduce the need for new virgin plastic.<sup>2</sup> Additionally, chemical recycling facilities are sending significant amounts of hazardous waste nationwide.<sup>3</sup> Chemical recycling contributes to our growing climate crisis and leads to toxic air emissions that disproportionately impact vulnerable communities. We ask that EPA take action to advance solutions that reduce our use of single-use plastic and enhance the circular economy and forgo false solutions like chemical recycling that perpetuate the climate crisis and environmental injustice.

In addition, we are aware that EPA is currently reviewing whether pyrolysis and gasification units should continue being regulated as “municipal waste combustion units” under Section 129 of the Clean Air Act. Changes in how these facilities are regulated could have significant impacts on local air emissions in the communities where these facilities are located, disproportionately impacting minority and low-income communities. Chemical recycling facilities emit highly toxic chemicals, including benzene, toluene, ethyl benzene, xylenes, and dioxins, many of which are linked to cancer, nervous system damage, and negative effects on reproduction and development. The plastic and petrochemical industry has lobbied at the state level to eliminate emission control requirements for incinerators using these technologies, exposing vulnerable frontline communities to toxic emissions from these processes.

We urge EPA to maintain its longstanding position that pyrolysis and gasification units are subject to regulation under Section 129 of the Clean Air Act and must meet EPA’s existing incinerator standards. We also urge EPA to use existing authorities under Section 114 of the Clean Air Act to obtain information on emissions from chemical recycling facilities, including criteria and hazardous air pollutants, CO<sub>2</sub>, and other greenhouse gases. Communities located near these facilities need to know what chemicals they are being exposed to, and they need the full protection that Congress intended the Clean Air Act’s incinerator standards to provide.

We share the concern of over 100 environmental and environmental justice organizations urging EPA to continue to regulate these chemical recycling technologies under the Clean Air Act for the health and safety of vulnerable communities.

We ask that EPA continue to regulate pyrolysis and gasification units as waste combustion units so that the most vulnerable communities do not bear even more of a burden from existing facilities. We also urge EPA to prioritize solutions that reduce our reliance on single-use plastic and move us towards a circular economy through source reduction interventions and improved mechanical recycling as it implements the National Recycling Strategy. Chemical recycling will not solve our plastics crisis and it removes incentives for industry to design their products to transition to a circular economy. Technologies that worsen the climate crisis, perpetuate a reliance on single-use plastics, and adversely impact vulnerable communities cannot be viewed as viable solutions moving forward.

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<sup>1</sup> The Pew Charitable Trusts and SYSTEMIQ. 2020. “Breaking the Plastic Wave.” [https://www.systemiq.earth/wp-content/uploads/2020/07/BreakingThePlasticWave\\_MainReport.pdf](https://www.systemiq.earth/wp-content/uploads/2020/07/BreakingThePlasticWave_MainReport.pdf). p. 40.

<sup>2</sup> Brock, J., Volcovici, V., and Geffie, J. 2021. “The Recycling Myth: Big Oil’s Solution for Plastic Waste Littered with Failure.” *Reuters*. <https://www.reuters.com/investigates/special-report/environment-plastic-oil-recycling/>.

<sup>3</sup> NRDC. 2021. ““Chemical Recycling”: A Summer of Disillusionment.” <https://www.nrdc.org/experts/veena-singla/chemical-recycling-summer-disillusionment>.

Sincerely,



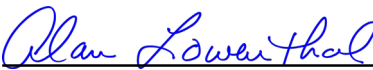
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Cory A. Booker  
United States Senator



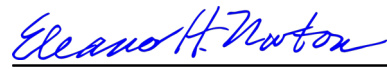
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Jared Huffman  
Member of Congress



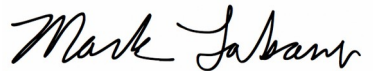
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Alan S. Lowenthal  
Member of Congress



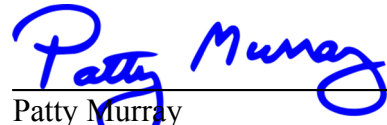
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Eleanor Holmes Norton  
Member of Congress



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MARK TAKANO  
Member of Congress



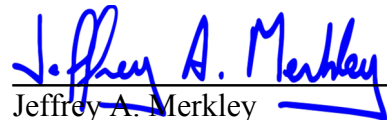
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Patty Murray  
United States Senator



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Doris Matsui  
Member of Congress



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Jeffrey A. Merkley  
United States Senator



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Mary Gay Scanlon  
Member of Congress



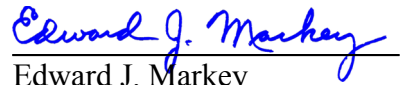
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Alma S. Adams, Ph.D.  
Member of Congress



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Kathy Castor  
Member of Congress



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Edward J. Markey  
United States Senator



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Dianne Feinstein  
United States Senator



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A. Donald McEachin  
Member of Congress



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Zoe Lofgren  
Member of Congress



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CORI BUSH  
Member of Congress



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Bernard Sanders  
United States Senator



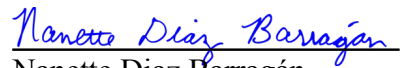
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Rashida Tlaib  
Member of Congress



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Sheila Jackson Lee  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress



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Jesús G. "Chuy" García  
Member of Congress



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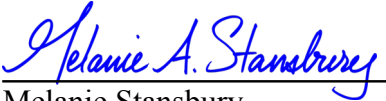
Mike Levin  
Member of Congress



Mark DeSaulnier  
Member of Congress



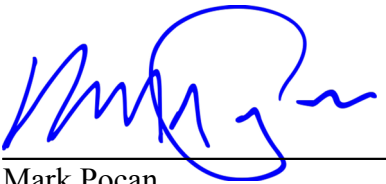
Adriano Espaillat  
Member of Congress



Melanie Stansbury  
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Sara Jacobs  
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Alexandria Ocasio-Cortez  
Member of Congress



Earl Blumenauer  
Member of Congress



Elizabeth Warren  
United States Senator



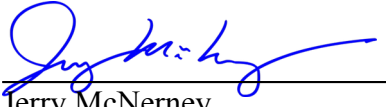
Chris Van Hollen  
United States Senator



Carolyn B. Maloney  
Member of Congress



Jamie Raskin  
Member of Congress



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Jerry McNerney  
Member of Congress

cc

Brenda Mallory, Chair, White House Council on Environmental Quality

Richard Moore, Co-Chair, White House Environmental Justice Advisory Council

Peggy Shepard, Co-Chair, White House Environmental Justice Advisory Council