

July 14, 2022

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan,

Thank you for all that you are doing at the EPA to center the needs and concerns of environmental justice communities across the country. We are grateful for your leadership and the critical actions you have committed to in the wake of your Journey to Justice Tour. We look forward to supporting any and all efforts to center the needs and demands of frontline communities who have been neglected for far too long.

We, the undersigned, are writing today to express our deep concern over the EPA's apparent willingness to enable so-called "chemical recycling" or "advanced recycling," misleading umbrella terms fashioned by the petrochemical industry to greenwash incineration technologies, namely pyrolysis and gasification.

As you know, the Trump EPA sought to exempt pyrolysis and gasification incinerators from Section 129 of the Clean Air Act which regulates solid waste combustion. The practical effect of such a move would be to allow these incinerators to operate without pollution controls, without emission limits or monitoring requirements, and without accountability to the predominantly poor and minority communities where they operate. There are no other federal standards that apply to pyrolysis and gasification incinerators. Trying to issue new regulations for them under Section 112 would be a difficult and time-consuming process: first EPA would need to list them as a new category of area sources under Section 112(c)(3) and then EPA would need to promulgate new standards for the newly created category. A positive outcome for such a process would be highly uncertain and would take years, if not decades.

It is alarming that the Trump Administration's unlawful move to eliminate critical health protections for communities living in close proximity to these facilities has not been withdrawn by the Biden Administration. If the EPA does not regulate pyrolysis and gasification incinerators under Section 129, it would effectively strip emissions regulations and monitoring requirements for some of the most hazardous air pollutants regulated under the Clean Air Act, including lead, cadmium, mercury, and dioxins. Equally alarming is the inclusion of "advanced recycling" in the EPA's 2021 National Recycling Strategy. You are right to point out in your introduction to the strategy that Americans are confused about what materials can be recycled. Industry is preying upon that confusion to push a fantastical technology that to date has not been proven

effective, economically viable, or safe. You also rightly state that living near recycling facilities takes a toll on already overburdened communities when materials are not properly managed. Exempting pyrolysis and gasification incinerators and incentivizing their application to mixed plastic waste streams will only compound the threats these communities are facing.

The vast majority of what industry refers to as “advanced recycling” are actually [plastic-to-fuel operations](#) where plastic feedstocks are partially burned to create diesel fuels or synthetic gas (syngas). These fuels are typically burned onsite to operate the plant itself or blended with cleaner commercial fuels and burned elsewhere. There is ample evidence to suggest that uncontrolled emissions from these processes pose significant [health and safety risks](#) for local populations, placing a heavy toxic burden on workers and surrounding communities, the majority of which are low income and communities of color.

Over the last 20 years, roughly 40 plastic-to-fuel and “advanced recycling” facilities have come online in the U.S., all but a handful shuttered by insurmountable technical failures and the exorbitant cost of sourcing, transporting, and cleaning what has proven an intrinsically contaminated feedstock. Of the plants supposedly still in operation, none of them are creating new plastic, despite their claims. In 2018, Oregon-based Agilyx, a polystyrene pyrolysis plant that purports to create virgin-like styrene and is held up by industry as the paragon of “advanced recycling,” sent nearly [500,000 lbs of hazardous waste](#) to be burned in cement kilns across the country, polluting the air in communities like Tacoma, Wash. and Hannibal, Mo. with benzene and vinyl chloride.

Let us be absolutely clear: there is nothing advanced, sustainable, or circular about incinerating plastic back into a fossil fuel to be combusted, nor should any such process be considered recycling. We know that burning plastic creates significant GHG emissions while simultaneously releasing a host of known human carcinogens and neurotoxicants. The EPA has a legal and moral obligation to uphold the regulatory standards that serve to minimize community exposure to hazardous pollutants emitted during industrial processes. Burning plastic in order to create and combust low-quality fuels is incompatible with a climate safe future and directly contradicts the Biden Administration’s commitment to center the needs of environmental justice communities across the country.

With global plastic production expected to [triple](#) by 2050, the plastics industry is looking for ways to counter the growing global movement to dramatically reduce the production of plastic that is choking the environment and poisoning the planet. But techno-pseudo-fixes like “advanced recycling” will do nothing to eliminate waste or create the kind of resilient and sustainable future our children deserve. On the contrary, if the EPA enables these deceptive industry schemes and chooses to exempt pyrolysis and gasification units from Section 129 of the Clean Air Act it will only incentivize petrochemical expansion and the buildout of plastic incineration infrastructure, while deepening environmental injustice and permanently locking us into a future of limitless plastic production, consumption, and waste.

We strongly urge the EPA to withdraw the proposal to exempt pyrolysis and gasification incinerators from Section 129 of the Clean Air Act and ensure that regulations to protect vulnerable communities from the impacts of industrial pollution remain intact. We appreciate your attention to this critical issue and would welcome the opportunity to meet with you to discuss the climate and environmental justice impacts of plastic burning and so-called “advanced recycling” schemes.

Sincerely,

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