



PUSHING PLASTIC

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INSIDE THE LONG WAR TO PROTECT PLASTIC

↑ Youths scavenge for plastic at a garbage-strewn dam in Jakarta, Indonesia. Much of the plastic collected for recycling in the United States has been shipped overseas, adding to waste problems in Asia. (AP Photo/Tatan Syuffana)

Single-use plastic is clogging oceans and landfills. The industry that makes it has waged a decades-long campaign to keep it on the market.



Tik Root

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New York's Suffolk County had a trash problem. Facing brimming landfills and public pressure, legislators took a first-in-the-nation step: They banned plastic bags. But what the county saw as part of the solution, the plastics industry took as a threat.

"We had never seen lobbyists like this before," said Steven Englebright, the chief sponsor of the bill. "The B.S. came in by the shovel-load."

That was in 1988. Soon, Suffolk County — on Long Island — inspired similar initiatives in municipalities across the country. As one lawyer for the industry wrote in an internal memo from the time: "Several years from now we may look back on 1988 as the opening round in a solid waste/packaging war."



A barge load of garbage from Long Island, New York, traveled 6,000 miles in 1987 in a fruitless search for a dump site. That same year, worried about a mounting trash crisis, a Long Island county proposed the nation's first plastic bag ban. (AP Photo/David Bookstaver)

The plastics industry — from the chemical giants making the building blocks of plastic to companies using the packaging to sell their products — has been waging that war for more than 30 years. It has pumped millions of dollars into pro-plastic marketing, high-profile lawsuits and lobbyists who travel the country promising that recycling, not bans, presents the best way forward. All this despite decades of repeated warnings about weak recycling markets and plastic pollution problems.

Today, about a dozen states restrict local governments from regulating plastic items, while only two (with a third pending) have passed statewide plastic-bag bans. And manufacturers are profiting from a plastics boom. According to the research firm the Freedonia Group, by 2025, the plastic packaging market will be worth roughly \$365 billion.

“The industry has kept us from confronting plastics for decades through corporate lobbying and threats of litigation,” said Jennie Romer, a lawyer, longtime anti-plastics activist and founder of the website PlasticBagLaws.org. “Billions of single-use plastic items have made it into our environment because of this.”

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JENNIE ROMER, LAWYER, LONGTIME ANTI-PLASTICS ACTIVIST AND FOUNDER OF PLASTICBAGLAWS.ORG

Of the roughly 300 million tons of plastic waste the world creates every year, an estimated eight million tons makes its way into oceans. In March, scientists examining a dead whale found more than 88 pounds of plastic in its stomach. Because the material often breaks down into tiny particles, the oceans contain an estimated 5.25 trillion microplastics, which can easily absorb toxic chemicals and emit climate-changing gases.

“We believe uncollected plastics do not belong in the environment,” the Plastics Industry Association, a key trade group, wrote in a statement after declining an interview. “The problem is that waste management practices and infrastructure did not keep pace with the changing economy.”

The group argued that plastics are more environmentally friendly than alternatives — using fewer resources to create, while also making end products lighter — and are crucial for global commerce.

“In many ways, plastics have made the modern economy possible,” the statement reads. “Other materials and processes transformed the world over the course of centuries or millennia. Plastics did so in decades.”



Kathryn Brewner, left, places small plastic parts of an aircraft carrier in a hopper to be packaged in 1955. (AP Photo/Ira W. Guldner)

PRACTICALLY INDESTRUCTIBLE

Synthetic plastic first appeared in the early 1900s as an alternative to materials such as cork or paper. But World War II catalyzed plastic's ascent. The material worked its way into every facet of the military — including in the cockpits and gunner noses of fighter planes. When soldiers returned home, plastics came with them and quickly became a fixture of American life.

This wasn't an accident. In 1937 — after a series of golf getaways — leading manufacturers formed the Society of the Plastics Industry, now known as the Plastics Industry Association. Its mission was to promote and protect plastics. By the 1960s, the society was encountering early signs of what would become its greatest challenge.

America's trash had accumulated into a crisis, and disposable plastics, even in much smaller amounts than the country now uses, seemed to be making the problem worse. The first national conference on packaging waste convened in 1969, with an attendance list that included key manufacturers.

“This material is practically indestructible,” griped Leonard Stefanelli, president of a California salvage company. “Packaging is a particularly large contributor to the problems of household refuse collection and street litter,” noted a New York City sanitation official.

“This material is practically indestructible.”

LEONARD STEFANELLI, PRESIDENT OF A CALIFORNIA SALVAGE COMPANY

As concerns about plastic grew louder, the industry knew it had to offer municipal leaders something. It turned to recycling. “No doubt about it, legislation [restricting plastics] is the single most important reason why we are looking at recycling,” said Wayne Pearson, the then-executive director of the Plastics Recycling Foundation, an initiative that 45 companies such as Coca-Cola and Pepsi formed in the mid-1980s. The industry similarly established the Council for Solid Waste Solutions to promote recycling programs and infrastructure. Around the same time the society also pushed incineration, which releases air pollution, as “really a form of recycling.”

In 1987, a top official with the trade group, Roger Bernstein, brought the narrative to Suffolk County. Later, in an interview with Susan Freinkel for her 2011 book *Plastic: A Toxic Love Story*, Bernstein referred to recycling as a “guilt eraser.”

The recycling argument was often persuasive. A 1989 Council for Solid Waste Solutions account of its efforts in Iowa — which, like other internal documents in this story, were unearthed through lawsuits and collected by Toxic Docs, a project based at Columbia University and the City University of New York — noted that “outright bans on polystyrene packaging were dropped with a promise of recycling by industry.”

Just this February, the trash-handling firm Waste Management said in a government filing that manufacturers are pressuring its recycling-collection programs to accept more types of plastic “to alleviate public pressures to ban the sale of those materials.”

Industry recycling pledges have kept coming despite decades of warnings — some of them internal — that this solution was limited. “Currently, there is no market for recycled plastics,” read one Society of the Plastics Industry document from 1972. “Recycling currently is not feasible for most multi-material packages,” acknowledged another from 1987. And as the recent Waste Management filing made clear, even now certain plastics have “no viable end markets.”

Today, many U.S. cities don’t accept plastic bags in their recycling stream because the thin sacks gum up sorting machinery. Just 9 percent of all plastic waste in the U.S. was recycled in 2015, according to the latest federal estimate. That rate is almost certainly lower now: Cities were relying heavily on China to take the plastic they’d collected and finish the job, but last year the country all but stopped accepting those imports.

Martin Bourque, executive director of a nonprofit providing curbside recycling pickup in Berkeley, California, said that instead of selling his customers' plastic food containers he must pay a U.S. facility \$75 a ton to take them. Only half that material gets turned into recycled content. The rest, he said, ends up in a landfill.

"The brands and the manufacturers and the petrochemical industry all want us to believe it's recyclable," said Bourque, with the Ecology Center. "But it's not a problem that we're going to be able to recycle our way out of."

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PLASTIC BAGS BECOME A FLASHPOINT

When the recycling argument didn't work, the industry would often sue — as was the case in Suffolk County. Although the ban passed in 1988, it spent years in the courts before its opponents ultimately prevailed and the legislation was repealed.

The industry's tactics in the 1980s paid off in the 1990s, which — with a few exceptions, such as McDonald's move away from polystyrene foam (aka Styrofoam) — were a heyday for plastics. "There were no bans, essentially, in all that time," Bernstein told author Freinkel. "There were no products that were put out of the marketplace."

But concerns eventually resurfaced. Plastic bags so badly clogged the drains of Mumbai, India, during flooding that, in 2000, the city banned them. Facing similar issues two years later, Bangladesh became the first country to do the same. In 2007, San Francisco implemented America's first bag ban, prompting a new round of similar ordinances in U.S. cities.



A fisherman walks on the shores of the Arabian Sea, littered with plastic items and other garbage, in India in 2016. (AP Photo/Rafiq Maqbool)

“Legislation and regulation threaten to fundamentally change our business model,” William Carteaux, the Society of the Plastics Industry’s then-president, told a crowd of industry insiders in 2009. “We can’t continue to fight back just at the reactive stage when things are emotionally charged. We have to take the offensive.”

The industry spent millions of dollars opposing bans in California alone. One of their primary lawyers in the state, Stephen Joseph, was dubbed “Patron Saint of Plastic Bags” by *Time* magazine. He called unwashed reusable bags a “health hazard” and suggested that bans would mean more dog poop on streets. Ban advocates, he wrote in a 2010 court filing, “have disseminated environmental myths, misinformation and exaggerations to promote their goal.”

This time, though, lawsuits didn’t work. California courts repeatedly rebuffed Joseph and the industry. In 2014, lawmakers there passed the country’s first statewide ban on plastic bags.

“This bill is a step in the right direction,” said then-Gov. Jerry Brown. “We’re the first to ban these bags, and we won’t be the last.”

The industry, though, was about to add a new weapon to its arsenal.

BANNING BANS

Bisbee is a small town of about 5,000, tucked into the Arizona hills just shy of the Mexican border. Like many places, it had a plastic bag problem. Empty grocery sacks would float down the street and into the surrounding landscape. In response, the city council banned them in 2012.

“There was a dramatic change,” said Mayor David Smith. Soon after, he could drive miles without seeing any littered bags.

The industry didn’t sue. It had a new plan.

In early 2013, the society joined the American Legislative Exchange Council, ALEC, which routinely works with companies and conservative lawmakers to write and then promote legislation. One strategy ALEC pursues is “preemption” bills, which, when passed at the state level, prevent cities and other municipalities from regulating certain activities — ranging from wages to pesticides.

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In September 2015, ALEC approved a template for preempting local regulation of disposable containers and bags, complete with an easy-to-fill “[Insert Jurisdiction]” blank. Now, about a dozen states have passed some version of plastic preemption — including Arizona in 2016.

The Plastics Industry Association said it left ALEC in 2017 and was never involved in the model policy process, which ALEC says is legislator-driven. Regardless, both organizations, along with other supporters of plastic preemption legislation, argue that it heads off a patchwork of local laws that could confuse and burden consumers and businesses alike. Environmentalists say the effect has been chilling, stopping new initiatives and reversing earlier wins.

In the fall of 2017, the Arizona attorney general ruled that plastics bans like Bisbee’s violated Arizona’s new preemption regime. Smith said his city faced a choice: Repeal its ban or lose all state funding.

“I called it extortion,” Smith said, but he saw no way around it and the city rescinded its ban. The windswept bags came back.

“We call them desert flags,” he said, “because they hang on all the cactus.”



A plastic bag caught in brambles in Armstrong County, Pennsylvania. (InfinityGivingCircle/Creative Commons)

PLASTIC ‘EVERYWHERE’

In 1971, biological oceanographer Edward J. Carpenter was out in a remote region of the North Atlantic known as the Sargasso Sea, sampling seaweed that was drifting on the ocean surface. To his surprise, he kept pulling up tiny pieces of plastic. The same thing happened on a separate trip along the New England coast.

“The plastic was just everywhere,” he said. “So I tried to quantify it.”

Carpenter published his findings in two 1972 articles in the prestigious journal *Science*. They were among the first studies of plastic pollution and came with an unmistakable warning. “Increasing production of plastics, combined with present waste-disposal practices,” he wrote, “will undoubtedly lead to increases in the concentration of these particles.”

This was just a few years after the Society of the Plastics Industry commissioned a report that estimated the amount of plastic waste would soon reach almost 11 billion pounds annually but argued the problem was “minor” and that plastics “do not appear to have any potential as land or water pollutants.” Carpenter’s research was an implicit challenge to that notion.

Shortly after each of his articles was published, he said, the society flew an industry scientist out to Woods Hole Oceanographic Institution in Massachusetts to meet with his bosses and question him. “It was obvious that they were pretty upset about it,” Carpenter said. He found the visits “kind of intimidating.”

The Plastics Industry Association, as the society rebranded itself in 2016, did not address questions about the incident directly. “We can’t speak for anyone who’s no longer a part of our organization, or no longer a part of the industry,” it said in a statement. “But today we know that the plastics industry has nothing to hide.”

For decades, though, the industry cast doubt on marine plastic problems or dodged responsibility. At the 1989 International Conference on Marine Debris (which the industry-funded Council for Solid Waste Solutions co-sponsored), for instance, the society issued an official statement claiming that most plastic pollution was “beyond the ‘control’ of the plastics industry.” In 2008, Joseph, the industry attorney, wrote in a court filing that “there is no evidence that plastic bags are a continuing significant problem for marine animals or seabirds.”

Meanwhile, plastics kept flowing into the oceans.

In 1997, oceanographer Charles Moore spotted a tract of marine debris off the West Coast that became known as the “Great Pacific Garbage Patch.” His 1999 study reported “the mass of plastic was approximately six times that of plankton.” A 2014 survey found plastic bags deep on the seafloor, hundreds of miles from land. Scientists estimated in 2015 — more than four decades after the first study about plastic in the stomachs of seabirds — that 90 percent of these animals have eaten the substance at some point in their lives. Last year, record levels of microplastics were found in the Arctic, with traces of 17 different plastics frozen in seawater.

Even the industry seems unable to deny these plastics issues any longer. In January, a group that includes petrochemical companies, plastics manufacturers and distributors formed the Alliance to End Plastic Waste and pledged \$1.5 billion over five years to help “make the dream of a world without plastic waste a reality.”

That funding represents a tiny fraction of the more than \$1 trillion that plastic packaging is expected to bring in during that same period. Many of the alliance members are also building new plastic plants — including one that would be the world’s largest in Texas.

In a statement, the alliance said it hopes its pledge will trigger more investments in waste management. “We recognize this amount is not sufficient to achieve the goal of eliminating plastic waste in the environment,” wrote a representative of the Alliance to End Plastic Waste. “There is no single solution, and we don’t have all the answers.”

On its website, the alliance adds, “Plastics have helped improve living standards, hygiene and nutrition around the world. ... We must maintain the critical benefits that plastics bring to people and communities around the world.”

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ALLIANCE TO END PLASTIC WASTE

FOOT SOLDIERS AND FASHION SHOWS

As the executive director of the industry-backed American Progressive Bag Alliance (APBA), Matt Seaholm is like a first responder. When there's new plastics legislation proposed, he's there: New Jersey in September, South Carolina in November, Memphis in January.

“Imagine our surprise when he flew down from Washington,” said Monique Michel, an attorney with the Memphis City Council.

The APBA, which declined an interview request for Seaholm, wrote in a statement, “Bans don't work; they punish people into using alternatives that are worse for the environment.”

The industry's current foot soldiering echoes its Suffolk County-era strategy. These days it includes representatives from Novolex — one of the world's largest plastic-bag manufacturers — as well as local lobbyists that the industry hires for tens of thousands of dollars per month.

When Charleston, South Carolina, was considering a plastic bag ban in 2015 and 2016, the industry countered with materials that ranged from a “myth vs. fact” sheet about recycling to academic research. A slideshow from Clemson University, stating that plastic bags “are not a significant litter problem,” drew from a 2014 study that concluded that bans “may result in negative impact on the environment rather than positive.”

Buried deep in the report: Hilex Poly Co., Novolex's previous name, paid for the research. The lead author, Robert Kimmel, is the director of Clemson's Center for Flexible Packaging, which receives industry funding. He has appeared as an expert witness for the industry. One of the main surveys in the study was conducted by Edelman Berland, the research arm of a firm that also lobbies for the APBA.

“[Hilex Poly] did not try to influence us or our conclusions in any way, shape, or form,” said Kimmel. “Paper bags are not a good alternative to [plastic] grocery bags.”

A study by the British government, for instance, found that a paper bag would have to be reused four times to have the same “global warming potential” as a conventional plastic bag. A cotton bag would have to be reused 131 times. And recent research found that when plastic grocery bags were banned in California, people used more plastic sacks of other types, reducing the plastics waste savings from 40 million pounds to 28 million. That study's author, Rebecca Taylor, recommends fees over bans — and

that any fees extend to paper as well. (Many cities are already passing “second generation” bag bills that also include a fee on paper.)

As this fight over plastics has expanded to more places, the industry is also targeting new demographics with its message.

The APBA, for instance, has funded the Black Leadership Action Coalition, whose founder, Bertha Lewis, argues that bag fees and bans will disproportionately burden poor and minority communities. “New Yorkers, YOU BEEN HOODWINKED!” she wrote in response to a proposed bag fee in New York City. She declined multiple requests for interviews.

The industry has also invested hundreds of millions of dollars into its “Plastics Makes it Possible” campaign, which started on TV in the 1990s and is now splashed across social media. The campaign has built a tiny house featuring plastics, gathered endorsements from celebrities such as *The Big Bang Theory* actress Kaley Cuoco — she hosted a plastic fashion show, saying, “Plastics make you cuter” — and paid for posts on sites like BuzzFeed.

Plastics Make It Possible | Television Commercial | 1997



A “Plastics Makes it Possible” commercial from the 1990s. Today, the campaign is splashed across social media.

“Environmentally friendly board shorts,” reads No. 12 on an industry-sponsored listicle of items made from recycled or reused plastics. Or there’s No. 2: “Awesome plastic chairs.”

LIKE MINK COATS AND CIGARETTES

To a large extent, the industry’s lobbying, promotion and outreach is working — demand for plastics keeps rising. But the perception of plastics is changing.

“The water bottle has, in some way, become the mink coat or the pack of cigarettes,” said John Caturano, senior sustainability manager for Nestlé Waters North America, at a conference this March. (Nestlé has pledged to make all its packaging “recyclable or reusable” by 2025.) “It’s socially not very acceptable to the young folks, and that scares me.”

And, while state preemption laws still far outnumber statewide bans, attempts to impose fees or other limitations are mounting. Legislators in Hawaii and New Jersey, among other places, are trying to expand their targets to include not only bags but also straws and foam containers. Lawmakers in several states are also trying “producer responsibility” bills, which are more broadly aimed at getting companies, instead of consumers, to bear the costs of recycling.

Suffolk County, which never got to impose its 1988 ban, implemented a 5-cent fee on plastic and paper bags in January 2018. According to the county, businesses distributed 1.1 billion fewer bags during the first year of the policy. In March, New York became the second state in the country to enact a bag ban.

“It’s gratifying, but we still have so much more plastic going into the waste stream,” said Steven Englebright, the original sponsor of the Suffolk County bill and now a New York state assemblyman. Action, he said, could have been taken much earlier. “We really should not have had a 30-year delay.”



JORDAN



Why are we not naming the corporations that make trillions from manufacturing plastic?

Guest

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