

Plastic Pellet Free Waters Act: U.S. House of Representatives Legislation Introduced Addressing Plastic Pellets



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

04/15/2024

H.R. 7634 has been introduced into the United States House of Representatives which is titled:

Plastic Pellet Free Waters Act (“Act”).

The Act requires that the United States Environmental Protection Agency (“EPA”) promulgate certain limitations with respect to pre-production plastic pellet materials.

The bill’s sponsors include Representatives Mike Levin (California) and Mary Peltola (Alaska).

The sponsors state that plastic pellets are a form of microplastics. Microplastics are generally defined as plastic debris less than five millimeters in length. They have been a focus of significant concern because of their ubiquitous presence in the environment. In particular, they have been found in lakes, rivers, and other water bodies.

The Act would require that the EPA within sixty days after its enactment promulgate a final rule to ensure that (paraphrasing):

1. Discharge of plastic pellets or other pre-production plastic materials (including discharge into wastewater and other runoff) into facilities regulated under Part 414 or 463 of Title 40, Code of Federal Regulations is prohibited;
2. The discharge of plastic pellets or other pre-production plastic materials (including discharge into wastewater or other runoff) from a point source (as defined in Section 502 of the Federal Water Pollution Control Act... that makes, uses, packages, or transports those plastic pellets and other pre-production plastic materials is prohibited).

The previously referenced requirements in paragraphs 1 and 2 are required to be reflected in all wastewater, stormwater, and other Permits issues by EPA and in state delegated programs under Section 402 of the Federal Water Pollution Control Act for facilities and other point sources that make, use, package, or transport plastic pellets or other pre-production plastic materials. Further, the requirements under paragraphs 1 and 2 must also be reflected in all standards of performance promulgated under Section 312(p) of the Federal Water Pollution Control Act that are applicable to point sources that make, use, packages, or transport plastic pellets or other pre-production plastic materials.

A copy of H.R. 7634 can be downloaded [here](#).