

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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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. Savings provision.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSION.—The term “Commission”
 4 means the Federal Trade Commission.

5 (2) COMPETENT AND RELIABLE SCIENTIFIC
 6 EVIDENCE.—The term “competent and reliable sci-
 7 entific evidence” means any test, analysis, research,
 8 or study that—

9 (A) has been conducted and evaluated in
 10 an objective manner by an expert in the rel-
 11 evant field;

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

14 (C) is sufficient in quality and quantity
 15 based on standards generally accepted in the
 16 relevant scientific fields to substantiate that a
 17 representation is true when considered in light
 18 of the entire body of relevant scientific evidence.

19 (3) MASS BALANCE ACCOUNTING.—The term
 20 “mass balance accounting” means a valid chain-of-
 21 custody methodology that allows a manufacturing
 22 supply chain—

1 (A) to mix or co-process alternative feed-
2 stocks, including pre-consumer material and
3 post-consumer material, with conventional feed-
4 stocks; and

5 (B) to allocate the mass of such alternative
6 feedstocks to final products on the basis of doc-
7 umented inputs and outputs.

8 (4) POST-CONSUMER MATERIAL.—The term
9 “post-consumer material” means material generated
10 by a household or a commercial, industrial, or insti-
11 tutional facility as an end user of the product, in-
12 cluding through returns of materials from the dis-
13 tribution chain.

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

16 (A) means material diverted during a man-
17 ufacturing process and not used and commer-
18 cialized; and

19 (B) does not include re-used material, in-
20 cluding rework, regrind, and scrap, generated in
21 a given process and capable of being reclaimed
22 within such process.

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

1 (7) RECYCLED CONTENT.—The term “recycled
2 content” means the quantity of pre-consumer mate-
3 rials and post-consumer materials recovered or oth-
4 erwise diverted from the waste stream through recy-
5 cling, for use in the production of a new, salable
6 product.

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

13 (9) RECYCLING.—

14 (A) IN GENERAL.—The term “recycling”
15 means any process by which a material recov-
16 ered or otherwise diverted from the waste
17 stream, either during the manufacturing proc-
18 ess (in the case of pre-consumer material) or
19 after consumer use (in the case of post-con-
20 sumer material), is reprocessed and converted
21 into a raw material for the manufacturing of a
22 new, salable product.

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

1 (i) Mechanical recycling, in which a
2 material is collected, sorted, cleaned, and
3 reprocessed (without significantly altering
4 the chemical structure of the material) for
5 use in manufacturing products.

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

15 (10) THIRD-PARTY CERTIFICATION.—“Third
16 Party Certification” means a written determination,
17 verification, or attestation that a product, material,
18 process, service, or entity meets specified standards,
19 criteria, or requirements, issued by an independent
20 organization that:

21 (A) is not owned, controlled by, or under
22 common control with the person or entity seek-
23 ing certification;

1 (B) does not design, manufacture, sell, dis-
2 tribute, or market the product or material being
3 certified;

4 (C) conducts its certification activities in
5 accordance with objectivity, impartiality, and
6 professional competence; and

7 (D) does not have financial, commercial, or
8 organizational interest that could compromise
9 its independence or impartiality with respect to
10 the certified product, material, or entity; and

11 (11) THIRD-PARTY CERTIFICATION SYSTEM.—

12 For the purposes of this Act, the term “third-party
13 certification system” means an independently admin-
14 istered system that—

15 (A) establishes a set of rules governing the
16 implementation of mass balance accounting ap-
17 proaches; and

18 (B) provides independent certification con-
19 firming that—

20 (i) the recycled content attributed to a
21 product does not exceed the quantity by
22 weight of recovered materials introduced
23 into the manufacturing supply chain (ac-
24 counting for process losses);

1 (ii) an auditable chain-of-custody ac-
 2 counting methodology was applied that en-
 3 ables the attribution of the mass of inputs
 4 to 1 or more outputs in accordance with
 5 the rules of the system; and

6 (iii) the total mass of alternative feed-
 7 stocks, including pre-consumer material
 8 and post-consumer material, introduced
 9 into the manufacturing supply chain has
 10 been quantified and appropriately allocated
 11 to final products.

12 **SEC. 3. RECOGNITION OF MASS BALANCE ACCOUNTING**
 13 **FOR RECYCLED CONTENT CLAIMS.**

14 (a) RECOGNITION OF MASS BALANCE ACCOUNTING
 15 FOR RECYCLED CONTENT CLAIMS.—Mass balance ac-
 16 counting shall be an acceptable method for substantiating
 17 recycled content claims and analogous claims if the use
 18 of mass balance accounting complies with the require-
 19 ments of a third-party certification system.

20 **SEC. 4. RECYCLED CONTENT CLAIMS.**

21 (a) PROHIBITION.—

22 (1) A person may not advertise, market, sell, or
 23 offer for sale a product to a consumer using a mis-
 24 leading recycled content claim.

1 (2) Fuels produced and sold as an end product
2 may not be marketed as “recycled content” under
3 this Act.

4 (b) GUIDANCE.—

5 (1) UPDATE TO GREEN GUIDES.—Not later
6 than 1 year after the date of the enactment of this
7 Act, the Commission shall update the Guides for the
8 Use of Environmental Marketing Claims issued by
9 the Federal Trade Commission (part 260 of title 16,
10 Code of Federal Regulations) (commonly known as
11 the “Green Guides”), to ensure that the Green
12 Guides are consistent with and reflect the defini-
13 tions, standards, and authorizations established
14 under this Act, including the authorization to sub-
15 stantiate recycled content claims through mass bal-
16 ance accounting.

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

19 (A) Mass balance accounting as an accept-
20 able method for substantiating a recycled con-
21 tent claim, if—

22 (i) the use of mass balance accounting
23 complies with the requirements of a third-
24 party certification system; and

1 (ii) any representation about mass
2 balance accounting with respect to a recy-
3 cled content claim is based on competent
4 and reliable scientific evidence and pre-
5 sented in a manner that is not misleading.

6 (B) A clear and consistent framework with
7 respect to a recycled content claim, establishing
8 that a person can advertise, market, sell, or
9 offer for sale a product using an accurate recy-
10 cled content claim.

11 (3) LIMITATIONS.—

12 (A) NO CONFERRING OF RIGHTS OR BIND-
13 ING EFFECT.—Any guidance issued by the
14 Commission with respect to this section shall
15 not confer any rights on any person nor shall
16 such guidance operate to bind the Commission
17 or any person to the approach recommended in
18 such guidance.

19 (B) BASIS OF ENFORCEMENT ACTIONS.—
20 In any enforcement action brought pursuant to
21 this Act, the Commission shall allege a specific
22 violation of a provision of this Act. The Com-
23 mission may not base an enforcement action on,
24 or execute a consent order based on, practices

1 that are alleged to be inconsistent with any
2 such guidelines.

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

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

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

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

18 **SEC. 6. PREEMPTION.**

19 No State, or political subdivision of a State, may
20 maintain, enforce, prescribe, or continue in effect any law,
21 rule, regulation, requirement, standard, or other provision
22 having the force and effect of law that relates to the prohi-
23 bition and enforcement provisions of this Act.

1 **SEC. 7. SAVINGS PROVISION.**

2 (a) If any provision of this Act, or the application
3 of that provision to any person or circumstance, is held
4 to be invalid, the remainder of this Act, or the application
5 of that provision to persons or circumstances other than
6 those as to which it is held invalid, is not affected thereby.

7 (b) Nothing in this Act shall be construed to modify,
8 limit, or supersede any other Federal laws or regulations
9 except to the extent expressly provided. The provisions
10 herein establish uniform Federal standards for recycled
11 content claims, recycling claims, recyclability claims, and
12 analogous claims, and apply solely to the matters expressly
13 addressed in this Act.

○