

## ***Big Oil Is in Trouble. Its Plan: Flood Africa With Plastic.***

Faced with plunging profits and a climate crisis that threatens fossil fuels, the industry is demanding a trade deal that weakens Kenya's rules on plastics and on imports of American trash.

**By Hiroko Tabuchi, Michael Corkery and Carlos Mureithi**

Aug. 30, 2020

Confronting a climate crisis that threatens the fossil fuel industry, oil companies are racing to make more plastic. But they face two problems: Many markets are already awash with plastic, and few countries are willing to be dumping grounds for the world's plastic waste.

The industry thinks it has found a solution to both problems in Africa.

According to documents reviewed by The New York Times, an industry group representing the world's largest chemical makers and fossil fuel companies is lobbying to influence United States trade negotiations with Kenya, one of Africa's biggest economies, to reverse its strict limits on plastics — including a tough plastic-bag ban. It is also pressing for Kenya to continue importing foreign plastic garbage, a practice it has pledged to limit.

Plastics makers are looking well beyond Kenya's borders. "We anticipate that Kenya could serve in the future as a hub for supplying U.S.-made chemicals and plastics to other markets in Africa through this trade agreement," Ed Brzytwa, the director of international trade for the American Chemistry Council, wrote in an April 28 letter to the Office of the United States Trade Representative.

The United States and Kenya are in the midst of trade negotiations and the Kenyan president, Uhuru Kenyatta, has made clear he is eager to strike a deal. But the behind-the-scenes lobbying by the petroleum companies has spread concern among environmental groups in Kenya and beyond that have been working to reduce both plastic use and waste.

Kenya, like many countries, has wrestled with the proliferation of plastic. It passed a stringent law against plastic bags in 2017, and last year was one of many nations around the world that signed on to a global agreement to stop importing plastic waste — a pact strongly opposed by the chemical industry.



Kenya has some of the world's toughest restrictions on plastic bags. Khadija M. Farah for The New York Times

The chemistry council's plastics proposals would "inevitably mean more plastic and chemicals in the environment," said Griffins Ochieng, executive director for the Centre for Environmental Justice and Development, a nonprofit group based in Nairobi that works on the problem of plastic waste in Kenya. "It's shocking."

The plastics proposal reflects an oil industry contemplating its inevitable decline as the world fights climate change. Profits are plunging amid the coronavirus pandemic, and the industry is fearful that climate change will force the world to retreat from burning fossil fuels. Producers are scrambling to find new uses for an oversupply of oil and gas. Wind and solar power are becoming increasingly affordable, and governments are weighing new policies to fight climate change by reducing the burning of fossil fuels.

Pivoting to plastics, the industry has spent more than \$200 billion on chemical and manufacturing plants in the United States over the past decade. But the United States already consumes as much as 16 times more plastic than many poor nations, and a backlash against single-use plastics has made it tougher to sell more at home.

In 2019, American exporters shipped more than 1 billion pounds of plastic waste to 96 countries including Kenya, ostensibly to be recycled, according to trade statistics. But much of the waste, often containing the hardest-to-recycle plastics, instead ends up in rivers and oceans.

And after China closed its ports to most plastic trash in 2018, exporters have been looking for new dumping grounds. Exports to Africa more than quadrupled in 2019 from a year earlier.

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Ryan Baldwin, a spokesman for the American Chemistry Council, said the group's proposals tackle the global importance of dealing with waste. The letter says that there is "a global need to support infrastructure development to collect, sort, recycle, and process used plastics, particularly in developing countries such as Kenya." The Chemistry Council includes the petrochemical operations of Exxon Mobil, Chevron and Shell, as well as major chemical companies including Dow.

The talks are in early stages, and it's not yet clear if trade negotiators have adopted the industry's proposals. But industries typically have a strong voice in shaping trade policy, and business lobbyists have won similar concessions before.

In talks with Mexico and Canada in 2018, for instance, chemicals and pesticides makers lobbied for, and won, terms making it tougher for those countries to regulate the industries. At the same talks, trade negotiators, urged on by American food companies, also tried to restrict Mexico and Canada from warning people about the dangers of junk food on labeling but dropped the plan after a public outcry.

The Kenya proposal "really sets off alarm bells," said Sharon Treat, a senior lawyer at the nonpartisan Institute for Agriculture and Trade Policy who has worked for more than a decade advising trade talks in both the Trump and Obama administrations. Corporate lobbyists "frequently offer up very specific proposals, which the government then takes up," she said.



The Nairobi River, which flows through the capital city, is clogged with plastic waste. Khadija M. Farah for The New York Times

The plastics industry's proposals could also make it tougher for to regulate plastics in the United States, since a trade deal would apply to both sides.

The Office of the United States Trade Representative didn't respond to interview requests or to detailed lists of written questions, nor did officials at Kenya's Trade Ministry.

Last year, Kenya was one of many countries around the world that signed on to a global agreement to stop importing plastic waste — a pact strongly opposed by the chemical industry. Emails reviewed by The Times showed industry representatives, many of them former trade officials, working with U.S. negotiators last year to try to stall those rules.

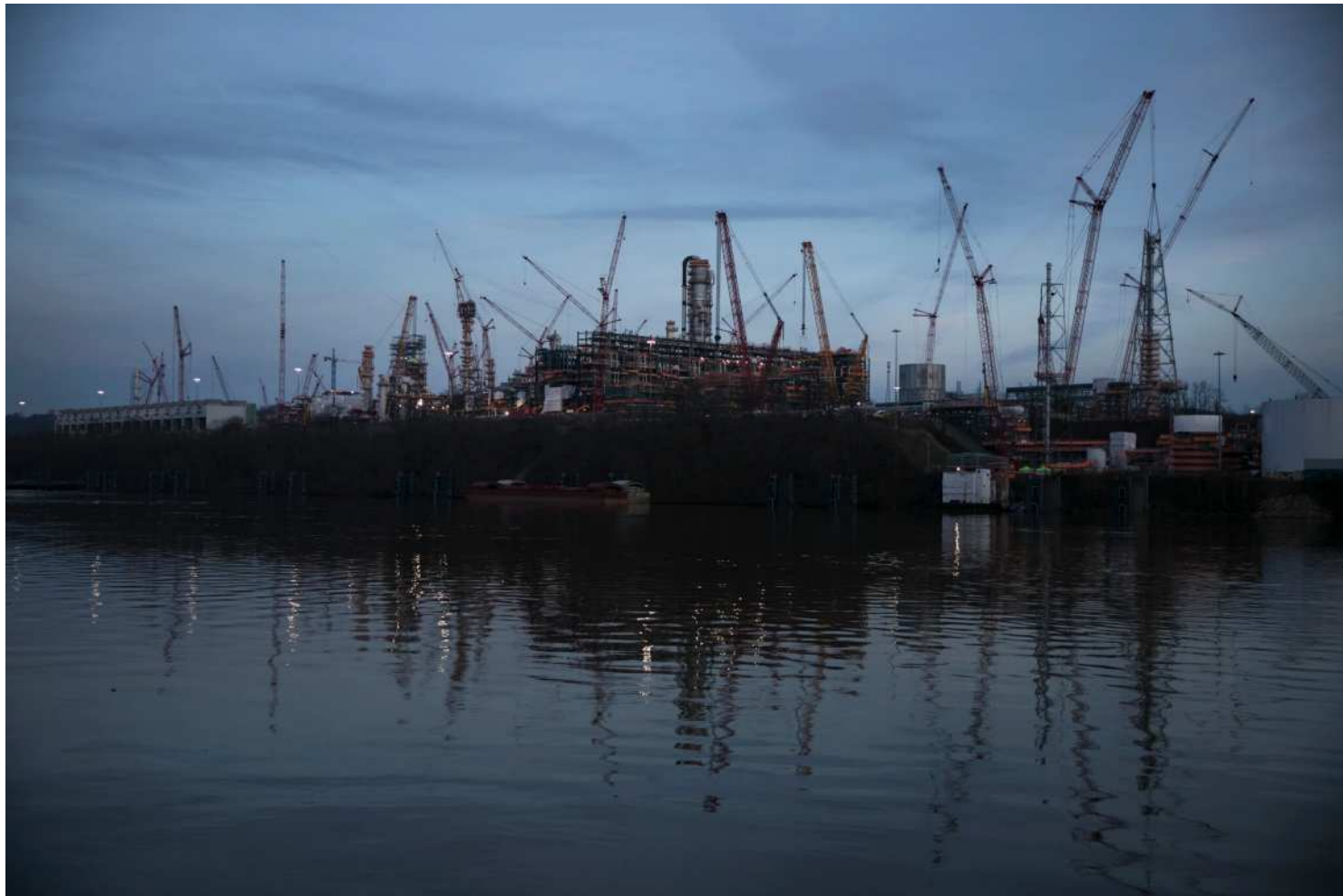
The records, obtained through Freedom of Information Act requests by Unearthed, a London-based affiliate of the environmental group Greenpeace, paint a picture of close ties between the trade representatives, administration officials and industry representatives.

On March 29, 2019, for example, an executive at a recycling trade group wrote to several trade negotiators and other federal officials in order to show them a recent statement by environmental activists. "Hey ladies," she wrote, "This gives us some good fodder to build a strategy."

In an interview, the email's author, Adina Renee Adler, a former senior United States trade official, said her trade group opposed bans on plastic waste exports because they would prevent viable plastic scrap material from being recycled. "My role is to provide them with information based on our expertise," she

said of her communications with the federal officials.

## From Appalachia to Nairobi



A Shell plant near Pittsburgh is part of a petrochemical hub intended to serve the world with plastics made from cheap natural gas amid the fracking boom. Maddie McGarvey for The New York Times

Royal Dutch Shell's 386-acre plastics plant outside Pittsburgh is billed as the anchor for a new petrochemical hub in Appalachia, a region reeling from the collapse of the coal industry. Plants like these have revolutionized the plastics industry by turning fracked natural gas into the manufacturing material for millions of plastic bottles, bags, clamshell containers, drinking straws and a parade of other products, tapping into a seemingly endless supply of cheap shale gas from America's booming oil and gas fields. Among local communities, the plants have raised air pollution concerns.

In Appalachia, Texas and nationwide, almost 350 new chemical plants are in the works, according to an industry tally, together representing oil companies' life-or-death bet on plastics as the future.

But now the coronavirus pandemic has caused not only oil and gas prices to plummet, but plastics prices, too. Last month, oil giants including Shell, Exxon Mobil and Chevron reported some of their worst financial results in history, leading some analysts to question whether the new plastics plants would deliver on the profits the companies expected.

A Shell spokesman said that while the “short-term outlook for this business is challenging,” over the long term, “products derived from petrochemicals will continue to grow and provide attractive returns.” An Exxon Mobil spokesman said the company “shares society’s concern about plastic waste” and aims to invest more in solutions to end it. Dow referred queries to the American Chemistry Council. Chevron did not respond to requests for comment.

Against that backdrop, President Uhuru Kenyatta of Kenya visited the White House in February, eager to start trade talks. Kenya currently can send most of its exports to the United States duty-free under a regional program, but that expires in 2025.



Kenya’s president, Uhuru Kenyatta, is pursuing a trade pact with the United States. He met with President Trump in February. Anna Moneymaker/The New York Times

The petrochemicals industry sensed an opening.

Exxon Mobil has forecast that global demand for petrochemicals could rise by nearly 45 percent over the next decade, significantly outpacing global economic growth and energy demand. Most of that would come from emerging markets.

The American Chemistry Council’s April 28 letter to the trade representative’s office laid out the group’s vision. Kenya’s growing ports, railways and road networks “can support an expansion of chemicals trade not just between the United States and Kenya, but throughout East Africa and the continent,” Mr.

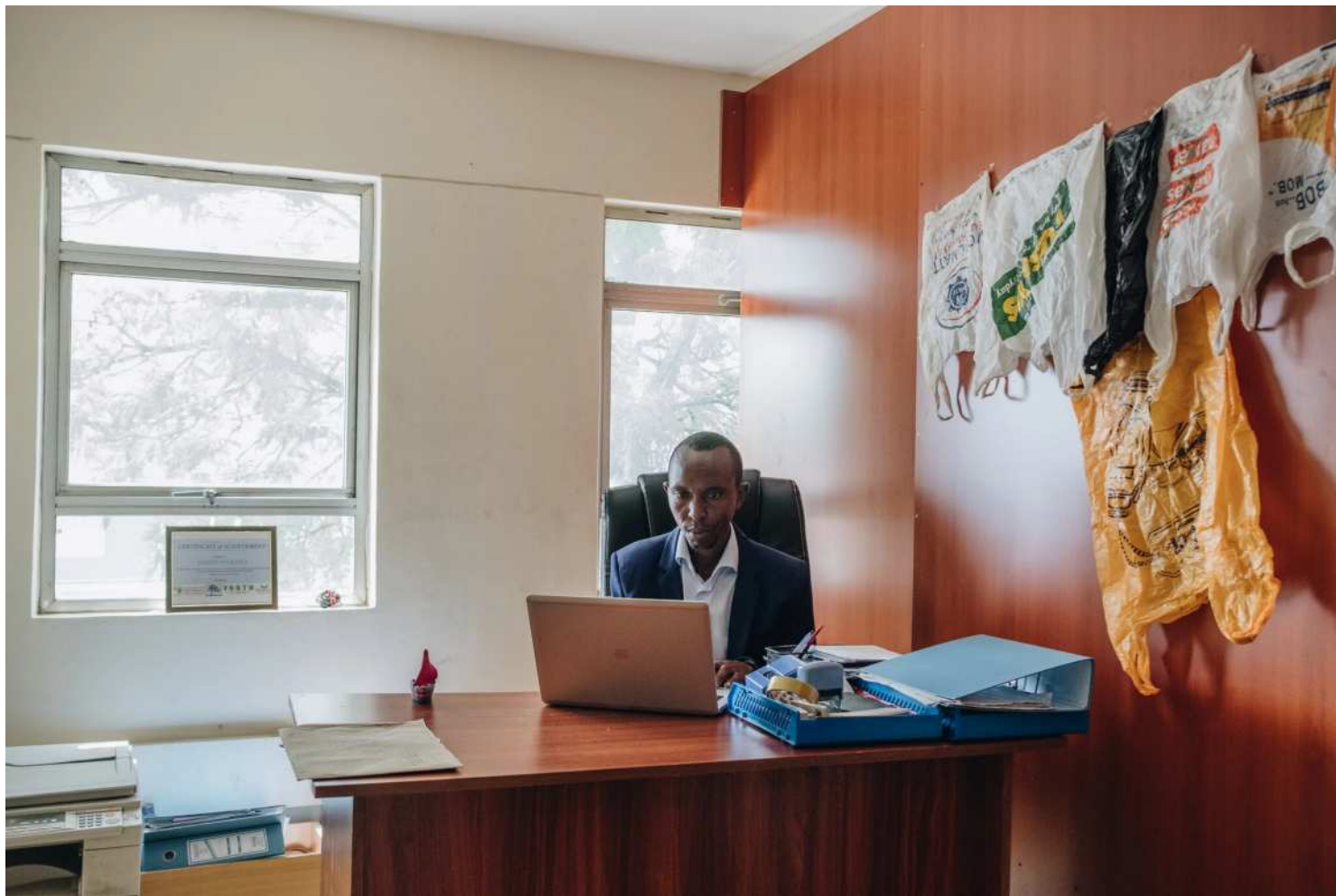
Brzytwa wrote.

To foster a plastics hub, he wrote, a trade deal with Kenya should prevent the country from measures that would curb plastic manufacture or use, and ensure Kenya continues to allow trade in plastic waste, demands that experts said were unusual and intrusive.

Those terms could “literally encapsulate every kind of bag ban, bottle ban,” said Jane Patton, a plastics expert at the Center for International Environmental Law. She called it an industry-led effort “to erode these democratically enacted policies” in foreign countries.

Daniel Maina, the founder of the Kisiwani Conservation Network in Mombasa, Kenya, said the trade talks were coming at a particularly vulnerable time, as Kenya was starting to feel the economic effects of the pandemic. “If they were to force this sort of trade agreement on us, I fear we will be easy prey,” he said.

## Kenya’s Tough Laws



James Wakibia helped inspire Kenya’s plastic-bag ban. His office wall features a display of now-illegal bags. Khadija M. Farah for The New York Times

The American Chemistry Council is pushing back against the likes of James Wakibia, who helped inspire Kenya to enact one of the world’s toughest plastic bag bans.

As a university student walking to class, Mr. Wakibia, now 37, used to pass a noxious landfill in Nakuru, Kenya's fourth-largest urban area. The stench and the plastic debris that spilled into the street, he said, prompted him to act.

He began campaigning, largely on social media, for the ban, and his plea soon gained traction across a country inundated with plastic. Bags were everywhere — in the air, clinging to trees, clogging waterways and causing flooding.

With strong public backing, a ban on plastic bags took effect in 2017, and it has teeth: Anyone caught breaking the law could face jail time. This year, the government followed up by banning other types of single-use plastic, including bottles and straws, in national parks and other protected areas.

“We have done something,” Mr. Wakibia said of the bag ban. “But we should not stop because there is so much pollution going on.”

Kenya isn't the only country taking measures to curb plastics. A recent report by the United Nations counted 127 countries with policies on the books to regulate or limit use.

In response, the industry has tried to address the plastics issue. The Alliance to End Plastic Waste — formed by oil giants like Exxon Mobil and Chevron, as well as chemical companies like Dow — last year pledged \$1.5 billion to fight plastic pollution. That figure, critics point out, is a small fraction of what the industry has invested in plastic infrastructure.

Manufacturers “say they will address plastic waste, but we say plastic itself is the problem,” Mr. Ochieng said. “An exponential growth in plastics production is just not something we can handle.”

## **Plastics Makers Fight Back**





Kenya's efforts to restrict plastics and encourage re-use are worrisome for plastics makers, whose leaders see the country as a promising market. Khadija M. Farah for The New York Times

For plastics makers, direct deals with countries like Kenya have become more important after the industry suffered a major setback on another issue of global dimensions: plastic waste exports.

In May last year, nations reached an agreement to regulate plastic as hazardous waste under the Basel Convention, making it far tougher to ship plastic waste to developing countries. The petrochemicals and plastics industries fought the deal, and trade negotiators largely adopted the industry's position, according to internal emails from the Office of the United States Trade Representative and other negotiators present.

In the emails, the American Chemistry Council found a sympathetic ear among United States trade representatives. In April 2019, the council invited Maureen Hinman, a trade official, along with other agency officials, to discuss the industry's \$1.5 billion pollution-fighting proposal.

While environmental groups had criticized the industry's proposals as inadequate, Ms. Hinman had a different response. "What you are doing with the alliance is an important counternarrative," she said, referring to the industry's Alliance to End Plastic Waste.

The trade office didn't respond to requests to speak with Ms. Hinman or to written questions about the email.

Despite the industry opposition, last year more than 180 countries agreed to the restrictions. Starting next year, the new rules are expected to greatly reduce the ability of rich nations to send unwanted trash to poorer countries. The United States, which has not yet ratified the Basel Convention, won't be able to send waste to Basel member nations at all.

"It was the United States against the world," said Jim Puckett of the Basel Action Network, a nonprofit that lobbies against the plastic waste trade. "I think they were in shock."

That setback has re-energized industry to seek deals with individual countries to boost the market for plastics, and find new destinations for plastic waste, analysts say.

In Nairobi, local groups are worried. "My concern is that Kenya will become a dumping ground for plastics," said Dorothy Otieno of the Centre for Environmental Justice and Development. "And not just for Kenya, but all of Africa."



Khadija M. Farah for The New York Times

**Correction: Aug. 30, 2020**

*An earlier version of this article misidentified a group formed by the plastics industry to address the issue of waste. It is the Alliance to End Plastic Waste, not the Alliance to End Public Waste.*

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8/31/2020

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A version of this article appears in print on Aug. 31, 2020, Section A, Page 1 of the New York edition with the headline: Big Oil Pivots to Plastics and Eyes Africa as Its Dumping Ground