September 19, 2022

Dear Representative,

The undersigned 201 environmental, health, science, consumer protection and environmental justice organizations urge you not to sponsor or co-sponsor legislation that supports so-called “advanced recycling” promoted by the American Chemistry Council and other plastics industry lobbyists. The ACC seeks to change existing law so that plastics incinerators can operate without meeting the environmental and health protections of the Clean Air Act.

Under the guise of offering a solution to the global plastic waste crisis, the American Chemistry Council has invented an Orwellian new name for decades-old incineration technologies. It seeks to rebrand pyrolysis and gasification incinerators as “advanced recycling,” even though there is nothing advanced about them and nothing gets recycled. In reality, the plastic trash that enters pyrolysis and gasification incinerators gets burned, creating dioxins and other harmful air pollution. What’s left is toxic chemical waste that gets burned again later at hazardous waste disposal facilities or as a dirty fuel. Far from “recycling” the plastic waste they get paid to accept, gasification and pyrolysis incinerators are turning plastic into highly toxic air pollutants and generating hundreds of thousands of pounds of hazardous waste.

For chemical industry lobbyists, the concept of “advanced recycling” is a dream come true. Having an eco-sounding way to make plastic waste vanish from sight helps the industry justify the exponential growth in plastics production which is expected to triple over the next 40 years. Pretending that burning plastic waste in pyrolysis and gasification incinerators is “advanced recycling” offers a way to avoid Clean Air Act requirements and do incineration on-the-cheap without having to invest in pollution controls or bother with air quality monitoring and reporting. Some companies would even become eligible for manufacturing subsidies and tax breaks.

While the plastics industry claims that the process of burning plastic via pyrolysis and gasification meets state and federal environmental standards, the whole point of the “advanced recycling” legislation they are promoting is to allow pyrolysis and gasification incinerators to evade these very protections. If plastic incinerators can avoid being regulated as incinerators, they can escape Clean Air Act requirements altogether and emit as much toxic pollution as they like. Community members will be unable to stop it or even to find out what toxic pollutants they are being exposed to.

Because pyrolysis and gasification incinerators combust solid waste, they are incinerators under the Clean Air Act. The statute requires the same strong protection for pyrolysis and gasification incinerators as it does for all other incinerators – a point EPA recognized almost 30 years ago when it first set emission standards for incinerators under the Clean Air Act. The American Chemistry Council now seeks to exempt pyrolysis and gasification incinerators from air pollution laws by having Congress or EPA declare that these incinerators are not incinerators. To that
same end, they may seek to have the EPA declare that plastic waste is not “waste” under the Resource Conservation and Recovery Act. Either of these actions, if taken by Congress or EPA, will remove existing Clean Air Act protections, leaving the incineration of plastic via pyrolysis and gasification entirely unregulated under federal law, at the same time the chemical industry has pushed through legislation in 20 states to relax state-level requirements.

Plastic contains hundreds of toxic chemicals, including heavy metals, phthalates, flame retardants, bisphenol A and PFAS. The process of burning plastic via pyrolysis and gasification generates even more toxic pollution, including chemicals known to cause cancer, birth defects and other serious health harms. Emissions include dioxins, benzene, cadmium, arsenic, lead, polycyclic aromatic hydrocarbons (PAHs) and mercury. Removing existing Clean Air Act limitations on burning plastic will allow chemical manufacturers to produce and release these toxic chemicals into our communities without limitation.

Eliminating these long-standing federal protections will sanction and promote uncontrolled burning of plastic waste – or any other waste – in pyrolysis and gasification incinerators across the country. Most of that uncontrolled incineration will take place in communities of color and in low-income neighborhoods already overburdened by toxic pollution. Changing the legal definition of incineration or waste so that chemical companies can burn plastic in poor and minority communities without controlling the toxic pollution they emit is environmental injustice at its worst.

If chemical manufacturers can operate pyrolysis and gasification facilities in compliance with Clean Air Act protections, as they claim, then why are they fighting to remove these federal health protections? If they cannot meet these basic protections, the last thing Congress should do is exempt them from pollution control laws. It would be unconscionable for any member of Congress to endorse and enable the chemical manufacturers’ plans to evade federal health protections for incinerating plastic, particularly in the face of a global plastic pollution crisis and the projected tripling of plastic waste.

Calling pyrolysis and gasification “advanced recycling” does not change what they are: heavily polluting, inefficient, and energy-intensive means of burning fossil fuel plastics. To the extent they create anything other than air pollution, their product is just chemical wastes that are burned again later as hazardous waste or dirty industrial fuel – causing yet more air pollution. This is incompatible with a climate-safe future, and arguably even more deleterious for the planet than burning fossil fuels directly. So-called “advanced recycling” moves the plastics from the landfills to the atmosphere, and into our lungs.

Congress is currently spending significant time and resources grappling with the ongoing PFAS crisis, created and perpetuated by the same industry that now wants Congress and EPA to approve the unlimited burning of PFAS and other plastic waste. We urge you to reject the advances by chemical manufacturers and say “No” when asked to sponsor or co-sponsor legislation to remove existing federal health protections from incineration of plastic.
For more information please contact Daniel Rosenberg, NRDC, at drosenberg@nrdc.org; Jim Pew, Earthjustice, at jpew@earthjustice.org; or Cynthia Palmer, Moms Clean Air Force, at CynthiaPalmerMail@gmail.com.

Sincerely,

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<td>Surfrider Foundation</td>
<td>Alliance of Mission-Based Recyclers (AMBR)</td>
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<td>Abigail M. Jones</td>
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<td>John Beard, Jr.</td>
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<td>Carol De Angelo</td>
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Break Free From Plastic

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