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Antitrust/Consumer Protection: Five State Attorney Generals Allege Violations by Environmental Organizations Promoting Recycling Standards

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Attorney Generals for five states transmitted October 29th letters to several environmental organizations alleging that they are violating federal and state antitrust laws.

The Attorney Generals from the following states signed the letters:

- Florida
- Texas
- Iowa
- Nebraska
- Montana

(Collectively, "AG's").

The organizations receiving the letters include:

- U.S. Plastics Pact Inc.
- The Consumer Goods Forum
- Green Blue Institute

(Collectively, "Environmental Organizations").

The AG's allege that the three Environmental Organizations are pressuring corporations to align on restrictive plastic production and packaging standards. They further allege that such actions could unlawfully:

- Restrain competition.
- Increase costs.
- Limit consumer choice.

The Environmental Organizations are alleged to be doing so by collectively dictating what materials are deemed "recyclable" and setting uniform production and packaging targets, distorting product quality and driving up prices for consumers. For example, the October 29th letter to the Consumer Goods Forum alleges:

... Indeed, it appears that your mission is “nothing less than a frontal assault on the basic policy of the Sherman Act.

The state AG’s request that each of the Environmental Organizations:

... explain in detail the legal basis for why you believe the [Environmental Organization] is not violating antitrust or consumer protection laws.

Links to the three letters can be found below:

https://www.myfloridalegal.com/sites/default/files/u.s.-plastics-pact-002-cas_0.pdf

https://www.myfloridalegal.com/sites/default/files/the-consumer-goods-forum-002-cas_0.pdf

https://www.myfloridalegal.com/sites/default/files/sustainable-packaging-coalition-002-cas_0.pdf