



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

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Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Brown Co-Leads Coalition of 15 Attorneys General Urging EPA to Strengthen Proposed Rules for “Advanced Recycling” Facilities

Maryland Attorney General Anthony Brown co-led a coalition of 15 Attorneys General supporting EPA’s proposed rules for “advanced recycling” facilities, but also urging the agency to go further in its proposed Significant New Use Rules (SNURs) for producing 18 substances used to make transportation fuels and refinery feedstocks – raw material for processing or manufacturing another product – from plastic waste. Under the new rules, the “advanced recycling” - a misleading term that primarily refers to two processes, pyrolysis and gasification, that break plastics down into their constituent molecules - of plastic waste containing certain chemicals and impurities known to be hazardous to human health and the environment would require EPA’s pre-approval.

Pyrolysis and gasification are processes that use significant energy, extreme heat, and a low-or-no oxygen environment to break down plastic products. Those molecules can then, in theory, be used to build new plastic products, but the great majority of substances produced through these processes is, instead, burned or added to transportation fuels. The plastic waste used in these processes often contains chemical additives and impurities that are known to be harmful to human health and the environment. Studies indicate that those additives and impurities may wind up in consumer goods or otherwise become part of a facility’s air, water, or solid waste emissions, posing significant environmental justice concerns as petrochemical facilities are disproportionately located in minority and low-income areas across the country.

“The process of ‘advanced recycling’ is being peddled as a solution to our plastic-waste crisis, but, if it’s not properly regulated, it will merely concentrate the burdens of our plastic addiction on already overburdened communities,” **said Maryland Attorney General Anthony G. Brown.** “We appreciate EPA turning its attention to this important issue, but we urge the agency to do even more to prioritize public health for *all* Marylanders and protect the environment from the risks presented by these substances.”

The proposed SNURs would require manufacturers and processors of the 18 substances to apply for EPA’s preauthorization if using plastic waste containing any of number of chemical additives

or impurities. In their comments, the Attorneys General applaud this positive first step but state that it falls short of covering the entire range of chemicals associated with plastic waste and urge EPA to do more to ensure that the SNURs do not implicitly authorize the use of plastic waste feedstocks. Additionally, the letter urges EPA to make a significant effort to investigate the health risks posed by pyrolysis and gasification of plastic feedstocks, particularly on already overburdened communities.

Co-leading these comments are the Attorneys General of Maryland, California, Massachusetts and the District of Columbia. Joining the co-leads in submitting the comments are the Attorneys General of Connecticut, Hawaii, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

A copy of the comments can be found [here](#).

<https://www.marylandattorneygeneral.gov/press/2023/082123.pdf>