

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7502
OFFERED BY MR. EVANS OF COLORADO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Recycled Materials Attribution Act of 2026”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Recognition of mass balance accounting for recycled content claims.
Sec. 4. Recycled content claims.
Sec. 5. Enforcement by Federal Trade Commission.
Sec. 6. Preemption.
Sec. 7. Applicability.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) COMMISSION.—The term “Commission”
9 means the Federal Trade Commission.

10 (2) COMPETENT AND RELIABLE SCIENTIFIC
11 EVIDENCE.—The term “competent and reliable sci-
12 entific evidence” means any test, analysis, research,
13 or study that—

1 (A) has been conducted and evaluated in
2 an objective manner by an expert in the rel-
3 evant field;

4 (B) is generally accepted in the profession
5 to yield accurate and reliable results; and

6 (C) is sufficient in quality and quantity
7 based on standards generally accepted in the
8 relevant scientific fields to substantiate that a
9 representation is true when considered in light
10 of the entire body of relevant scientific evidence.

11 (3) MASS BALANCE ACCOUNTING.—The term
12 “mass balance accounting” means a valid chain-of-
13 custody methodology that allows a manufacturing
14 supply chain—

15 (A) to mix or co-process alternative feed-
16 stocks, including pre-consumer material and
17 post-consumer material, with conventional feed-
18 stocks; and

19 (B) to allocate the mass of such alternative
20 feedstocks to final products on the basis of doc-
21 umented inputs and outputs.

22 (4) POST-CONSUMER MATERIAL.—The term
23 “post-consumer material” means—

24 (A) a subset of recovered material or prod-
25 uct that has completed the life cycle, served the

1 intended end-use, and been recovered or di-
2 verted from waste destined for disposal; and

3 (B) includes any term used to describe
4 post-consumer material content in products, in-
5 cluding “post-consumer waste” and “post-con-
6 sumer recycled”.

7 (5) PRE-CONSUMER MATERIAL.—The term
8 “pre-consumer material”—

9 (A) means a waste material or scrap that
10 has been diverted or recovered from solid waste
11 during the manufacturing of a product, includ-
12 ing any trimming, stamping, faulty part gen-
13 erated during the manufacturing process, obso-
14 lete inventory, and overrun; and

15 (B) does not include reutilization of any
16 material, such as rework, regrind, or scrap gen-
17 erated in a process and capable of being re-
18 claimed within the same process that generated
19 the material.

20 (6) RECYCLED.—The term “recycled” means a
21 material that has been processed through recycling.

22 (7) RECYCLED CONTENT.—The term “recycled
23 content” means the quantity of pre-consumer mate-
24 rials and post-consumer materials recovered or oth-
25 erwise diverted from the waste stream through recy-

1 cling, for use in the production of a new, salable
2 product.

3 (8) RECYCLED CONTENT CLAIM.—The term
4 “recycled content claim” includes any claim or rep-
5 resentation regarding the recycled nature of a prod-
6 uct or material, including “recycled content”, “recy-
7 cled plastics”, “recycled materials”, and similar ter-
8 minology.

9 (9) RECYCLING.—

10 (A) IN GENERAL.—The term “recycling”
11 means a series of activities that includes—

12 (i) the collection of used, reused, or
13 unused items that would otherwise be con-
14 sidered waste;

15 (ii) sorting and processing the recycla-
16 ble products into raw materials; and

17 (iii) remanufacturing the raw mate-
18 rials into a new, salable product.

19 (B) INCLUSION.—The term “recycling” in-
20 cludes the following:

21 (i) Mechanical recycling, in which a
22 material is collected, sorted, cleaned, and
23 reprocessed (without significantly altering
24 the chemical structure of the material) for
25 use in manufacturing products.

1 (ii) Non-mechanical recycling, in
2 which a material is collected, sorted,
3 cleaned, and transformed through tech-
4 nology that alters the chemical structure of
5 the material and that produces an output
6 used to manufacture products (excluding a
7 waste-to-energy facility in which such a
8 material is used primarily to generate
9 process heat or electricity).

10 (10) THIRD-PARTY CERTIFICATION.—“Third
11 Party Certification” means a written determination,
12 verification, or attestation that a product, material,
13 process, service, or entity meets specified standards,
14 criteria, or requirements, issued by an independent
15 organization that—

16 (A) is not owned, controlled by, or under
17 common control with the person or entity seek-
18 ing certification;

19 (B) does not design, manufacture, sell, dis-
20 tribute, or market the product or material being
21 certified;

22 (C) conducts its certification activities in
23 accordance with objectivity, impartiality, and
24 professional competence; and

1 (D) Does not have financial, commercial,
2 or organizational interest that could com-
3 promise its independence or impartiality with
4 respect to the certified product, material, or en-
5 tity.

6 (11) THIRD-PARTY CERTIFICATION SYSTEM.—
7 For the purposes of this Act, the term “third-party
8 certification system” means an independently admin-
9 istered system that—

10 (A) establishes a set of rules governing the
11 implementation of mass balance accounting ap-
12 proaches; and

13 (B) provides independent certification con-
14 firming that—

15 (i) the recycled content attributed to a
16 product does not exceed the quantity by
17 weight of recovered materials introduced
18 into the manufacturing supply chain (ac-
19 counting for process losses);

20 (ii) an auditable chain-of-custody ac-
21 counting methodology was applied that en-
22 ables the attribution of the mass of inputs
23 to 1 or more outputs in accordance with
24 the rules of the system; and

1 (iii) the total mass of alternative feed-
2 stocks, including pre-consumer material
3 and post-consumer material, introduced
4 into the manufacturing supply chain has
5 been quantified and appropriately allocated
6 to final products.

7 **SEC. 3. RECOGNITION OF MASS BALANCE ACCOUNTING**
8 **FOR RECYCLED CONTENT CLAIMS.**

9 Mass balance accounting shall be an acceptable meth-
10 od for substantiating recycled content claims and analo-
11 gous claims if the use of mass balance accounting complies
12 with the requirements of a third-party certification sys-
13 tem.

14 **SEC. 4. RECYCLED CONTENT CLAIMS.**

15 (a) PROHIBITION.—A person may not—

16 (1) advertise, market, sell, or offer for sale a
17 product to a consumer using a misleading recycled
18 content claim; or

19 (2) market fuels produced and sold as an end
20 product as “recycled content”.

21 (b) GUIDANCE.—

22 (1) UPDATE TO GREEN GUIDES.—Not later
23 than 1 year after the date of the enactment of this
24 Act, the Commission shall update the Guides for the
25 Use of Environmental Marketing Claims issued by

1 the Federal Trade Commission (part 260 of title 16,
2 Code of Federal Regulations) (commonly known as
3 the “Green Guides”), to ensure that the Green
4 Guides are consistent with and reflect the defini-
5 tions, standards, and authorizations established
6 under this Act, including the authorization to sub-
7 stantiate recycled content claims through mass bal-
8 ance accounting.

9 (2) ADDITIONAL GUIDANCE.—The Commission
10 shall issue guidance that establishes the following:

11 (A) Mass balance accounting as an accept-
12 able method for substantiating a recycled con-
13 tent claim, if—

14 (i) the use of mass balance accounting
15 complies with the requirements of a third-
16 party certification system; and

17 (ii) any representation about mass
18 balance accounting with respect to a recy-
19 cled content claim is based on competent
20 and reliable scientific evidence and pre-
21 sented in a manner that is not misleading.

22 (B) A clear and consistent framework with
23 respect to a recycled content claim, establishing
24 that a person can advertise, market, sell, or

1 offer for sale a product using an accurate recycled content claim.

3 (3) LIMITATIONS.—

4 (A) NO CONFERRING OF RIGHTS OR BINDING EFFECT.—Any guidance issued by the
5 Commission with respect to this section shall
6 not confer any rights on any person nor shall
7 such guidance operate to bind the Commission
8 or any person to the approach recommended in
9 such guidance.

11 (B) BASIS OF ENFORCEMENT ACTIONS.—
12 In any enforcement action brought pursuant to
13 this Act, the Commission shall allege a specific
14 violation of a provision of this Act. The Commission may not base an enforcement action on,
15 or execute a consent order based on, practices
16 that are alleged to be inconsistent with any
17 such guidelines.

19 **SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.**

20 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
21 A violation of section 4(a) shall be treated as a violation
22 of a regulation under section 18(a)(1)(B) of the Federal
23 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

1 (b) POWERS OF COMMISSION.—The Commission
2 shall enforce section 4(a) in the same manner, by the same
3 means, and with the same jurisdiction, powers, and duties
4 as though all applicable terms and provisions of the Fed-
5 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
6 incorporated into and made a part of this section, and any
7 person who violates section 4(a) shall be subject to the
8 penalties and entitled to the privileges and immunities
9 provided in the Federal Trade Commission Act.

10 **SEC. 6. PREEMPTION.**

11 No State, or political subdivision of a State, may
12 maintain, enforce, prescribe, or continue in effect any law,
13 rule, regulation, requirement, standard, or other provision
14 having the force and effect of law that relates to the prohi-
15 bition and enforcement provisions of this Act.

16 **SEC. 7. APPLICABILITY.**

17 (a) SEVERABILITY.—If any provision of this Act, or
18 the application of that provision to any person or cir-
19 cumstance, is held to be invalid, the remainder of this Act,
20 or the application of that provision to persons or cir-
21 cumstances other those as to which it is held invalid, is
22 not affected thereby.

23 (b) RULE OF CONSTRUCTION.—Nothing in this Act
24 may be construed to modify, limit, or supersede any other

1 Federal law or regulation except to the extent expressly
2 provided.

3 (c) FEDERAL STANDARDS.—The provisions in this
4 Act establish uniform Federal standards for recycled con-
5 tent claims, recycling claims, recyclability claims, and
6 analogous claims, and apply solely to the matters expressly
7 addressed in this Act.

