

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6832
OFFERED BY MR. FULCHER OF IDAHO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Packaging and Claims
3 Knowledge Act of 2026” or the “PACK Act of 2026”.

**4 SEC. 2. REQUIREMENTS FOR RECYCLABLE, COMPOSTABLE,
5 AND REUSABLE CLAIMS FOR PACKAGING
6 FOR A CONSUMER PRODUCT.**

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

**10 “SEC. 27. RECYCLABLE, COMPOSTABLE, AND REUSABLE
11 CLAIMS FOR PACKAGING FOR A CONSUMER
12 PRODUCT.**

13 “(a) COMPOSTABLE, RECYCLABLE, AND REUSABLE
14 CLAIMS.—

15 “(1) RECYCLABLE CLAIMS.—

16 “(A) DECEPTIVE CLAIMS PROHIBITED.—A
17 person may not claim that packaging for a con-

1 sumer product is recyclable if the packaging is
2 not recyclable.

3 “(B) QUALIFYING CLAIMS OF RECYCLING
4 REQUIRED.—Except as provided in subpara-
5 graph (C), a person shall clearly and promi-
6 nently qualify the description of a recyclable
7 claim by informing consumers about the avail-
8 ability of recycling programs and collection sites
9 where the item is sold—

10 “(i) by including the percentage of
11 consumers or communities that have access
12 to recycle the packaging for the consumer
13 product; or

14 “(ii) by including qualifications that
15 vary in strength depending on availability.

16 “(C) EXEMPTION FROM QUALIFIED
17 CLAIMS FOR AVAILABILITY.—A person is ex-
18 empt from the requirement of subparagraph
19 (B) if—

20 “(i) a recycling program or facility is
21 available to a substantial majority of con-
22 sumers or communities in which the con-
23 sumer product is sold; and

1 “(ii) the entire consumer product
2 package, excluding any minor incidental
3 component, is recyclable.

4 “(D) NOT RECYCLABLE.—The following
5 circumstances are not considered recyclable for
6 purposes of this paragraph:

7 “(i) A case in which any non-detach-
8 able component of the consumer product
9 packaging significantly limits the ability to
10 recycle the packaging of the consumer
11 product.

12 “(ii) A case in which packaging for a
13 consumer product that is made from recy-
14 clable material, but, because of the shape,
15 size, or some other attribute of the con-
16 sumer product packaging, is not accepted
17 in recycling programs.

18 “(2) COMPOSTABLE CLAIMS FOR CONSUMER
19 PRODUCT PACKAGING.—

20 “(A) DECEPTIVE CLAIMS PROHIBITED.—A
21 person may not make a claim that packaging
22 for a consumer product is compostable if the
23 packaging is not compostable.

24 “(B) EVIDENCE REQUIRED.—A person
25 that claims packaging for a consumer product

1 is compostable shall have competent and reli-
2 able scientific evidence that the packaging is
3 compostable.

4 “(C) QUALIFYING CLAIM OF
5 COMPOSTABILITY REQUIRED.—A person shall
6 clearly and prominently include a qualifying de-
7 scription on any claim that the packaging for a
8 consumer product is compostable to the extent
9 necessary to inform consumers about the ability
10 of the packaging to be composted if—

11 “(i) the consumer product packaging
12 cannot be composted safely or in a timely
13 manner in a home compost pile or device;

14 “(ii) the claim misleads reasonable
15 consumers about the environmental benefit
16 provided when the consumer product pack-
17 aging is disposed of in a landfill; or

18 “(iii) municipal or institutional
19 composting facilities are not available
20 where the item is sold to a substantial ma-
21 jority of consumers or communities.

22 “(3) REUSABLE CLAIMS FOR CONSUMER PROD-
23 UCT PACKAGING.—

24 “(A) DECEPTIVE CLAIMS PROHIBITED.—A
25 person may not claim that packaging for a con-

1 sumer product is reusable if the packaging is
2 not reusable.

3 “(B) MEANS FOR REUSE REQUIRED.—A
4 person may not make an unqualified reusable
5 claim for consumer product packaging unless
6 the person provides the means for reusing the
7 packaging through—

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

10 “(ii) offering for sale a product that
11 consumers can purchase to reuse the origi-
12 nal packaging.

13 “(4) THIRD-PARTY CERTIFICATION.—A person
14 may not make a claim that packaging for a con-
15 sumer product is compostable, recyclable, or reusable
16 unless an accredited third-party certification body
17 has certified such claim. With respect to a claim
18 that packaging for a consumer product is reusable,
19 this paragraph shall take effect 2 years after the
20 date of the enactment of this section.

21 “(5) RULE OF CONSTRUCTION.—This sub-
22 section may not be construed to—

23 “(A) apply to packaging that is not for a
24 consumer product; or

1 “(B) prohibit, restrict, or require third-
2 party certification of any statement, symbol, or
3 information required by the law of a foreign ju-
4 risdiction.

5 “(b) COMMISSION GUIDANCE.—

6 “(1) IN GENERAL.—Not later than 2 years
7 after the date of the enactment of this section, the
8 Commission shall issue guidance for a person to be
9 in compliance with subsection (a) that includes the
10 following:

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

15 “(B) A consideration of different colors,
16 shapes, and sizes of consumer product pack-
17 aging materials.

18 “(2) LIMITATIONS.—

19 “(A) NO CONFERRING OF RIGHTS OR
20 BINDING EFFECT.—Any guidance issued by the
21 Commission under paragraph (1) shall not con-
22 fer any rights on any person nor shall such
23 guidance operate to bind the Commission or
24 any person to the approach recommended in
25 such guidance.

1 “(B) BASIS OF ENFORCEMENT ACTIONS.—

2 In any enforcement action brought pursuant to
3 this section, the Commission shall allege a spe-
4 cific violation of a provision of this Act. The
5 Commission may not base an enforcement ac-
6 tion on, or execute a consent order based on,
7 practices that are alleged to be inconsistent
8 with any such guidance, unless the practices al-
9 legedly violate this section.

10 “(c) PERSONNEL AND FORMATION OF ADVISORY
11 COUNCIL.—In issuing guidance under subsection (b)(1)
12 and in administering the provisions of this section, the
13 Commission shall—

14 “(1) work with and consider input from the Ad-
15 ministrator to leverage the knowledge of the Envi-
16 ronmental Protection Agency on issues related to
17 waste and product lifecycle management, including
18 on issues relating to the use and management of
19 compostable, recyclable, and reusable consumer
20 product packaging; and

21 “(2) not later than 1 year after the date of the
22 enactment of this section, the Commission shall es-
23 tablish an advisory council that meets at least annu-
24 ally and is comprised of subject matter and technical
25 experts representing industry stakeholders, including

1 packaging material suppliers, manufacturers of con-
2 sumer products, and entities involved in the collec-
3 tion and management of discarded consumer product
4 packaging.

5 “(d) ENFORCEMENT BY COMMISSION.—

6 “(1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
7 TICES.—A violation of this section shall be treated
8 as a violation of a rule defining an unfair or decep-
9 tive act or practice prescribed under section
10 18(a)(1)(B).

11 “(2) POWERS OF THE COMMISSION.—

12 “(A) IN GENERAL.—The Commission shall
13 enforce this section in the same manner, by the
14 same means, and with the same jurisdiction,
15 powers, and duties as though all applicable
16 terms and provisions of this section were incor-
17 porated into and made a part of this section.

18 “(B) PRIVILEGES AND IMMUNITIES.—Any
19 person that violates this section shall be subject
20 to the penalties, and entitled to the privileges
21 and immunities, provided in this Act.

22 “(C) COMPELLED CLAIMS.—The Commis-
23 sion may not compel, require, or otherwise man-
24 date a person to make a claim that consumer

1 product packaging is compostable, recyclable, or
2 reusable.

3 “(e) RELATIONSHIP TO STATE LAWS.—

4 “(1) IN GENERAL.—No State or political sub-
5 division of a State may prescribe, maintain, or en-
6 force any law, rule, regulation, requirement, stand-
7 ard or other provision having the force and effect of
8 law to the extent such law, rule, regulation, require-
9 ment, standard, or other provision regulates claims,
10 representations, labeling, or disclosures regarding
11 recyclability, reusability, or compostability of pack-
12 aging for a consumer product.

13 “(2) RULE OF CONSTRUCTION.—Nothing in
14 this subsection may be construed to preempt the ap-
15 plicability of any law of a State with requirements
16 that are identical to those in this section.

17 “(3) PACKAGE; PACKAGING FOR A CONSUMER
18 PRODUCT DEFINED.—For the purposes of this sub-
19 section, the term ‘packaging’ or ‘packaging for a
20 consumer product’ includes any product, component,
21 or material that performs a packaging function, in-
22 cluding where such product, component, or material
23 is not distinct from or separable from the consumer
24 product.

25 “(f) 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 following requirements:

5 “(A) Operates in accordance with generally
6 accepted principles for product certification, in-
7 cluding independence, impartiality, and the
8 avoidance of conflicts of interests.

9 “(B) Possesses the technical competence,
10 qualified personnel, and organizational capacity
11 to carry out certification activities.

12 “(C) Applies documented, transparent, and
13 scientifically valid methodologies in a consistent
14 and objective manner.

15 “(D) Maintains procedures to ensure the
16 separation of evaluation and certification deci-
17 sion-making functions.

18 “(E) Implements a management system
19 and controls that are sufficient to ensure the
20 consistency, reliability, and traceability of cer-
21 tification decisions.

22 “(F) Is qualified to evaluate and certify
23 compostable, recyclable, and reusable claims for
24 consumer product packaging in accordance with
25 the requirements of this section.

1 “(2) ACCREDITATION BODY.—The term ‘ac-
2 creditation body’ means a person that performs ac-
3 creditation of a third-party certification body and
4 does the following:

5 “(A) Evaluates and recognizes third-party
6 certification bodies based on established and
7 publicly available criteria.

8 “(B) Operates independently and free from
9 conflicts of interest.

10 “(C) Applies procedures designed to ensure
11 competence, consistency, and impartiality of
12 any certification body it accredits.

13 “(3) ADMINISTRATOR.—The term ‘Adminis-
14 trator’ means the Administrator of the Environ-
15 mental Protection Agency.

16 “(4) CLAIM.—The term ‘claim’—

17 “(A) means any statement or representa-
18 tion that is conveyed through any means, in-
19 cluding through writing, symbols, marks, graph-
20 ics, or electronic or digital links; and

21 “(B) does not include any instruction re-
22 garding how to recycle, compost, or reuse pack-
23 aging.

24 “(5) COMMISSION.—The term ‘Commission’
25 means the Federal Trade Commission.

1 “(6) COMPOSTABLE.—The term ‘compostable’
2 means the packaging is designed to be associated
3 with materials collected for composting that meets
4 ASTM or equivalent industrial compostability stand-
5 ards, and similarly appropriate standards for the
6 case of home compostability, and is capable of
7 breaking down into, or otherwise becoming part of,
8 stable and mature compost at an appropriate indus-
9 trial composting facility, or in a home compost pile
10 or device.

11 “(7) CONSUMER PRODUCT.—The term ‘con-
12 sumer product’ means any tangible product that
13 is—

14 “(A) sold, offered for sale, or distributed in
15 the United States (or intended to be sold, of-
16 fered for sale, or distributed in the United
17 States) to a person that is an individual con-
18 sumer and not a trust, firm, joint stock com-
19 pany, corporation (including a government cor-
20 poration), partnership, association, State, mu-
21 nicipality, commission, political subdivision of a
22 State, or any interstate body (including any de-
23 partment, agency, and instrumentality of the
24 United States); and

1 “(B) normally used or consumed by an in-
2 dividual consumer (including for personal, rec-
3 reational, educational, family, household, or
4 personal property maintenance or care pur-
5 poses) or ultimately used or consumed as a re-
6 sult of business-to-business distribution.

7 “(8) PACKAGING.—Except as otherwise pro-
8 vided, the term ‘packaging’ means any material that
9 is used for the containment, protection, handling,
10 delivery, and presentation of a tangible product that
11 is sold, offered for sale, or distributed in the United
12 States.

13 “(9) PACKAGING FUNCTION.—The term ‘pack-
14 aging function’ means the containment, protection,
15 handling, delivery, or presentation of a consumer
16 product, regardless of whether the material, compo-
17 nent, or item performing such function is separate
18 from, or integral to, the consumer product at the
19 point of sale or use.

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

23 “(11) RECYCLABLE.—The term ‘recyclable’
24 means that packaging can be collected, sorted, re-

1 processed, and ultimately reused in manufacturing
2 or to make another item.

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

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

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

