

November 9, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Cc: Michael Regan, Administrator, Environmental Protection Agency
Jennifer Granholm, Secretary, Department of Energy
Brenda Mallory, Chair, Council on Environmental Quality
John Podesta, Senior Advisor for Clean Energy Innovation and Implementation

[Sent via electronic mail]

Subject: Seeking Strong Administration Action to Address the Plastic Crisis

Dear President Biden,

The undersigned 240 organizations urge your Administration to take strong and immediate action, globally and domestically, to address the plastic crisis. The explosion of plastic production and pollution threatens the health of environmental justice communities, ecosystems, and the general public, while jeopardizing efforts to prevent the worst of the climate crisis. Specifically, we are calling on you to:

- Endorse mandatory limits on plastic production and require full chemicals transparency, as well as restrictions on single use plastics, high priority chemicals and polymers of concern, and toxic plastic breakdown processes (“chemical recycling”) as part of the global plastic treaty currently being negotiated;
- Discontinue support – including via permitting, de-regulation, and subsidy – for plastic waste disposal methods that generate hazardous waste, toxic air pollution and cancer-causing fuel, including gasification, pyrolysis, and other processes which the plastic industry continues to greenwash as “chemical recycling,” “advanced recycling” and “molecular recycling”;
- Use the government’s purchasing, research and regulatory power to reduce plastic production, consumption, and disposal; increase transparency and public right-to-know about the toxic chemicals used in plastic production and the harmful emissions being released to communities; and promote a just transition to a toxic-free, reuse-based economy.

Plastic poses grave threats to communities and the environment

Plastic is taking a terrible toll on the environment, polluting rivers and oceans, and creating mountains of garbage in the U.S. and around the world. Less visible but no less destructive is the creation of toxic air and water pollution, and generation of hazardous waste from the production and disposal of plastic posing serious health risks, particularly to nearby communities.¹ Plastic pollution is linked to everything from infertility to cancer in humans, to severe injury and death in wildlife.² Plastic is also highly persistent. During use and recycling, or when discarded into the environment, plastics shed and

break up into microplastics—tiny pieces less than 5 millimeters long—that are suspected to pose digestive, reproductive, and respiratory hazards to humans.³

In addition, plastic production and disposal contribute to climate change: as of 2020, the U.S. plastic industry was responsible for 232 million tons of CO₂e emissions per year, which is equivalent to 116 coal fired power plants of average size (500-megawatt).⁴ At least 42 plastics facilities have opened since 2019, are under construction, or are in the permitting process.⁵ At the global level, if plastic were a country, it would be the world's fifth largest greenhouse gas emitter.⁶

Yet, despite all of these documented harms to health and the environment, the Organization of Economic Cooperation and Development (OECD) has projected that global plastic use will *triple* by 2060.⁷ We are on a trajectory that is simply unsustainable and we need to take action: mandatory limits on plastic production, immediate phase outs of the most problematic plastic materials, products and chemical additives, as well as controls on disposal are needed to protect communities and preserve the planet.

We will not be able to recycle our way out of the plastics problem. According to the National Renewable Energy Laboratory just 5 percent of post-consumer plastic was recycled in 2019.⁸ Most plastic isn't designed to be recycled, and there are hundreds if not thousands of different kinds of plastics – most of which can't be recycled together.⁹ Recycling doesn't solve the fact that plastics are made from and contain toxic chemicals and shed microplastics.

The United States and the world need a strong global plastics treaty

Fortunately, a great opportunity exists to adopt binding and meaningful controls on plastic production and waste disposal, as 175 nations are negotiating a global treaty. Many countries are working toward development of a strong treaty that will stem the tide of plastic production, eliminate the worst plastics and chemical additives, promote transparency, a just transition, and safer solutions such as non-toxic reuse and refill.¹⁰ Unfortunately, the U.S. has thus far articulated a narrow and inadequate vision that focuses on waste management when the plastics crisis demands action across the entire lifecycle of plastic production and disposal, including mandatory limits on plastic production.¹¹ It is troubling to see the U.S. lagging so far behind much of the rest of the world, while adopting much of the industry's¹² rhetoric and supporting many of their preferred policies that are designed to perpetuate ever increasing plastic production.

EPA and FDA statutory authorities, among others, provide the federal government with a variety of mechanisms to restrict plastic production, use, and disposal, including the chemical substances that are used or created during plastic production. We urge you to direct the State Department to support mandatory production limits under the global plastics treaty, in addition to supporting full chemicals transparency, and restrictions on single use plastics, high priority chemicals, and toxic processes including “chemical recycling.”

EPA should halt approval of using highly toxic plastic waste for fuel

First, the EPA must take appropriate action under the Toxic Substances Control Act (TSCA) to ensure that any chemical or product made from plastic waste does not endanger public health. The EPA approval of plastic waste-derived fuel chemicals—including one which EPA estimated carries a 1-in-4 cancer risk and another that, according to calculations confirmed by EPA, would be expected to cause cancer in every person exposed over a lifetime—underscores the need for the Agency to change how it implements TSCA for plastic waste-based substances.¹³ The EPA's actions on plastic waste must fully

protect fence-line communities and other vulnerable populations, require testing for potential hazards, and account for climate and other environmental impacts.

The EPA should *not* be fast-tracking the approval of plastic waste-based fuels under a program designed to support the expansion of biofuels and “climate-friendly” fuels. The EPA also needs to increase transparency in the implementation of this program as the secrecy surrounding approval of highly toxic plastic-to-fuel-chemicals is contrary to your Administration’s commitments to advancing environmental justice and restoring scientific integrity at the Agency. We are calling upon your Administration to cease approving chemicals and fuels derived from plastic waste, and to revoke prior approvals of such chemicals and fuels.

EPA should affirm 30 years of regulating incinerators under the Clean Air Act

Second, EPA must do more to ensure that two types of incinerators – pyrolysis and gasification – are not exempted from current Clean Air Act regulations. Although these incinerators have been regulated under the Clean Air Act for more than 30 years, the Trump Administration proposed to exclude them and leave communities vulnerable to the unregulated release of toxic air pollution that would result.

We appreciate that in June your Administration withdrew the proposal made during the Trump administration, but remain disappointed that the EPA left the door open to removing Clean Air Act protections in the future on the grounds that the Agency still hasn’t decided whether they are “really” incinerators. EPA’s failure to firmly reject the chemical industry’s efforts to gut the Clean Air Act and keep this dangerous idea alive for future consideration is disturbing. Letting incinerators escape the Clean Air Act would particularly harm the low-income communities and communities of color where most pyrolysis and gasification incinerators exist, and where they are likely to be sited in the future.

In addition to plastic waste, companies would be able to burn PFAS waste using pyrolysis or gasification without pollution controls or monitoring if the Clean Air Act protections are eliminated. It would also set a terrible precedent, encouraging other polluting industries to pursue their own special regulatory exemptions. EPA should unequivocally affirm what has been established for decades: that pyrolysis and gasification units are incinerators to which the Clean Air Act’s protective incinerator requirements apply.

EPA should protect the integrity of the Solid Waste Disposal Act and stop spending taxpayer dollars promoting “chemical recycling”

Third, the EPA must maintain the current definition of “waste” under the Solid Waste Disposal Act/Resource Conservation and Recovery Act (RCRA), rather than weakening it by excluding plastic waste, as the industry has sought. If the EPA defined non-hazardous solid waste to exclude plastic waste, it would create a huge loophole in RCRA and the risk that Clean Air Act regulations for incinerators would no longer apply; toxic contaminants from burning plastic, including PFAS, would escape federal pollution controls.

Such action would also create widespread ripple effects for other state and federal laws and programs that refer to the RCRA definition of solid waste. In addition, changing the definition of solid waste in this manner could allow industry to claim that almost anything could be burned without having to meet Clean Air Act standards. We are calling on your Administration to reject any backdoor attempt to avoid such requirements and make clear that it will not alter the definition of “waste” to exclude plastic waste.

Lastly, your Administration should ensure that no taxpayer funds are expended to support plastic waste to fuel efforts, whether through “research grants” from the Department of Energy, the EPA, or other agencies; Green Bank financing; improperly designating plastic waste-derived aviation or other fuels as “sustainable” or “renewable” and eligible for tax credits; or any other such program or spending vehicle.

We urge you to take strong and immediate action to address the plastic crisis

The U.S. must advocate for strong and meaningful actions in the global treaty negotiations, advance environmental justice, and stop supporting or subsidizing the generation of hazardous waste and toxic air pollution under the guise of “chemical recycling,” “sustainable fuel,” or any other similar greenwashed technology. The numerous policies being promoted by the American Chemistry Council and the plastics industry as “stewardship” will do *nothing* to address the plastic crisis, but will only further harm the public, particularly those communities already overburdened by toxic pollution and hazardous waste.

Our country and our world are in the midst of a plastic crisis endangering the health of environmental justice communities, ecosystems, and the general public. An essential component of fulfilling your commitment to environmental justice is actively supporting the global effort to address this threat head on. We are calling on your Administration to take the bold steps needed to address the climate, health, and biodiversity crises caused by massive plastics production, use and disposal. We urge you to make clear to all of the relevant government agencies and departments that your Administration will reject policies that enable, favor, promote, or incentivize continued growth of plastic production and the toxic chemical, air, and climate pollution it causes.

We are eager to work in partnership with you and your Administration to address the plastic crisis, and we hope that together we can successfully turn the tide on toxic plastic and make meaningful strides toward protecting people and the planet.

If you have any questions, please contact Daniel Rosenberg at the Natural Resources Defense Council (drosenberg@nrdc.org) or Renée Sharp at Safer States (renee@saferstates.org).

Sincerely,

Natural Resources Defense Council

Safer States

Action Now

AFGE Local 704

Air Alliance Houston

Alabama Interfaith Power & Light

Alaska Community Action on Toxics

Alaska Environment
All Our Energy
Alliance of Nurses for Healthy Environments
American Sustainable Business Network
Ashtabula County Water Watch
Ban Single Use Plastics
Basel Action Network
Beaver County Marcellus Awareness Community
Beaverdam Creek Watershed Watch Group
Bedford 2030
Berkshire Zero Waste Initiative
Between the Waters
Beyond Extreme Energy
Beyond Plastics (National)
Beyond Plastics Altamont NY
Beyond Plastics Greater Boston
Beyond Plastics Greater Manlato Area MN
Beyond Plastics Louisville KY
Beyond Plastics Mankato MN
Beyond Plastics Onondaga Cortland Counties NY
Beyond Plastics Sullivan County NY
Black Environmental Leaders Action Fund
Breast Cancer Prevention Partners
Breathe Free Detroit
Broward Clean Air
Buckeye Environmental Network
Cafeteria Culture
CALPIRG
California Communities Against Toxics
Californians Against Waste

Campaign for Renewable Energy
CASA
Cedar Lane Environmental Justice Ministry
Center for Biological Diversity
Center for Coalfield Justice
Center for Environmental Health
Center for International Environmental Law
Centro De Apoyo Familiar
Cherokee Concerned Citizens
Chispa Texas
Clean Air Baltimore Coalition
Clean Air Council
Clean Cape Fear
CleanEarth4Kids.org
Clean Production Action
Clean Water Action/Clean Water Fund
Clean+Healthy
Climate Communications Coalition
Climate Equity Policy Center
Climate Reality Finger Lakes Greater Region NY
Climate Reality Project Susquehanna Valley PA
Concerned Citizens Against Industrial CAFOS
CoPIRG
ConnPIRG
Conservation Law Foundation
Consumer Reports
Defend Our Health
Don't Waste Arizona
Earth Ethics
Earthday.org

Earthjustice

Earthworks

Eco-Cycle

Eco-friends

Ecology Center

Ecumenical Eco-Justice

Environment California

Environment Colorado

Environment Connecticut

Environment Florida

Environment Georgia

Environment Illinois

Environment Iowa

Environment Maine

Environment Maryland

Environment Massachusetts

Environment Michigan

Environment Minnesota

Environment Missouri

Environment Montana

Environment Nevada

Environment New Hampshire

Environment New Jersey

Environment New Mexico

Environment New York

Environment North Carolina

Environment Ohio

Environment Oregon

Environment Rhode Island

Environment Texas

Environment Virginia
Environment Washington
Extinction Rebellion Seattle
Fenceline Watch
Finger Lakes Zero Waste Coalition
Florida PIRG
FoCo Trash Mob
Fox Valley Citizens for Peace & Justice
Frac Sand Sentinel: Project Outreach
FreshWater Accountability Project
Friends of Inwood Hill Park NY
Friends of the Earth
Georgia PIRG
Global Alliance for Incinerator Alternatives
Good Neighbor Steering Committee of Benicia
Green America
Green Science Policy Institute
Greenpeace USA
Healthy Babies Bright Futures
Hell's Kitchen Conservancy
Hip Hop Caucus
Illinois PIRG
In the Shadow of the Wolf
Institute for Local Self-Reliance
International Marine Mammal Project of Earth Island Institute
International Pollutants Elimination Network
Iowa PIRG
Isanti County Environmental Coalition
Just Zero
Kauai Climate Action Coalition

Lakeville Friends of the Environment
LB Reuses
League of Conservation Voters
Locust Point Community Garden
Mamavation
Maryland Latinos Unidos
Maryland PIRG
Merrimack Citizens for Clean Water
Mi Familia Vota
Micah Sox Eight Mission
Milwaukee Riverkeeper
Moms Clean Air Force
MoPIRG
NCPIRG
New Mexico Climate Justice
NHPIRG
NJPIRG
NMPIRG
Northeast Ohio Black Health Coalition
Nothing Left to Waste
Occidental Arts and Ecology Center
Oceana
Ohio PIRG
Ohio Valley Allies
Only One
Oregon Environmental Council
OSPIRG
Pacific Environment
PennEnvironment
PennPIRG

People Over Petro Coalition
PfoaProject NY
Phil Berrigan Memorial Veterans For Peace
Physicians for Social Responsibility Pennsylvania
Plastic Change
Plastic Free Future
Plastic Pollution Coalition
Port Arthur Community Action Network
Progressives for Climate
Public Employees for Environmental Responsibility
Race to Zero Waste
Rachel Carson Council
Recycle Hawaii
Regenerative Solutions
RIPIRG
Rotary Club of Hanalei Bay
Safe and Healthy Playing Fields
San Luis Valley Ecosystem Council
Save our Susquehanna
Save the Albatross Coalition
Social Eco Education
Seventh Generation
Sheffield Saves
Sierra Club
Slingshot
Society of Native Nations
Stand.earth
Student Public Interest Research Groups
Sunflower Alliance
Surfrider Foundation

Sustainable Tucson
Sustainably Managed
Tackling the A-Z Impacts of Plastic and Petrochemicals
Terra Advocati
Texas Campaign for the Environment
TexPIRG
The Cappetta Family Foundation
The Climate Reality Project, Western New York
The Descendants Project
The Harambee House: Citizens for Environmental Justice
The Last Beach Cleanup
The Last Plastic Straw
The People's Justice Council
The Plastic Solutions Fund
The Quantum Institute
The Story of Stuff Project
Three Rivers Waterkeeper
Toxic Free Future
Toxic Free North Carolina
Turtle Island Restoration Network
Unitarian Universalist Congregation of Petoskey
Unite North Metro Denver
Unity Council for the East Palestine Train Derailment
Until Justice Data Partners
Valley Watch
Vermont Conservation Voters
Vote Climate
Wall of Women
WashPIRG
Wisconsin Environment

WISPIRG

Women's Voices for the Earth

Woonasquatucket River Watershed Council

Yes Consulting

Zero Waste Capital District

Zero Waste for Zero Loss

Zero Waste International Alliance

Zero Waste Kauai

Zero Waste USA

Zero Waste Washington

Zero Waste Wrangler

Zero Waste-CWA Baltimore

350 Bay Area Action

350 Colorado

350 Conejo / San Fernando Valley

350 Hawaii

350 Pensacola

350 Petaluma

350 Seattle

5 Gyres Institute

7 Directions of Service

7th Generation Advisors

¹ Philip J. Landrigan et al., “The Minderoo-Monaco Commission on Plastics and Human Health,” *Annals of Global Health* 89, no. 1 (2023), <https://pubmed.ncbi.nlm.nih.gov/36969097>.

² Ibid.

³ California State Policy Evidence Consortium, *Microplastics Occurrence, Health Effects, and Mitigation Policies: An Evidence Review for the California State Legislature, 2023*, <https://uccs.ucdavis.edu/calspec/2022-research-topic>.

⁴ Beyond Plastics, *The New Coal: Plastics and Climate Change, 2021*, <https://www.beyondplastics.org/plastics-and-climate>; CO₂ equivalent (CO₂e) means the number of tons of CO₂ emissions with the same global warming potential as one ton of another greenhouse gas.

⁵ Ibid.

⁶ Zheng, Jiajia, and Sangwon Suh, “Strategies to Reduce the Global Carbon Footprint of Plastics,” *Nature Climate Change* 9, No. 5 (2019): 374–78. <https://doi.org/10.1038/s41558-019-0459-z>.

⁷ OCED, *Global Plastics Outlook: Policy Scenarios to 2060*, 2022, <https://doi.org/10.1787/aa1edf33-en>.

⁸ Milbrandt, Anelia, Kamyria Coney, Alex Badgett, and Gregg Beckham, 2022, “Quantification and Evaluation of Plastic Waste in the United States,” *Resources, Conservation and Recycling*, 183 (August): 106363, <https://www.sciencedirect.com/science/article/abs/pii/S0921344922002087>

⁹ Sullivan, Laura, 2020, “How Big Oil Misled the Public into Believing Plastic Would Be Recycled.” NPR. September 11, 2020. <https://www.npr.org/2020/09/11/897692090/how-big-oil-misled-the-public-into-believing-plastic-would-be-recycled>; Canadian Plastics Industry Association, December 16, 2015, “Types of Plastic: How Many Kinds of Plastics Are There?” <https://www.globenewswire.com/news-release/2015/12/16/796030/19563/en/Types-of-Plastic-How-Many-Kinds-of-Plastics-are-There.html>.

¹⁰ High Ambition Coalition to End Plastic Pollution, “End Plastic Pollution by 2040,” <https://hactoendplasticpollution.org>.

¹¹ “Submission by United States of America,” February 13, 2023, <https://wedocs.unep.org/bitstream/handle/20.500.11822/41810/USsubmission.pdf>.

¹² The use of the term “industry” in this letter refers to the chemical, plastic and fossil fuel industries.

¹³ Lerner, Sharon, “This ‘Climate-Friendly’ Fuel Comes with an Astronomical Cancer Risk,” *ProPublica*, February 23, 2023, <https://www.propublica.org/article/chevron-pascagoula-pollution-future-cancer-risk>; Lerner, Sharon, “EPA Approved a Fuel Ingredient Even Though It Could Cause Cancer in Virtually Every Person Exposed over a Lifetime,” *ProPublica*, August 4, 2023, <https://www.propublica.org/article/epa-approved-chevron-fuel-ingredient-cancer-risk-plastics-biofuel>.