

Foxes in the Henhouse

Lobbyists in the Global Plastics Treaty negotiations

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Introduction

The world is facing a triple planetary crisis of climate change, biodiversity loss and pollution.

As we collectively grapple with how to deal with these issues, multiple critical environmental negotiations are taking place at the end of 2024, including the Convention on Biological Diversity (CBD) CoP16, United Nations Framework Convention on Climate Change (UNFCCC) CoP29 in Azerbaijan and the final round of negotiations for a Global Plastics Treaty in South Korea.

However, these meetings are likely to be marred by the presence of those who are not seeking solutions, but who are instead are part of the problems. The huge influx of corporate lobbyists into multilateral environmental negotiation spaces represents a clear conflict of interests and an existential threat to international policymaking.

Most recently it was reported that 1,773 oil, coal and gas lobbyists were granted access to CoP29 in Baku and there were record numbers of meat, oil and pesticide lobbyists at CBD CoP16 just a few weeks ago.^{1,2}

Back in April, 196 lobbyists from the fossil fuel and chemical industry registered for the fourth round of plastics treaty negotiations (INC-4) in Ottawa – lower numbers than the climate CoP, but still a 37 per cent increase on the previous session.³ Industry groups also blanketed the city with emotive pro-plastics ads.

Below: Pro-plastics messaging at the fourth round of talks for a Global Plastics Treaty



With all eyes on the fifth and final round of talks in Busan (INC-5), the fundamental question is whether the vested interests of corporations or the power of a collective movement fighting plastic pollution will win. Moreover, the struggle to ensure that the treaty is free from conflicts of interest – in particular from industry influence that seeks to subvert legislation intended to protect human rights, the environment and future generations from harm – hangs over our heads.

While lobbyists are granted unfettered access to government delegations, the Environmental Investigation Agency conducted a review of some of the tactics being used by plastics industry lobbyists to dilute an effective plastics treaty.

Who are they and who do they represent?

1. American Chemistry Council (ACC)

As the most powerful US trade association, the ACC plays a key role in representing the US petrochemical industry at the treaty talks. Its plastics division members include petrochemical behemoths ExxonMobil, LyondellBasell, Chevron Phillips Chemical and INEOS.

Other notable powerful US lobby groups include the American Fuel and Petrochemical Manufacturers (AFPM) and the Plastics Industry Association. Associations for specific materials include the Vinyl Institute, whose lobbyists also attend the treaty negotiations.

One former lobbyist told EIA that US trade associations often work closely together and are intertwined. The ACC is no exception; as well as the individual companies forming its plastics division, several smaller groups such as the Center for the Polyurethanes Industry, Foam Sheathing Committee, North American Modern Building Alliance and Polycarbonate/BPA Global Alliance are also members.

2. International Council of Chemistry Associations (ICCA)

Research found that the 'Russian doll' nature of different, interlinking international lobbying groups amplifies their presence at the treaty. For example, the ICCA is a virtual organisation which acts as an umbrella for national chemical associations such as the ACC. At INC-4, its four delegates comprised representatives of powerful interests: US producers ExxonMobil and Dow, Saudi Arabian state-owned petrochemical giant Sabic and a fourth representative from the ACC, which had its own separate delegation of five individuals.

Global Partners of Plastics Circularity (GPPC) was identified as another umbrella organisation that amplifies industry presence and coordinates the positioning of different groups. According to its website, GPPC is "a multinational collaboration of associations and companies that make, use and recycle plastics". Its members include the ICCA, a second umbrella group the World Plastics Council (see below), and several national Asian trade associations.⁴ While it did not have its own separate delegates at INC-4, Greg Skelton, a lobbyist with Sabic, described being "proud of the whole GPPC team who represented the industry so well in Ottawa" on his LinkedIn feed.⁵

3. World Plastics Council

The WPC's membership comprises the largest plastics manufacturers from Asia, the Middle East, North America, South America and Europe.⁶ Its five delegates at INC-4 were executives at US companies Exxonmobil, Lyondellbasell, Dow and Chevron Phillips Chemical and from Brazilian company Braskem.

Tactics used by industry lobbyists

Our findings can be summarised under four themes found to be employed by the industry lobby vis-à-vis the treaty:

- 1. outsized presence at the Global Plastics Treaty negotiations**
- 2. promotion of false solutions and unproven technologies**
- 3. promotion of industry-funded scientific research and studies**
- 4. lobbying of domestic governments.**

1. Outsized presence at the Global Plastics Treaty negotiations

The most obvious way in which the plastics industry has sought to influence the treaty has been through its outsized presence at the negotiations and through private meetings with government officials.

At INC-4, 196 lobbyists for the fossil fuel and chemical industry registered, a 37 per cent increase from the 143 lobbyists registered at INC-3.⁷

EIA has learnt that there will be at least 100 industry delegates in Busan across a number of trade associations, which likely does not take into account any industry lobbyists present within national government delegations.

EIA's former lobbyist source told us he has observed how the industry's tactics have evolved since he left a plastic industry trade association. For example, he said he noticed that at INC-4, the industry seemed to place a greater emphasis on putting on 'a nice face' and building relationships to show 'you're real people and not some evil industry'. This manifests in breakfast briefings for governments, drinks receptions and one-to-one meetings with government delegations. For some companies, it also involves bringing senior (even CEO level) representation to the meetings to demonstrate the level of interest in the issue.

2. Promotion of false solutions and unproven technologies

Industry lobbyists are promoting unproven and problematic technologies such as chemical recycling (otherwise known as "advanced recycling") combined with other weak solutions such as mandated recycled content in new plastic as part of the treaty, as indicated by interviews with sources and in recent media reporting.

The industry relies upon the false concept of 'circularity'⁸ to support greater use of plastic and advocate against cuts in virgin production, which the industry is determined to avoid being included in the plastics treaty.

The industry is aiming to shift the composition of resin production to include a greater share of circular feedstocks, such as bio-based materials or those from chemical recycling. It claims that this focus on 'innovation' is intended to gradually decrease reliance on fossil fuel-based inputs. Industry lobbyists admit this shift is unlikely to reduce fossil fuel use outright, but may see a leveling off of virgin feedstock use.

Since initial treaty discussions began in 2022, the industry has engaged in bilateral conversations with governments to advocate for recycled content requirements in national action plans, tailored to each country's circumstances. The industry claims this shifts the focus from purely fossil-based feedstocks to a mix that includes non-fossil and recycled materials. In doing so, it claims this indirectly supports the aim of reducing the production of primary fossil-based plastics in favor of more 'circular' alternatives, whether through mechanical or chemical recycling processes.

Increasing the use of recycled plastic in new resin relies heavily on greater use of chemical recycling, whose effectiveness and economics are highly questionable. A recent exposé of chemical recycling by US investigative outlet *ProPublica* found that the method is "so inefficient that it yields products with almost no actual recycled content" and in fact involves greater volumes of virgin feedstock.

Moreover, in chemical recycling, companies use "mass balance", a controversial accounting method which *ProPublica* dubs "a kind of mathematical sleight of hand", to inflate the recycled content credentials of their most lucrative products by taking credit for the recycled content of other, less lucrative products. For example, it allows a plastic cup with less than one per cent recycled plastic to be advertised as 30 per cent recycled.⁹

A recent Environmental Protection Agency policy forbidding the use of mass balance in its "Safer Choice" standard scheme would be rolled back under wider regulatory rollbacks and government assistance for the industry that it has introduced via new proposed legislation it hopes the second Trump administration will adopt.¹⁰

The industry's deceptive claims around chemical recycling also form part of a lawsuit by the California Attorney General's office filed against ExxonMobil in September 2024. According to its complaint, "ExxonMobil's 'advanced recycling' programme is nothing more than a public relations stunt meant to encourage the public to keep purchasing single-use plastics that are fueling the plastics pollution crisis." Specifically, the Attorney General alleges that:

- the vast majority — 92 per cent — of plastic waste processed through ExxonMobil's "advanced recycling" technology does not become recycled plastic, but rather primarily fuels
- the plastics produced through ExxonMobil's advanced recycling process contain so little plastic waste that they are effectively virgin plastics deceptively marketed as "circular" and sold at a premium
- ExxonMobil's "advanced recycling" process cannot handle large amounts of post-consumer plastic waste such as potato chip bags without risking the safety and performance of its equipment

- plastics produced through ExxonMobil's "advanced recycling" programme will, in the company's best-case scenario, account for less than one per cent of ExxonMobil's total virgin plastic production capacity, which continues to grow.¹¹

According to *ProPublica*, to spur growth in investment in chemical recycling, the ACC is lobbying for mandates which would require more recycled plastic in packaging. However, based on an expert's analysis cited by *ProPublica*, in three years, in a best-case scenario, the world could replace 0.2 per cent of new plastic produced in a year with products made through pyrolysis.¹² The new proposed legislation introduced in the future Trump administration would also see taxpayers support investment in chemical recycling.¹³

Several industry sources EIA spoke with questioned the viability of chemical recycling from a financial perspective. One described chemical recycling as "seriously unproven technology that I think has no economic underpinning" while another described it as "a very expensive process". Sources also opined that the European Union's mandate that 30 per cent of all plastic packaging should contain recycled material by 2025 is likely unattainable due to cost and availability of material.

This trend towards chemical recycling is reflected in other countries, with the UK also recently supporting the use of and investment in advanced chemical recycling technologies. According to the most recent update, businesses will be allowed to use a mass balance approach to evidence recycled content in chemically recycled plastic for the plastic packaging tax.¹⁴

The wider trend of investing heavily in the promotion of false solutions or technological fixes that allow the industry to continue to grow is a common tool in the lobbyist playbook at negotiations. For example, at CoP29, 480 lobbyists working on carbon capture and storage were present on national delegations and guests of the Azerbaijani Government, as well as in their industry associations,¹⁵ despite this technology being widely considered to be a distraction from meaningful solutions to the climate emergency.

3. Industry-funded scientific research and studies

The plastics lobby has a long history of funding research studies to try to debunk independent science and promote their industry's commercial interests. We identified one example of questionable research to undermine the push for production cuts to be part of the treaty.

Oxford Economics study

Before INC-4, the ICCA commissioned a study by Oxford Economics, a UK-based economic advisory firm "to undertake a research programme to explore the socio-economic and environmental implications of policy interventions that could be used to support UNEA's objective [of a treaty to end plastic pollution by 2040]".¹⁶

The findings of the study, titled *Mapping the Plastics Value Chain: a framework to understand the socio-economic impacts of a production cap on virgin plastics*, echoes industry talking points about claims that any production cap would lead to higher prices, which it claims would be felt most by low income households, and other unintended consequences such as increased greenhouse gas emissions from switching to alternative materials.

While focusing on the perceived problems of limiting supply of virgin material, the study notably makes little substantive reference to the economic problems of either traditional mechanical or chemical recycling.

Concerns from the academic community

In an article in *Nature*, a leading independent scientist raised concerns about the corporate interference on the plastics treaty negotiations.

The article highlighted concerns that doubt, disguised as scientific critique, is manufactured by discrediting scientists and their research while promoting the corporate sector's own studies. Even more concerning is the claim that industries are seeking to use their resources to fund meetings, research projects and learned societies to "domesticate" the scientific community and control the narrative under the guise of "supporting science".¹⁷

4. Lobbying of domestic governments to control narrative

The US lobby has predictably reacted strongly to the news in August that the White House intends to support production cuts in the plastics treaty. While this is no doubt a changing landscape following the election, research indicates that the US lobby's domestic counterattack against this news has comprised the following messaging points:

- the support of production cuts is an attack on US manufacturing and jobs

- the essentiality of plastics in certain sectors such as healthcare
- production cuts as part of an international treaty are illegal vis-à-vis US domestic law.

August's announcement caught some in the industry off-guard, but its subsequent reaction was swift. Part of its lobbying pushback focused on the plastic industry's perceived importance to certain sectors, claiming that the administration's shift signaled it is willing to betray US manufacturing and related jobs.¹⁸

A key representative from the manufacturing sector met with White House officials to express concerns about the administration's stance. Lobbyists claim that the broader manufacturing industry, beyond just plastics and chemicals, viewed the proposed goals as a potential threat to US manufacturing, given that nearly all production involves some form of plastic.

The industry believes the US decision to support production cuts was political and made to appeal to younger voters who are otherwise unhappy with the Biden administration's environmental record.

As Patrick Krieger of the Plastics Industry Association asserted in a recent webinar, the industry believes the US Government does not have the authority to restrict plastic production as US domestic law currently now does not allow the EPA or any other agency to claim authority based on a decision by a global body alone. It would require ratification through the US Congress, which is now unlikely following Republicans' newly won control of the Senate.¹⁹

While treaties must be ratified by a two-thirds majority in the Senate, it is important to note that not all international agreements require such approval. The US President has the authority to enter into certain executive agreements without Senate approval. These agreements, such as the Paris Agreement, can still carry significant weight and be used to implement international commitments.

Moreover, US law provides statutory authority to regulate plastic production, even if that power has not been explicitly exercised to date, demonstrating the potential for regulatory action without new legislation or Senate involvement.

US House and Senate Republicans have spoken out against the US Government's backing of production cuts. Senator Dan Sullivan sent a letter to Secretary of State Antony Blinken on 16 October, warning such "extreme views" lack bipartisan support and would fail to get two-thirds of the Senate's votes for ratification.²⁰ In a separate letter, 26 members of the House of Representatives said the administration's new strategy for dealing with plastic pollution "is impractical and presents serious legal concerns."²¹ Several of the House representatives who signed the letter are among the largest recipients of campaign contributions from the ACC this current election cycle.²²

Campaign contributions from the ACC's Political Action Committee are strongly skewed to Republicans, with 70 per cent of its \$582,000 in total contributions in 2023-24 going to Republican federal candidates.

Tying plastic to economic development

The industry claims that other nations view plastic as essential for their economic development and therefore will not accept production cuts as part of the treaty.

The industry believes it is unlikely that many governments would willingly adopt restrictions on plastic production due to the economic growth and employment it claims such industries support. In particular, primary production has been shifting to certain Asian countries, especially China, which is building significant new manufacturing capacity.

Accordingly, the industry asserts that with the significant investments being made by both the Government of China and private companies in expanding production capabilities, it is difficult to envision China endorsing any measures calling for reduced plastic production while it continues to build new capacity.

Many civil society groups and rights holders in developing countries are pushing back against the narrative that increased production of plastics means greater development. Their voices are often drowned out by industry in this particular conversation.

Conclusion

EIA's findings give a broad snapshot of the tactics used by the industry in the plastics treaty negotiations.

The conflicts of interest inherent in allowing major producers and polluters into the plastics treaty negotiations have been highlighted many times by the scientific community, including in *The Lancet*,²³ with several scientists experiencing harassment and attempts to discredit their work in the pursuit of calling attention to these issues.

The corporate lobbying playbook is being deployed in full force to undermine an effective instrument and we urge greater scrutiny on the participation of industry in this process and a restriction on the access of major polluters to decision-makers.

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