

California AG asks court to force plastics industry to detail recyclability claims

BY CAMILLE VON KAENEL | 05/29/2024 01:59 PM EDT

SACRAMENTO, California — California Attorney General Rob Bonta asked a state court on Tuesday to enforce subpoenas into plastics manufacturers to force them to hand over information related to a longstanding investigation into the industry's recyclability claims.

The petitions, filed in Sacramento County Superior Court, claim the Plastics Industry Association (PLASTICS) and American Chemistry Council failed to comply with previous investigative subpoenas by providing insufficient responses.

“For years, the plastics industry has engaged in an aggressive campaign to deceive the public, perpetuating a myth that recycling can solve the plastics waste and pollution crisis,” said Bonta in a press release. “The continuous delay tactics are failing to comply with our subpoena.”

Why this matters: Bonta launched an investigation into the fossil fuel and petrochemical industries for their role in causing plastics pollution in 2022. State lawmakers and regulators have also sought to make manufacturers cut back on waste, but in practice, recyclers have struggled to fully process all the plastic that's thrown away. Meanwhile, a growing body of research shows microplastics exist in much of the environment and human bodies and can harm health.

More context: Bonta [told POLITICO earlier this month](#) that he has served 15 subpoenas as part of his investigation, including two to Exxon Mobil, and was reviewing responses.

Bonta's petitions filed Tuesday specifically seek industry documents related to the feasibility of plastics recycling, including PLASTICS newsletters housed at the Hagley Library in Delaware that detail what the industry knew and when. Bonta is also seeking information about an ACC-funded study that he says the group used to bolster its claim that a chemical process known as "advanced recycling" should count toward recycled-content requirements.

PLASTICS and ACC, the trade groups that represent the plastics supply chain and petrochemical companies, filed lawsuits last week against Bonta in Washington, D.C., federal court seeking to preemptively prevent him from enforcing the subpoenas, according to a press release from the attorney general's office.

Reaction: ACC and PLASTICS did not immediately respond to a request for comment.

What's next: Bonta is aiming to decide whether to take more action, which could include a lawsuit, by the end of the summer, he said in an interview this month.