

**The Attorneys General of New York, California, Connecticut,
Delaware, Hawaii, Maryland, Massachusetts, New Jersey,
Pennsylvania, and Vermont**

October 31, 2024

Honorable Antony J. Blinken

Secretary of State
United States Department of State
2201 C. St. NW
Washington, DC 20520

Honorable Jose W. Fernandez

Under Secretary for Economic Growth,
Energy, and the Environment
United States Department of State
2201 C. St. NW
Washington, DC 20520

Dear Secretary Blinken and Under Secretary Fernandez:

The Attorneys General of New York, California, Connecticut, Delaware, Hawaii, Maryland, Massachusetts, New Jersey, Pennsylvania, and Vermont write in advance of the fifth session of the Intergovernmental Negotiating Committee in Busan, South Korea (“INC-5”) to reaffirm our support for an ambitious, comprehensive, and legally binding international agreement to curb plastic pollution (“Plastics Treaty”). As discussed in our April 3, 2024 letter,¹ the only way to meaningfully reduce plastic pollution is to implement ambitious and internationally agreed upon upstream controls on plastic production.² We therefore applaud the U.S. delegation for its momentous decision to support global targets to reduce plastic production and the development of global lists of chemicals of concern and problematic plastic products for rapid phase out.³ This policy shift sends a strong signal that the global community can—and will—achieve a groundbreaking

¹ Ltr. from N.Y. State Att’y Gen. Letitia James et al. to Sec’y of State Antony J. Blinken et al. (Apr. 3, 2024) (enclosed as Attachment 1).

² See *id.* at 12–16; see also Win Cowger et al., *Global Producer Responsibility for Plastic Pollution*, 10 *Sci. Adv.* 17 (2024), <https://www.science.org/doi/10.1126/sciadv.adj8275> (noting “[t]he relationship between production and pollution, production (%) = pollution (%), suggests that production is a very strong lever on pollution”).

³ See Valerie Volcovici, *Exclusive: In Shift, U.S. Backs Global Target to Reduce Plastic Production, Source Says*, Reuters (Aug. 14, 2024), <https://www.reuters.com/sustainability/shift-us-backs-global-target-reduce-plastic-production-source-says-2024-08-14/>.

global agreement to mitigate one of the most pernicious environmental and public health crises of our lifetimes.

As Under Secretary Fernandez recognized at the UN General Assembly in New York this September, “a global goal to reduce the global production and consumption of primary plastic polymers should serve as an effective goal—a north star—to encourage continued and meaningful ambition for all countries.”⁴ To achieve this goal, the Plastics Treaty must place meaningful caps on the production and use of “virgin plastic” because the production of so-called “recycled” plastic can still use significant quantities of virgin materials. Indeed, a years-long investigation by the California Attorney General supported allegations that ExxonMobil’s “certified circular polymers” made from their “advanced recycling” technology are effectively *virgin* polymers with a maximum physical plastic waste content of just 0.09 percent.⁵ Thus, reducing the production of virgin plastic is necessary to effectuate real change.

We also strongly encourage the U.S. delegation to INC-5 to amplify the voices of frontline communities most harmed by plastic production. Community members in Louisiana’s “Cancer Alley,” for instance, have long called for an end to the public health and environmental injustices caused by plastic production, often sacrificing their health and livelihoods to fight against rampant pollution and advocate for their communities. Despite these efforts, the plastic and petrochemical industry is poised to expand in Cancer Alley,⁶ which would only exacerbate the already unacceptable health burdens suffered in the region.⁷ By giving a voice to frontline community members at INC-5, the U.S. delegation can help to redress these inequities and fulfill the Biden-Harris Administration’s commitment to combat the

⁴ Remarks by Hon. Jose W. Fernandez, Under Sec’y for Econ. Growth, Energy & the Env’t, U.S. Dep’t of State, at U.N. Gen. Assembly 79, U.N. Env’t Prog. Event, Galvanizing Momentum for the Global Plastic Pollution Instrument (Sept. 25, 2024), <https://webtv.un.org/en/asset/k1r/k1rc5zo4pg>.

⁵ *People v. Exxon Mobil Corp.*, filed Sept. 23, 2024 in California Superior Court for the County of San Francisco (as-filed complaint enclosed as Attachment 2).

⁶ See, e.g., *Rise St. James v. Louisiana Dep’t of Env’t Quality*, 383 So. 3d 956, *reh’g denied* (Feb. 15, 2024), *writ denied sub nom. Rise St. James v. Louisiana Dep’t of Env’t Quality*, 2024-00351 (La. Sept. 4, 2024) (reinstating 15 permits for a petrochemical manufacturing complex in St. James Parish, Louisiana and upholding the Louisiana Department of Environmental Quality’s conclusion that the project’s social and economic benefits outweighed its environmental costs, as well as its environmental justice analysis, which determined that nearby communities would not bear disproportionate harms). On September 4, 2024, the Louisiana Supreme Court denied environmental advocates’ petitions for a writ of certiorari.

⁷ See, e.g., Ellis S. Robinson et al., *Ethylene Oxide in Southeastern Louisiana’s Petrochemical Corridor: High Spatial Resolution Mobile Monitoring during HAP-MAP*, 58 *Env’t Sci. & Tech.* 11084 (2024), <https://pubmed.ncbi.nlm.nih.gov/38860676/> (measuring toxic plumes of ethylene oxide at the fenceline of petrochemical facilities in Cancer Alley more than 1,000 times higher than what the U.S. Environmental Protection Agency considers an “acceptable risk”).

social, economic, and public health burdens across the entire lifecycle of plastic that are disproportionately borne by environmental justice communities.⁸

In addition to advocating for controls on plastic production and emphasizing environmental justice, we also call on the U.S. delegation to INC-5 to support the positions detailed in our April 3, 2024, letter. These positions include advocating for a comprehensive treaty that addresses the full life cycle of plastics; recognizing that the plastic pollution crisis is deeply interwoven with the global climate and biodiversity crises; rejecting false solutions to the plastic waste crisis such as advanced or chemical recycling; prioritizing reuse systems; and developing a scientific body and multilateral fund necessary for the implementation of the most essential upstream controls. If implemented, these measures can significantly mitigate the environmental and public health harms associated with plastic and help build sustainable solutions.

Once again, the undersigned Attorneys General applaud the U.S. delegation for its endorsement of ambitious, internationally agreed upon upstream controls on plastic production, chemicals of concern, and problematic and unnecessary plastic products. Because of your commitment to these shared goals, the global community is on the cusp of a groundbreaking, vital international agreement to protect our environment, our health, and our most vulnerable communities from the harms associated with the full life cycle of plastic.

Respectfully submitted,



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⁸ The White House, Fact Sheet: President Biden Signs Executive Order to Revitalize Our Nation's Commitment to Environmental Justice for All (Apr. 21, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/21/fact-sheet-president-biden-signs-executive-order-to-revitalize-our-nations-commitment-to-environmental-justice-for-all/>.

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