

Public Statement (June 6, 2022)

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New Lawsuits Seek to End Sales of Plastic Shopping Bags in California

Lawsuits Seek to Stop [The Great Store Dropoff Charade](#) and Protect the Global Environment

On June 3, 2022, [The Last Beach Cleanup](#) (LBC-plaintiff) filed lawsuits against two California-based retailers (Gelson's Markets and Stater Brothers) alleging that the companies are illegally selling plastic shopping bags in California because they are not "recyclable in the state" as required by [California's SB270 law](#) (ratified by California voters as [Proposition 67 in 2016](#)). The LBC lawsuits can be found here ([Complaint-Gelson's](#)) and ([Complaint-Stater Brothers](#)). The LBC lawsuits follow on the heels of a Class Action Lawsuit filed on April 29, 2022, by an individual consumer against Walgreens for sales of plastic shopping bags in California. ([Complaint-Walgreens](#)).

The Last Beach Cleanup's legal action seeks to protect legitimate recycling efforts, save taxpayer funds spent on cleanups, and protect the global environment from plastic waste and pollution caused by plastic shopping bags and films. Consumers across the U.S. are deceived by instructions to "Return the plastic bag to a participating store for recycling" or "Store Dropoff" and sent on a wild goose chase with no benefit. Mixed post-consumer plastic film waste is contaminated and worthless. [Few takeback bins exist](#) and there is scant proof that collected post-consumer materials are actually recycled into new products. Consumers are also misled and confused by large recycling symbols on the products. Plastic bags and films are mistakenly placed by consumers in curbside recycling bins, causing equipment clogs and contamination in paper bales. California paper bales are exported to pulp mills in Indonesia and other countries where the plastic is removed from the paper and dumped to the environment or burned.



Amazon Pouch with How2Recycle Label found on riverbank near pulp mill in East Java, Indonesia
(Credit: Ecoton, 2019)



Ecommerce airbag with How2Recycle label seen in California curbside recycling bin
(Credit: The Last Beach Cleanup, 2020)

California law prohibits selling or distributing reusable plastic grocery bags unless they are recyclable. California law also requires companies that advertise or label their products as recyclable to maintain written substantiation supporting the validity of the recyclable representation and to provide it to the public upon request. Through letters sent on April 13, 2022, the companies were asked to provide proof of plastic bag recycling. The companies did not provide substantiation that their plastic bags are being collected and reprocessed into new products. The lack of proof of plastic bag recycling is not surprising

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given that two major E-Commerce packaging companies [publicly testified to the California Statewide Recycling Commission on November 13, 2020](#) that they cannot provide proof that their plastic pouch and film products are recyclable through store dropoff in California.

On December 3, 2021, [the California Statewide Recycling Commission wrote](#) to CalRecycle (state waste agency) and copied State Attorney General Rob Bonta requesting “that California’s existing laws on labeling of plastic bags be enforced and that retailers and product manufacturers be required to remove the word “recycle,” “recyclable” and/or the recycling symbol from plastic bags and plastic films.” The Commission stated, “Flexible plastic bags and films that depict the word “recycle” or the chasing arrows recycling symbol cause consumer confusion and contribute to contamination.” [An appendix of examples of 80 products](#) with incorrect labels was submitted.

In February 2022, the Plastic Pollution Coalition led a group of [seventy-four NGOs to write to CA State AG Bonta](#), urging him to enforce existing laws on labeling of plastic bags and films and distribution of thicker plastic bags. Their letter also stated that enforcement of existing laws will benefit Californians and reduce environmental and economic damage.

On April 28, 2022, [CA State AG Bonta announced an investigation](#) into the fossil fuel and petrochemical industries for their role in causing and exacerbating the global plastics pollution crisis. While the investigation of the bigger picture deception of recyclability of all plastic products is welcomed, it does not address plastic bags and films in the short term.

Therefore, The Last Beach Cleanup is employing civil litigation to enforce California’s laws. The Last Beach Cleanup seeks to stop the illegal sales of plastic bags in California and does not seek financial gain. Instead of participating in unlawful, harmful, and misleading charades, companies should redesign their products to be reusable, truly recyclable, or compostable through existing curbside programs and local processing.

In 2021, [The Last Beach Cleanup employed civil litigation](#) to improve truth-in-labeling and reached a settlement with TerraCycle and eight consumer product companies (Coca-Cola, Procter & Gamble, Late July Snacks, Gerber, L’Oreal, Tom’s of Maine, and Clorox) on a lawsuit filed based upon unlawful and deceptive recycling claims. The public settlement can be found on the [LBC website here](#) and the original lawsuit can be found here ([Complaint-Terracycle](#)). As described in the settlement, changes to product labels were agreed to by all parties, and TerraCycle agreed to the implementation of a supply chain certification program. TerraCycle was required to reimburse legal fees incurred by LBC.

For more information on the lawsuits please visit <https://www.lexlawgroup.com> and <https://lastbeachcleanup.org>