



San Antonio Bay Estuarine Waterkeeper

Press Release

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Formosa Plastics, Texas Tops 2.25 Million Dollars in Plastic Violations,
Global studies that include Formosa's discharged pellets show health threats

Link to report: <https://ipen.org/ToxicPlasticsinSupplyChain>

POINT COMFORT, Texas (December 15, 2021)

Agreed-to mitigation payments resulting from plastics found by a wastewater sampling device (called the WSM) that was agreed upon and designed after San Antonio Bay Estuarine Waterkeeper and Formosa settled its record-setting \$50 M Clean Water Act case in 2019, recently topped \$2,225,000 in violations/mitigation payments against the plastic company. Formosa has had 110 discharges into Lavaca Bay since March 2021.

Amy Johnson, one of the lawyers for the plaintiff, said “The district court found that Formosa was a ‘serial offender’ of the Clean Water Act. The WSM shows just how right the judge was. Formosa is repeatedly discharging plastics into Lavaca Bay.”

The WSM samples a small portion of Formosa's treated wastewater before it is piped to Lavaca Bay. If plastics are identified, Formosa makes a payment of \$20,000 for the day of the illegal discharge. (The mitigation payment amount will be raised to \$25,000 per day for discharges in 2022.) The payments go to the Matagorda Bay Mitigation Trust where they are used for projects that benefit the bay. <https://mbmtrust.com/>

Two new studies by scientists for the International Pollutants Elimination Network (IPEN) are showing the health implications of plastic discharges such as those by Formosa Plastics, Texas. IPEN is a global environmental network of over 600 public interest NGOs in 128 countries, working to eliminate and reduce the most hazardous substances to forge a toxics-free future. The global group reports that plastics discharged by plastic companies pose significant threats to human health and ecosystems throughout their life cycles.

To get a global picture of the role plastics play in transporting toxic chemicals around the world, IPEN worked with International Pellet Watch (IPW) and its NGO partners in 35 countries to investigate hazardous chemicals and pollutants present in:

- spilled or lost pre-production plastic pellets found on beaches; and

- recycled plastic pellets purchased from recycling facilities.

IPEN's study included plastics from Formosa Plastics, Point Comfort, Texas, Cox Creek. Both studies revealed the presence of toxic chemical additives and pollutants in discharged pellets that pose multiple health threats to humans and the environment. The health effects include causing cancer or changing hormone activity (known as endocrine disruption), which can lead to reproductive, growth, and cognitive impairment. Many of the toxic chemical additives have several other known health impacts, persist in the environment, and bioaccumulate in exposed organisms.

It is estimated ([Wiesinger et al. 2021](#)) that over 10,000 chemicals are present in plastics; around 5,000 of these are chemical additives that contribute to the function of products. Many of these chemicals are toxic, yet only a few are subject to regulatory control. In fact, regulatory information on the safety of many chemical additives is incomplete, and little is known about the risks of exposure to the complex mixtures of toxic pollutants currently being transported in and released from plastic pellets.

The chemicals assessed in the beach pellets study that included Formosa Plastics' discharged pellets in Cox Creek were ten ultraviolet (UV) stabilizers and 13 polychlorinated biphenyls (PCBs). The chemicals studied were either added to the plastics during production or are "environmental contaminants," such as PCB, that are already in the environment and attach to (or sorb) the plastics. Chemicals assessed included:

- **UV Stabilizers** Ten benzotriazole UV (BUV) light stabilizers, which are intentionally added to plastics to prevent degradation by sunlight. Several are regulated in the EU and one, UV-328, is being recommended for a global ban through addition to the Stockholm Convention on Persistent Organic Pollutants (POPs); and
- **PCBs** Pollutants known as PCBs (polychlorinated biphenyls), were banned under the Stockholm Convention in 2001, but because of their widespread use, are still found in the environment. IPEN examined the role of beached plastic pellets in absorbing and transporting 13 different PCB compounds in the environment.

The researchers found that all samples from all locations contained all ten BUVs and all 13 PCBs included in the study. Half of the locations had samples with PCB levels that were highly or extremely polluted. The study confirmed that the Formosa pellets from Cox Creek include UV stabilizers at low levels, as well as PCBs. The report identifies the U.S. pellets Cox Creek as "lightly polluted."

Professor Hideshige Takada says: "The study demonstrates how the plastics industry causes problems even before products enter the marketplace and reach the consumer. By acting as a vector for toxic chemical additives like BUVs, and existing toxic chemicals, like PCBs, pre-production plastic pellets threaten health and the environment."

Wilson, a plaintiff in the Clean Water suit against Formosa Plastics, Texas, agreed that "All phases of plastics manufacture, transport, use, recycling, and disposal need to be addressed. Regulators need to be more aware of the threats to health and ecosystems posed by the thousands of toxic chemical additives used in plastics. Chemical and plastic industries fight to not disclose

what is in their products throughout the supply chain. So greater transparency on toxic chemical additives used in plastics is needed, along with data on the quantities of plastics made, traded, and disposed of. “

Wilson noted that the new studies confirm that contaminants in the environment attach to plastics. “One chemical that should be of great concern in our area is mercury. During the March 2019 Clean Water lawsuit *San Antonio Bay Estuary Waterkeepers vs Formosa Plastics, Texas, Formosa Plastics USA*, Dr. Jeremy Conkle, an expert for the Waterkeepers, testified that he tested Formosa’s pellets in Lavaca Bay for mercury and found that the mercury in the Bay was ‘sorbing’ onto the pellets. The mercury on the plastics in the Bay are at low concentrations according to Dr. Conkle, but it is an issue of concern.”

Mercury was deposited into Lavaca Bay by Alcoa between 1965-1981. The area was declared a Mercury Superfund site in 1994. According to the Centers for Disease Control and Prevention, people who have eaten large amounts of fish with methylmercury over time have damaged nervous systems. Babies born to women who did the same also may have developmental abnormalities and cerebral palsy.

Background information

IPEN (International Pollutants Elimination Network) is a global environmental network of over 600 public interest NGOs in 128 countries, working to eliminate and reduce the most hazardous substances to forge a toxics-free future for all. IPEN is registered in Sweden as a public interest non-profit organization. www.ipen.org

International Pellet Watch is a nonprofit ecotoxicological research group that monitors persistent organic pollutants (POPs), plastic waste and plastic pellets around the world. Based at Tokyo University of Agriculture and Technology, Laboratory of Organic Geochemistry in Tokyo. <http://pelletwatch.org/>