



DELAY DISTRACT DERAIL

3. Tactics in the corporate playbook

From oil, gas and petrochemical giants, for whom lobbying against plastic regulation allows them to keep pumping fossil fuels from the ground, to supermarkets undermining approaches that would ask them to play their part in curtailing the plastic waste they help distribute, our investigations have revealed a wide variety of tactics employed by actors across the plastics supply chain to resist change and keep conducting business as usual. While most of the companies no longer deny the existence of plastic pollution, they use a variety of tactics to prevent legislation and push responsibility elsewhere.

In Chapter 4, we will see how this approach plays out in country case studies, painting a picture of the global industry pushback against even the smallest challenge to their wasteful linear business model. In this chapter, we delineate three main categories of industry tactics: **delay, distract and derail**. With these three tactics, those with a vested interest in the status quo have dodged, baffled and disarmed all but the most determined of legislators for decades, and sown confusion among consumers and governments alike.



3.1. Delay

Delaying tactics are most obvious in the world of corporate lobbying, and are a first port of call when legislation is proposed. As noted by the Corporate Europe Observatory (CEO), *'for corporate lobbyists, success is not always about blocking a measure; securing delays can protect profits for longer and can also open-up further lobbying opportunities to keep influencing and weakening the final outcome into the future.'*¹ Delaying is also a subtler tactic; it can be achieved by a company outwardly committing to change without it being enforceable or binding. This allows industry to ask governments to wait and see if what they are aiming to achieve through legislation can instead be achieved voluntarily. Examples of these delaying tactics include the following.

3.1.1. Voluntary commitments

While voluntary commitments sound great on paper and in media coverage, the industry often uses them to delay legislation by giving policymakers the impression they are committed to moving in the right direction without legislative interventions. Governments may prefer voluntary commitments for ideological reasons, as they are concerned that too much 'red tape' would stifle innovation and put too much burden on the private sector; for example, the British and Dutch governments were keen to sign 'responsibility deals' with industry instead of more regulations.² Several voluntary commitments were also put in place at the EU level, such as the Circular Plastics Alliance (CPA) launched by the EC. Research shows that voluntary agreements multiply when there is a threat of regulation – and, often, this is the industry's strategy for delaying mandatory measures.³ Sometimes companies also contribute what sounds like a significant amount of money to the commitment, but this generally pales in comparison to their annual revenues from plastic products. Many voluntary commitments are also either low on ambition or full of promises that end up being broken or postponed, as shown by the previous chapter's analysis of Coca-Cola's trail of broken promises.

3.1.2. Withholding or manipulating data

Decisions for greater action on plastics often rest on whether the current systems in place are performing well enough. Assessment of this relies on official collection and recycling data, often reported by the industry or industry association. For example, Spain's PRO Ecoembes, provides data that is opaque and unable to be audited, but that creates an illusion of such high rates of collection and recycling that no further actions are necessary. In Japan, the recycling rate is reported to be as high as 80–85%, but the actual rate is closer to 23%, and is artificially inflated by the inclusion of waste exporting, chemical recycling and incineration.⁴ Even the plastic footprint of individual corporations is something companies have only recently started to report, and some of them – like Mondelēz International – still haven't published their data.

3.1.3. Pushing back dates on legislation

If the first battle to stop legislation coming to light has been lost, lobbyists will look for opportunities to delay the implementation of such legislation. For example, in the EU SUP, the 90% separate-collection target for beverage bottles was proposed for 2025; but the industry lobbied against it, and it was postponed until 2029. Even after laws are adopted, the industry uses every opportunity to try to delay. For example, a letter from the EU Plastics Converters (a trade association) to the EU Commission called for the SUP Directive to be delayed indefinitely, citing the role of plastics in the Covid-19 public-health crisis (although the SUP Directive does not restrict PPE) and hitting back against the term 'single-use'.⁵

3.1.4. Weakening implementation

As is especially the case with the transposition of the EU SUP Directive into member-state law, there are many opportunities to weaken legislation between it being passed and it being implemented. For example, our research uncovered battles in many EU countries regarding how to reach a 90% separate-collection target for plastic bottles, with industry groups fighting against the introduction of DRS – the only proven method to achieve this collection rate. Our case studies for France, Spain, the Czech Republic and Austria show how industry groups lobby in alliances – between retailers, beverage producers and seemingly independent recycling organisations – against such legislation.

3.1.5. Adding conditionality to action being taken

Those fighting against mandatory measures, such as DRS, will also try to delay the process by attaching conditionality to the introduction of the legislation to buy them more time. In France, after pushback from municipalities and recyclers against DRS, the Anti-Waste Law stipulated it can only be brought in after a further study (implemented by Environmental Agency ADEME) three years down the line, which needs to investigate whether EU targets can be reached in any other way. This approach won DRS opponents several more years of business as usual.



3.2. Distract

While attempting to delay action through both behind-the-scenes lobbying and weak voluntary initiatives, consumer brands and plastic producers will also try to distract by showing off their efforts to be part of the solution – often through significant spending on public relations and advertising. Distraction tactics encompass any activity designed to make customers think real change is happening while allowing consumer brands, supermarkets and the petrochemical industry to continue flooding the world with cheap, disposable plastic for as long as they can. Distraction tactics include the following.

3.2.1. Blaming the consumer

Since the 1950s, Big Plastic has deliberately focused on blaming consumers and 'litterbugs' for the problem of plastic waste, while evading their responsibility for the crisis. The most famous example is KAB, whose tagline is: *'People start pollution, people can stop it'*.



'Ploggers' collecting plastic litter

Credit: Shutterstock

Blaming consumers is a theme that continues to this day; for example, Coca-Cola's adverts ('Don't buy Coca-Cola if you don't help us recycle'),⁶ a senior executive at Davos declaring the company won't move away from plastic because consumers still want it,⁷ and the plastics industry in Uruguay using slogans declaring: 'It's not plastic, it's you'.

3.2.2. End-of-pipe solutions

While ocean and beach clean-ups may help raise awareness and look good on paper, they will not solve the plastic crisis if companies continue to produce ever more plastic. High-profile clean-up activities include The Interceptor by The Ocean Clean-Up, a beach clean-up with 500 volunteers conducted by Master Kong, one of China's top plastic-litter producers; and 'plogging', a craze started in Sweden and promoted by KAB, whereby joggers pick up plastic as they run.⁸

Equally, making products out of collected marine plastic will raise awareness but won't tackle the root cause of the problem. Examples include P&G's Fairy and Head & Shoulders bottles, made of marine plastic;⁹ Adidas's Parley ocean-trash trainers;¹⁰ and Coca-Cola's 25% marine-plastic beverage bottle.¹¹ Tetra Pak has a CSR 'Green Roof' project in Thailand, demonstrating how 'used beverage cartons have been transformed into corrugated roofing sheets for emergency housing'. According to one producer in Vietnam, making these corrugated roofing tiles from Tetra Pak is twice as expensive as making them from normal roof tiles.¹²

3.2.3. Recycling illusions

Many plastic products are labelled with a misleading symbol: either chasing arrows or the Green Dot. These symbols confuse consumers, creating an illusion that a product or its packaging can be recycled, which is not true for many of them. Additionally, there is no standard practice for recycling symbols, and brands can use them indiscriminately to mean anything.¹³ In the US, chasing arrows are also accompanied with numbers 1-7, suggesting recyclability, when the actual recycling rates for most of the packaging from numbers 3-7 are close to zero.



P&G's Fairy and Head & Shoulders bottles, made of marine plastic

Adidas's Parley ocean-trash trainers

Coca-Cola's 25% marine-plastic beverage bottle



3.2.4. Promoting recyclability or compostability

A particular problem arises when a material is *theoretically* recyclable but, in practice, not able to be recycled or composted at scale. This is an important theme as companies move towards voluntary targets to make 100% of their products recyclable, reusable or compostable. An example is Starbucks in the US touting its new polypropylene lids and claiming to be 'raising the water line for what's acceptable and inspiring our peers to follow suit', when the market and recycling rates for that material are negligible.¹⁴

3.2.5. Switching to other single-use alternatives

While the replacement of some single-use plastics with alternative materials is important, companies use small switches from plastic to another material to show how committed they are to ending plastic waste. For example, Tetra Pak proudly highlights its participation

in the EMF's Global Commitment, yet the sum total of the packaging giant's action has been the development of paper straws to meet demand by 2025, and a modest investment in recycling.¹⁵ Bio-based, biodegradable and compostable plastics are another red herring (see Box 4.5); while these materials have some niche applications, they are not the silver bullet they are made out to be. In countries like Japan and China, replacement of conventional plastics with biodegradable alternatives is being pursued as a quick-fix solution, but new so-called 'bioplastic' products confuse and distract consumers and decision-makers from the deeper need to reduce plastic output and push for new systems and models.

3.2.6. Pushing technological fixes

Perceived quick fixes like chemical and thermal recycling are pushed – by the petrochemical industry, in particular, but also by companies such as Mars – as a silver-bullet solution. These technologies are not only problematic (see Box 3.1) but also distract from the urgency to transition to a truly circular economy; one in which reuse, refill and effective mechanical recycling are widespread.

3.2.7. Marketing greenwash



Coca-Cola's 'Round in circles' campaign in the United Kingdom

Credit: David Mirzoeff

As plastics and sustainability have crept up the agenda of concerns for consumers, brands have leapt at the opportunity to differentiate their brand or product as better for the environment. In the case of major plastic polluters, this often manifests as eye-watering sums of money spent on advertising placements announcing, with great fanfare, their progress on plastic waste. Examples include Coca-Cola's 'Round in circles' campaign, which tried to redefine single-use plastic to exclude recycled bottles, and P&G's Head and Shoulders adverts for bottles made from ocean plastic.¹⁶

3.2.8. Study wars

In countries in which DRS is being fought over, we see a particular tactic: In response to a cost-benefit analysis study that favours the implementation of DRS, opponents commission their own studies to muddy the waters. Many of these studies seek to undermine the credibility of the original study (as seen in a study war between CETA and INCEIN in the Czech Republic), and some use very questionable methodologies (such as a study, commissioned by Ecoembes in Spain, which based its attack on the feasibility of DRS for retailers on rental prices for luxury real estate to exaggerate its findings).¹⁷ In many cases, it is enough for a company to simply say it has commissioned a study in order to boost the credibility of their arguments. Sometimes, the industry will not even publicly publish the studies it uses in lobby meetings with policymakers.

3.2.9. Fake environmental groups

The industry tries to distract by funding or setting up its own spurious environmental organisations that promote its agenda. For example, in the EU, representatives of the packaging industry also set up the Clean Europe Network, which promoted clean-ups and opposed the introduction of DRS in several countries. In the US, the industry set up several groups – from KAB to the RP and the Sustainable Packaging Coalition.



All these organisations have more or less the same member companies; their main focus has been to distract consumers by shifting the responsibility for recycling and waste management away from corporations and towards consumers and municipalities. One of the latest organisations established by the industry is Californians for Recycling and the Environment (CRE), which was founded by the plastic-bag manufacturer Novolex and led by two Novolex staff members.

3.2.10. Avoiding questions around toxicity and life-cycle harm

Big Plastic is tellingly silent on issues related to human health and plastics, such as toxicity, upstream pollution and the health fallout for frontline communities at all stages of the plastic life cycle. Distraction tactics that seek to rehabilitate the reputation of single-use plastics belie the serious harm inherent to plastic use, for which few companies have an answer.



3.3. Derail

While delaying and distracting, the industry simultaneously scans for opportunities to derail the possibility of introduction of stricter or unfavourable legislation, or to undermine existing regulations. Many companies in the plastic supply chain have full-time representatives lobbying decision-makers at every level, often both directly and through numerous different trade associations, via consultancies, think tanks and other outlets. As the Covid-19 pandemic has demonstrated, Big Plastic, in particular, is always primed and ready to co-opt a crisis to its advantage, and uses any opportunity to undermine environmental or restrictive plastic legislation. Tactics to derail include the following.

3.3.1. Direct lobbying

Many consumer-goods companies and plastics producers have multiple full-time-equivalent staff lobbying various national and state governments. For example, in the EU in 2018 - when the SUP Directive was under consideration - The Coca-Cola Company and Coca-Cola European Partners spent a combined total of €1.2 million on lobbying,¹⁸ while PepsiCo spent €500,000-599,999,¹⁹ Nestlé spent €400,000-499,999²⁰ and Tetra Pak spent €300,000-399,000.²¹ Much of this lobbying involves securing meetings with officials; Greenpeace's investigation into Coca-Cola's attempts to derail DRS in Scotland showed how the company met with senior UK government officials on multiple occasions to try to nix plans for DRS.²²

3.3.2. Indirect lobbying

Many FMCGs have high brand equity; that is, the value derived from their brand name. This can mean they are reluctant to be seen to lobby against legislation and to have their brand tarnished directly. Instead, they conduct lobbying by proxy via trade associations (which represent industry interests) and other seemingly independent groups (like producer-responsibility organisations). This was particularly prevalent in our investigations in Austria, Spain and the Czech Republic, where many major supermarkets and consumer brands put pressure on governments through the Green Dot organisation, organisations in which they exert undue influence, such as Altstoff Recycling Austria AG (ARA), Ecoembes and EKO-KOM. Since many of these organisations are associated with recycling, they can be perceived as having higher credibility and independence when they speak about these issues.

Pre-emption laws

Attempts to push through legislation that makes it illegal to ban certain plastic products, such as plastic bans, are known as 'pre-emption laws'. In the US, the lobbying group American Progressive Bag Alliance has been very effective following this tactic; to date, fourteen states have pre-emption laws in place, while only eight have banned plastic bags.²³

3.3.3. Exemptions

In the face of sweeping legislation, plastic producers and other packaging producers push to have their products exempt from legislation, or find other loopholes - often on dubious grounds. In the EU, for example, producers of single-use plastic cutlery have tried to claim such cutlery is reusable (because it can be washed), and have pushed to exempt bio-based plastics - as well as biodegradable and compostable plastics - from legislation on single-use plastic.²⁴

3.3.4. Legal challenges

Where legislation cannot be prevented, companies may go down the route of legal challenges to its implementation. For example, in April 2019, the Regional Council of Puglia introduced local regulations banning non-compostable food-and-drinks packaging in state-controlled maritime areas and beaches. The Italian Association for the Soft Drinks Industry and Italian Federation of Mineral Water Producers challenged the regulation at the Regional Administrative Tribunal. In July 2019, the tribunal found in their favour, suspending the regulation. The Regional Council then appealed against the ruling to the Council State Tribunal, which found in its favour, reinstating the regulation banning plastic use.²⁵

3.3.5. Misdirecting legislation

Industry can also cynically misdirect legislative efforts by supporting legislative solutions that fit their agenda and that seem to address the issue, on the surface, but don't go far enough. Examples include the RECOVER Act (which would help shore up recycling in the Covid-19 economic recovery -but would also ringfence money for incineration, and does not include measurable targets for combating single-use plastic) and Save our Seas 2.0 (which focuses heavily on clean-ups but circumvents industry responsibility for overproduction of plastics).

3.3.6. Co-opting a crisis

Primed to push its agenda at any opportunity, Big Plastic jumped at the opportunity the global Covid-19 pandemic presented to seek to roll back unfavourable regulation. Capitalising on sanitation fears, the industry spread skewed information about the harm of reusable bags in an attempt to derail plastic-bag bans in the US. In Europe, retailers used Covid-19 to call for a delay to the implementation of DRS in the UK, and the plastics industry use it to justify a call to delay implementation of the EU SUP Directive.



3.4. Putting the tactics in play

This is a non-exhaustive list of the industry tactics our investigations have uncovered to date. Such tactics have played out in many countries and regions around the world. Our research aims to diffuse the smokescreen concealing these tactics, and to call out the hypocrisy at work. The next chapter pieces together case studies from across the world, demonstrating how different actors engage a toolkit of tactics to fight against accountability and systemic action on plastic pollution.



DELAY



DISTRACT



DERAIL

1 DENY THERE IS A PROBLEM



2 SHIFT THE BLAME



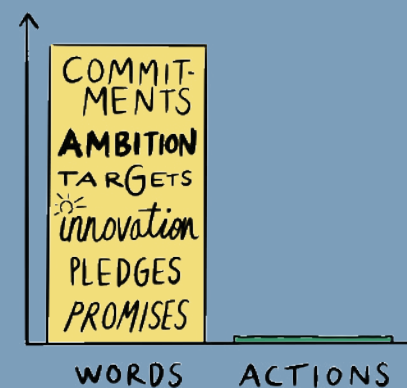
3 DISTRACT WITH VOLUNTARY COMMITMENTS



4 PROMOTE A SOLUTION



5 SET UP "INDEPENDENT" ORGANISATIONS



PUBLIC PRESSURE RESULTS IN LEGISLATION

6 FUND "INDEPENDENT" STUDIES TO INFLUENCE LEGISLATIVE PROPOSALS



7 DELAY LEGISLATION BY LOBBYING



LEGISLATION IS ADOPTED

8 WEAKEN IMPLEMENTATION FURTHER



9 USE A GOOD CRISIS



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