

.....
(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Trade Commission Act to include requirements for recyclable, compostable, and reusable claims for packaging for a consumer product, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WEBER of Texas introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Trade Commission Act to include requirements for recyclable, compostable, and reusable claims for packaging for a consumer product, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Packaging and Claims
5 Knowledge Act of 2025” or the “PACK Act”.

1 **SEC. 2. REQUIREMENTS FOR RECYCLABLE, COMPOSTABLE,**
2 **AND REUSABLE CLAIMS FOR PACKAGING**
3 **FOR A CONSUMER PRODUCT.**

4 The Federal Trade Commission Act (15 U.S.C. 41
5 et seq.) is amended by inserting after section 26 the fol-
6 lowing:

7 **“SEC. 27. RECYCLABLE, COMPOSTABLE, AND REUSABLE**
8 **CLAIMS FOR PACKAGING FOR A CONSUMER**
9 **PRODUCT.**

10 “(a) COMPOSTABLE, RECYCLABLE, AND REUSABLE
11 CLAIMS.—

12 “(1) RECYCLABLE CLAIMS.—

13 “(A) DECEPTIVE CLAIMS PROHIBITED.—A
14 person may not claim that packaging for a con-
15 sumer product is recyclable if the packaging is
16 not recyclable.

17 “(B) QUALIFYING CLAIMS OF RECYCLING
18 REQUIRED.—Except as provided in subpara-
19 graph (C), a person shall clearly and promi-
20 nently qualify the description of a recyclable
21 claim by informing consumers about the avail-
22 ability of recycling programs and collection sites
23 where the item is sold—

24 “(i) by including the percentage of
25 consumers or communities that have access

1 to recycle the packaging for the consumer
2 product; or

3 “(ii) by including qualifications that
4 vary in strength depending on availability.

5 “(C) EXEMPTION FROM QUALIFIED
6 CLAIMS FOR AVAILABILITY.—A person is ex-
7 empt from the requirement of subparagraph
8 (B) if—

9 “(i) a recycling program or facility is
10 available to a substantial majority of con-
11 sumers or communities in which the con-
12 sumer product is sold; and

13 “(ii) the entire consumer product
14 package, excluding any minor incidental
15 component, is recyclable.

16 “(D) NOT RECYCLABLE.—The following
17 circumstances are not considered recyclable for
18 purposes of this paragraph:

19 “(i) A case in which any component of
20 the consumer product packaging signifi-
21 cantly limits the ability to recycle the pack-
22 aging of the consumer product.

23 “(ii) A case in which packaging for a
24 consumer product that is made from recy-
25 clable material, but, because of the shape,

1 size, or some other attribute of the con-
2 sumer product packaging, is not accepted
3 in recycling programs.

4 “(2) COMPOSTABLE CLAIMS FOR CONSUMER
5 PRODUCT PACKAGING.—

6 “(A) DECEPTIVE CLAIMS PROHIBITED.—A
7 person may not make a claim that packaging
8 for a consumer product is compostable if the
9 packaging is not compostable.

10 “(B) EVIDENCE REQUIRED.—A person
11 that claims packaging for a consumer product
12 is compostable shall have competent and reli-
13 able scientific evidence that the packaging is
14 compostable.

15 “(C) QUALIFYING CLAIM OF
16 COMPOSTABILITY REQUIRED.—A person shall
17 clearly and prominently include a qualifying de-
18 scription on any claim that the packaging for a
19 consumer product is compostable to the extent
20 necessary to inform consumers about the ability
21 of the packaging to be composted if—

22 “(i) the consumer product packaging
23 cannot be composted safely or in a timely
24 manner in a home compost pile or device;

1 “(ii) the claim misleads reasonable
2 consumers about the environmental benefit
3 provided when the consumer product pack-
4 aging is disposed of in a landfill; or

5 “(iii) municipal or institutional
6 composting facilities are not available
7 where the item is sold to a substantial ma-
8 jority of consumers or communities.

9 “(3) REUSABLE CLAIMS FOR CONSUMER PROD-
10 UCT PACKAGING.—

11 “(A) DECEPTIVE CLAIMS PROHIBITED.—A
12 person may not claim that packaging for a con-
13 sumer product is reusable if the packaging is
14 not reusable.

15 “(B) MEANS FOR REUSE REQUIRED.—A
16 person may not make an unqualified reusable
17 claim for consumer product packaging unless
18 the person provides the means for reusing the
19 packaging through—

20 “(i) providing a system for the collec-
21 tion and reuse of the packaging; or

22 “(ii) offering for sale a product that
23 consumers can purchase to reuse the origi-
24 nal packaging.

1 “(4) USE OF RESIN IDENTIFICATION CODES.—
2 Consumer product packaging that is not eligible to
3 bear a compostable, recyclable, or reusable claim
4 shall not bear a resin identification code that is sur-
5 rounded by three chasing, triangulated arrows, ex-
6 cept that such packaging may bear a resin identi-
7 fication code that is surrounded by an equilateral
8 triangle, consistent with ASTM International Stand-
9 ard D7611/D7611M–19.

10 “(5) THIRD-PARTY CERTIFICATION.—A person
11 may not make a claim that packaging for a con-
12 sumer product is compostable, recyclable, or reusable
13 unless an accredited third-party certification body
14 has certified such claim.

15 “(6) RULE OF CONSTRUCTION.—This section
16 may not be construed to apply to packaging that is
17 not for a consumer product.

18 “(b) COMMISSION GUIDANCE.—

19 “(1) IN GENERAL.—Not later than two years
20 after the date of the enactment of this section, the
21 Commission shall issue guidance for a person to be
22 in compliance with subsection (a) that includes the
23 following:

1 “(A) Criteria for accreditation bodies to
2 consider in accrediting third party certification
3 bodies, including whether—

4 “(i) a third party certification body
5 meets the requirements of ISO/IEC
6 17065:2012, including any amendment;
7 and

8 “(ii) such body is qualified to certify
9 compostable, recyclable, and reusable
10 claims for consumer product packaging
11 consistent with the requirements described
12 in this section.

13 “(B) A consideration of different types of
14 consumer product packaging materials, includ-
15 ing paper, plastic, glass, metal, or a combina-
16 tion thereof.

17 “(C) A consideration of different colors,
18 shapes, and sizes of consumer product pack-
19 aging materials.

20 “(2) RULES AND REGULATIONS PROHIBITED.—
21 Notwithstanding section 6(g), the Commission may
22 not issue any binding rule or regulation under this
23 section.

24 “(3) PERSONNEL AND FORMATION OF ADVI-
25 SORY COUNCIL.—In issuing guidance and in admin-

1 istering the provisions of this section the Commis-
2 sion shall—

3 “(A) work with and consider input from
4 the Administrator to leverage the knowledge of
5 the Environmental Protection Agency on issues
6 related to waste and product lifecycle manage-
7 ment, including on issues relating to the use
8 and management of compostable, recyclable,
9 and reusable consumer product packaging; and

10 “(B) not later than one year after the date
11 of the enactment of this section, the Commis-
12 sion shall establish an advisory council that
13 meets at least annually and is comprised of
14 subject matter and technical experts rep-
15 resenting industry stakeholders, including pack-
16 aging material suppliers, manufacturers of con-
17 sumer products, and entities involved in the col-
18 lection and management of discarded consumer
19 product packaging.

20 “(c) ENFORCEMENT BY FEDERAL TRADE COMMIS-
21 SION.—

22 “(1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
23 TICES.—A violation of this section shall be treated
24 as a violation of a rule defining an unfair or decep-

1 tive act or practice prescribed under section
2 18(a)(1)(B).

3 “(2) POWERS OF THE COMMISSION.—

4 “(A) IN GENERAL.—The Commission shall
5 enforce this section in the same manner, by the
6 same means, and with the same jurisdiction,
7 powers, and duties as though all applicable
8 terms and provisions of this section were incor-
9 porated into and made a part of this section.

10 “(B) PRIVILEGES AND IMMUNITIES.—Any
11 person that violates this section shall be subject
12 to the penalties, and entitled to the privileges
13 and immunities, provided in this Act.

14 “(C) COMPELLED CLAIMS.—The Commis-
15 sion may not compel, require, or otherwise man-
16 date a person to make a claim that consumer
17 product packaging is compostable, recyclable, or
18 reusable.

19 “(3) PREEMPTION.—A State and political sub-
20 division of a State may not establish, enforce, or
21 continue in effect any provision of law or a legal re-
22 quirement that is not identical with any requirement
23 under this section.

24 “(d) DEFINITIONS.—In this section:

1 “(1) ACCREDITATION.—The term ‘accredita-
2 tion’ means a determination by an accreditation
3 body that a third-party certification body meets the
4 applicable requirements of ISO/IEC 17065:2012, in-
5 cluding any amendment, and is qualified to certify
6 compostable, recyclable, and reusable claims for con-
7 sumer product packaging.

8 “(2) ACCREDITATION BODY.—The term ‘ac-
9 creditation body’ means a person that performs ac-
10 creditation of third-party certification bodies and is
11 in compliance with ISO/IEC 17011:2017, including
12 any amendment.

13 “(3) ACCREDITED THIRD-PARTY CERTIFI-
14 CATION BODY.—The term ‘accredited third-party
15 certification body’ means a third-party certification
16 body that an accreditation body has determined
17 meets the requirements of ISO/IEC 17065:2012, in-
18 cluding any amendment, and is qualified to certify
19 and is certifying compostable, recyclable, and reus-
20 able claims for consumer product packaging.

21 “(4) ADMINISTRATOR.—The term ‘Adminis-
22 trator’ means the Administrator of the Environ-
23 mental Protection Agency.

24 “(5) CLAIM.—The term ‘claim’—

1 “(A) means any statement or representa-
2 tion that is conveyed through any means, in-
3 cluding through writing, symbols, marks, graph-
4 ics, or electronic or digital links; and

5 “(B) does not include any instruction re-
6 garding how to recycle, compost, or reuse pack-
7 aging.

8 “(6) COMMISSION.—The term ‘Commission’
9 means the Federal Trade Commission.

10 “(7) COMPOSTABLE.—The term ‘compostable’
11 means the packaging is designed to be associated
12 with materials collected for composting that meets
13 ASTM or equivalent industrial compostability stand-
14 ards, and similarly appropriate standards for the
15 case of home compostability, and is capable of
16 breaking down into, or otherwise becoming part of,
17 stable and mature compost at an appropriate indus-
18 trial composting facility, or in a home compost pile
19 or device.

20 “(8) CONSUMER PRODUCT.—The term ‘con-
21 sumer product’ means—

22 “(A) any tangible product;

23 “(B) that is—

24 “(i) sold, offered for sale, or distrib-
25 uted in the United States, or intended to

1 be sold, offered for sale, or distributed in
2 the United States; and

3 “(ii) to a person that is an individual
4 consumer and not a trust, firm, joint stock
5 company, corporation (including a govern-
6 ment corporation), partnership, associa-
7 tion, State, municipality, commission, po-
8 litical subdivision of a State, or any inter-
9 state body, including any department,
10 agency, and instrumentality of the United
11 States; and

12 “(C) which is normally used or consumed
13 by an individual consumer, including for per-
14 sonal, recreational, educational, family, house-
15 hold, or personal property maintenance or care
16 purposes, including any product that is ordi-
17 narily available for purchase by an individual
18 consumer.

19 “(9) PACKAGING.—The term ‘packaging’ means
20 any material that is used for the containment, pro-
21 tection, handling, delivery, and presentation of a
22 tangible product that is sold, offered for sale, or dis-
23 tributed in the United States.

1 “(10) PERSON.—The term ‘person’ means any
2 individual, partnership, corporation, trust, estate, co-
3 operative, association, or other entity.

4 “(11) RECYCLABLE.—The term ‘recyclable’
5 means that packaging can be collected, sorted, re-
6 processed, and ultimately reused in manufacturing
7 or to make another item.

8 “(12) REUSABLE.—The term ‘reusable’ means
9 the packaging is designed to accomplish within the
10 life cycle of the packaging more than one trip, rota-
11 tion, or use for the same purpose for which the
12 packaging was primarily designed.

13 “(13) SUBSTANTIAL MAJORITY.—The term
14 ‘substantial majority’ means 60 percent or more.

15 “(14) THIRD-PARTY CERTIFICATION BODY.—
16 The term ‘third-party certification body’ means a
17 person that is eligible to be considered for accredita-
18 tion to evaluate, develop, and certify compostable,
19 recyclable, and reusable claims for consumer product
20 packaging.”.