

[Committee Print]

[SHOWING THE TEXT OF H.R. 7502, AS FORWARDED BY THE SUBCOMMITTEE ON COMMERCE, MANUFACTURING, AND TRADE ON SEPTEMBER 1, 2026]

119TH CONGRESS
2D SESSION

H. R. 7502

To prohibit a person from making a misleading recycled content claim in advertising, marketing, selling, or offering for sale a product to a consumer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2026

Mr. LANGWORTHY (for himself, Mr. VICENTE GONZALEZ of Texas, Mr. WEBER of Texas, Mr. JACKSON of Illinois, Mr. EVANS of Colorado, Mr. DAVIS of North Carolina, Mr. CRENSHAW, Mr. VEASEY, Mr. CUELLAR, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit a person from making a misleading recycled content claim in advertising, marketing, selling, or offering for sale a product to a consumer, 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,*

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—

14 (A) has been conducted and evaluated in
15 an objective manner by an expert in the rel-
16 evant field;

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

19 (C) is sufficient in quality and quantity
20 based on standards generally accepted in the
21 relevant scientific fields to substantiate that a

1 representation is true when considered in light
2 of the entire body of relevant scientific evidence.

3 (3) MASS BALANCE ACCOUNTING.—The term
4 “mass balance accounting” means a valid chain-of-
5 custody methodology that allows a manufacturing
6 supply chain—

7 (A) to mix or co-process alternative feed-
8 stocks, including pre-consumer material and
9 post-consumer material, with conventional feed-
10 stocks; and

11 (B) to allocate the mass of such alternative
12 feedstocks to final products on the basis of doc-
13 umented inputs and outputs.

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

16 (A) a subset of recovered material or prod-
17 uct that has completed the life cycle, served the
18 intended end-use, and been recovered or di-
19 verted from waste destined for disposal; and

20 (B) includes any term used to describe
21 post-consumer material content in products, in-
22 cluding “post-consumer waste” and “post-con-
23 sumer recycled”.

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

1 (A) means a waste material or scrap that
2 has been diverted or recovered from solid waste
3 during the manufacturing of a product, includ-
4 ing any trimming, stamping, faulty part gen-
5 erated during the manufacturing process, obso-
6 lete inventory, and overrun; and

7 (B) does not include reutilization of any
8 material, such as rework, regrind, or scrap gen-
9 erated in a process and capable of being re-
10 claimed within the same process that generated
11 the material.

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

14 (7) RECYCLED CONTENT.—The term “recycled
15 content” means the quantity of pre-consumer mate-
16 rials and post-consumer materials recovered or oth-
17 erwise diverted from the waste stream through recy-
18 cling, for use in the production of a new, salable
19 product.

20 (8) RECYCLED CONTENT CLAIM.—The term
21 “recycled content claim” includes any claim or rep-
22 resentation regarding the recycled nature of a prod-
23 uct or material, including “recycled content”, “recy-
24 cled plastics”, “recycled materials”, and similar ter-
25 minology.

1 (9) RECYCLING.—

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

4 (i) the collection of used, reused, or
5 unused items that would otherwise be con-
6 sidered waste;

7 (ii) sorting and processing the recycla-
8 ble products into raw materials; and

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

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

13 (i) Mechanical recycling, in which a
14 material is collected, sorted, cleaned, and
15 reprocessed (without significantly altering
16 the chemical structure of the material) for
17 use in manufacturing products.

18 (ii) Non-mechanical recycling, in
19 which a material is collected, sorted,
20 cleaned, and transformed through tech-
21 nology that alters the chemical structure of
22 the material and that produces an output
23 used to manufacture products (excluding a
24 waste-to-energy facility in which such a

1 material is used primarily to generate
2 process heat or electricity).

3 (10) THIRD-PARTY CERTIFICATION.—“Third
4 Party Certification” means a written determination,
5 verification, or attestation that a product, material,
6 process, service, or entity meets specified standards,
7 criteria, or requirements, issued by an independent
8 organization that—

9 (A) is not owned, controlled by, or under
10 common control with the person or entity seek-
11 ing certification;

12 (B) does not design, manufacture, sell, dis-
13 tribute, or market the product or material being
14 certified;

15 (C) conducts its certification activities in
16 accordance with objectivity, impartiality, and
17 professional competence; and

18 (D) Does not have financial, commercial,
19 or organizational interest that could com-
20 promise its independence or impartiality with
21 respect to the certified product, material, or en-
22 tity.

23 (11) THIRD-PARTY CERTIFICATION SYSTEM.—
24 For the purposes of this Act, the term “third-party

1 certification system” means an independently admin-
2 istered system that—

3 (A) establishes a set of rules governing the
4 implementation of mass balance accounting ap-
5 proaches; and

6 (B) provides independent certification con-
7 firming that—

8 (i) the recycled content attributed to a
9 product does not exceed the quantity by
10 weight of recovered materials introduced
11 into the manufacturing supply chain (ac-
12 counting for process losses);

13 (ii) an auditable chain-of-custody ac-
14 counting methodology was applied that en-
15 ables the attribution of the mass of inputs
16 to 1 or more outputs in accordance with
17 the rules of the system; and

18 (iii) the total mass of alternative feed-
19 stocks, including pre-consumer material
20 and post-consumer material, introduced
21 into the manufacturing supply chain has
22 been quantified and appropriately allocated
23 to final products.

1 **SEC. 3. RECOGNITION OF MASS BALANCE ACCOUNTING**
2 **FOR RECYCLED CONTENT CLAIMS.**

3 Mass balance accounting shall be an acceptable meth-
4 od for substantiating recycled content claims and analo-
5 gous claims if the use of mass balance accounting complies
6 with the requirements of a third-party certification sys-
7 tem.

8 **SEC. 4. RECYCLED CONTENT CLAIMS.**

9 (a) PROHIBITION.—A person may not—

10 (1) advertise, market, sell, or offer for sale a
11 product to a consumer using a misleading recycled
12 content claim; or

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

15 (b) GUIDANCE.—

16 (1) UPDATE TO GREEN GUIDES.—Not later
17 than 1 year after the date of the enactment of this
18 Act, the Commission shall update the Guides for the
19 Use of Environmental Marketing Claims issued by
20 the Federal Trade Commission (part 260 of title 16,
21 Code of Federal Regulations) (commonly known as
22 the “Green Guides”), to ensure that the Green
23 Guides are consistent with and reflect the defini-
24 tions, standards, and authorizations established
25 under this Act, including the authorization to sub-

1 stantiate recycled content claims through mass bal-
2 ance accounting.

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

5 (A) Mass balance accounting as an accept-
6 able method for substantiating a recycled con-
7 tent claim, if—

8 (i) the use of mass balance accounting
9 complies with the requirements of a third-
10 party certification system; and

11 (ii) any representation about mass
12 balance accounting with respect to a recy-
13 cled content claim is based on competent
14 and reliable scientific evidence and pre-
15 sented in a manner that is not misleading.

16 (B) A clear and consistent framework with
17 respect to a recycled content claim, establishing
18 that a person can advertise, market, sell, or
19 offer for sale a product using an accurate recy-
20 cled content claim.

21 (3) LIMITATIONS.—

22 (A) NO CONFERRING OF RIGHTS OR BIND-
23 ING EFFECT.—Any guidance issued by the
24 Commission with respect to this section shall
25 not confer any rights on any person nor shall

1 such guidance operate to bind the Commission
2 or any person to the approach recommended in
3 such guidance.

4 (B) BASIS OF ENFORCEMENT ACTIONS.—

5 In any enforcement action brought pursuant to
6 this Act, the Commission shall allege a specific
7 violation of a provision of this Act. The Com-
8 mission may not base an enforcement action on,
9 or execute a consent order based on, practices
10 that are alleged to be inconsistent with any
11 such guidelines.

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

13 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—

14 A violation of section 4(a) shall be treated as a violation
15 of a regulation under section 18(a)(1)(B) of the Federal
16 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regard-
17 ing unfair or deceptive acts or practices.

18 (b) POWERS OF COMMISSION.—The Commission
19 shall enforce section 4(a) in the same manner, by the same
20 means, and with the same jurisdiction, powers, and duties
21 as though all applicable terms and provisions of the Fed-
22 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
23 incorporated into and made a part of this section, and any
24 person who violates section 4(a) shall be subject to the

1 penalties and entitled to the privileges and immunities
2 provided in the Federal Trade Commission Act.

3 **SEC. 6. PREEMPTION.**

4 No State, or political subdivision of a State, may
5 maintain, enforce, prescribe, or continue in effect any law,
6 rule, regulation, requirement, standard, or other provision
7 having the force and effect of law that relates to the prohi-
8 bition and enforcement provisions of this Act.

9 **SEC. 7. APPLICABILITY.**

10 (a) SEVERABILITY.—If any provision of this Act, or
11 the application of that provision to any person or cir-
12 cumstance, is held to be invalid, the remainder of this Act,
13 or the application of that provision to persons or cir-
14 cumstances other those as to which it is held invalid, is
15 not affected thereby.

16 (b) RULE OF CONSTRUCTION.—Nothing in this Act
17 may be construed to modify, limit, or supersede any other
18 Federal law or regulation except to the extent expressly
19 provided.

20 (c) FEDERAL STANDARDS.—The provisions in this
21 Act establish uniform Federal standards for recycled con-
22 tent claims, recycling claims, recyclability claims, and
23 analogous claims, and apply solely to the matters expressly
24 addressed in this Act.