

## California accuses ExxonMobil of lying about plastics being recyclable

The state alleges the oil company deceived “the public to convince us that plastic recycling could solve the plastic waste and pollution crisis.”

By Allyson Chiu (The Washington Post)

Updated September 23, 2024 at 1:03 p.m. EDT | Published September 23, 2024 at 11:12 a.m. EDT

The state of California sued ExxonMobil on Monday, accusing the oil giant of misleading the public about the effectiveness of plastics recycling and contributing to the flood of bottles, bags and wrappers polluting waterways in the state and worldwide.

California accuses ExxonMobil

In the first lawsuit of its kind, California Attorney General Rob Bonta (D) alleged that ExxonMobil has engaged “in a decades-long campaign of deception that caused and exacerbated the global plastics pollution crisis.” Exxon is a major producer of the synthetic substances used to make plastics.

The lawsuit, filed Monday in San Francisco County Superior Court, seeks to hold the oil titan accountable for allegedly falsely promoting all plastics as recyclable. Some recent estimates suggest that only a small fraction of the plastic produced gets recycled: about 9 percent worldwide and about 5 to 6 percent in the United States.

“For decades, ExxonMobil has been deceiving the public to convince us that plastic recycling could solve the plastic waste and pollution crisis when they clearly knew this wasn’t possible,” Bonta said in a statement. “ExxonMobil lied to further its [record]-breaking profits at the expense of our planet and possibly jeopardizing our health.”

The attorney general is seeking unspecified damages. His office said the case marks the first attempt by a U.S. government official to hold an oil and gas company accountable for misleading claims about plastics. The Washington Post has asked ExxonMobil for comment.

The legal action comes after the attorney general's office launched an investigation in April 2022 that sought to examine the fossil fuel industry's role in creating and exacerbating the plastic pollution problem. As part of the investigation, the office issued a subpoena to ExxonMobil.

The 147-page complaint alleges the company's efforts to push plastic recycling violate a bevy of state laws, including on water pollution, unfair competition and false advertisement. The company, the lawsuit states, promoted the widely known "chasing arrow" symbol on plastics "despite knowing that it was deceiving the public into thinking that all plastics are recyclable."

The suit also accused ExxonMobil of making misleading claims about its "advanced recycling" program, which the company has allegedly promoted as a "breakthrough in technology that will make plastics sustainable but hides important truths about its technical limitations." More than 90 percent of plastic waste processed by Exxon allegedly becomes fuel instead of recycled plastic, according to the suit.

"Advanced recycling," also known as chemical recycling, is a controversial practice that typically uses a process called pyrolysis, which uses heat to break down plastics. The plastics industry argues the practice is safer than incineration, but environmental groups have pushed back. The Natural Resources Defense Council, for instance, describes it as "fraught with health, environmental, social and economic concerns."

The legal action comes amid a broader effort to stem the deluge of plastic that ends up in the environment. A recent study found Earth's oceans contain more than 170 trillion pieces of plastic. The material can also break down into tiny microplastics or nanoplastics that can enter human blood, lungs and other organs.

On Sunday, Gov. Gavin Newsom (D) signed legislation that would ban all plastic shopping bags from grocery and convenience store checkouts statewide by 2026. Last year, New York sued PepsiCo, accusing the soda and snack company of polluting the Buffalo River with packaging from its products.

The lawsuit against Exxon was heralded by environmental advocates. “This is the single most consequential lawsuit filed against the plastics industry for its persistent and continued lying about plastics recycling,” Judith Enck, a former senior Environmental Protection Agency official in the Obama administration who now heads Beyond Plastics, an advocacy organization, said in a statement.

Christy Leavitt, plastics campaign director for Oceana, an international advocacy group, applauded Bonta.

“Recycling is like trying to mop water from an overflowing bathtub while the faucet is still running,” Leavitt said. “We need to turn off the faucet and reduce the production of single-use plastic.”

*This is a developing story and will be updated.*