



## **'Foreign agent': Forrest named in Exxon lawsuit**

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### **Body**

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Andrew Forrest has been accused of being a foreign agent who is orchestrating "smear campaigns" against the oil and gas sector to further his own commercial ambitions, in a bombshell lawsuit by global giant ExxonMobil.

Dr Forrest, his mining company **Fortescue** and his philanthropic arm Minderoo have all been mentioned in a lawsuit filed in Texas this week by Exxon, in which the oil and gas company accused California Attorney-General Rob Bonta, several US environmental groups and Dr Forrest's Intergenerational Environment Justice Fund of defamation.

The lawsuit argues that Dr Forrest effectively enlisted US environmental organisations Sierra Club, Surfrider, Heal the Bay, and San Francisco Baykeeper as his US proxies to launch lawsuits against ExxonMobil and its advanced plastic recycling ambitions.

In a statement, Dr Forrest said the lawsuit was no surprise and was "right out of the oil & gas industry playbook".

"I am personally delighted Exxon has walked themselves into the court and opened themselves up to cross-examination," Dr Forrest said.

"The fossil fuel industry is -getting increasingly desperate at maintaining its toxic grip on -society. Their only priority is to maximise their profits and -produce as much oil and gas as possible." Exxon's complaint said the case was about "the corrupting influence of foreign money in the American legal system and â€ the sordid for-profit incentives and outright greed that tries to hide behind so-called public impact litigation".

The case focuses on the role of IEFJ, a charity established by Dr Forrest and run out of the Mounts Bay Road headquarters of Minderoo and his Tattarang -family office.

According to the lawsuit, IEFJ, Exxon says, has directed hundreds of thousands of dollars to US law firm Cotchett, Pitre & McCarthy to help "smear campaigns" by Mr Bonta and US not-for-profits against Exxon and its plans to expand its plastic recycling operations. Mr Bonta has branded Exxon's recycling ambitions as a "myth" and a "sham".

## 'Foreign agent': Forrest named in Exxon lawsuit

"Why would Mr Bonta or -anyone who claims to be serious about cleaning up the environment and helping solve the plastic-waste issue take such extreme measures to shut down the emerging and developing advanced recycling industry?" the Exxon complaint said "The answer is foreign influence, personal ambition, and a murky source of financing rife with conflicting business interests.

"With apparently no appreciation for the irony of their claim, Mr Bonta and his cohorts are now engaging in reverse green-washing; while posing under the banner of environmentalism, they do damage to genuine recycling programs and to meaningful innovation." Exxon noted in its complaint that Dr Forrest was the largest shareholder in **Fortescue**, which it said was competing with Exxon in the low-carbon-solutions and energy-transition sector.

The company described efforts by Dr Forrest and **Fortescue** to transform the miner into a green-energy powerhouse, including its ambition to sell green hydrogen to the world in competition with American oil and gas producers. Those plans have since been radically scaled back.

"Having failed to successfully compete against ExxonMobil in the marketplace, **Fortescue** has, on information and belief, orchestrated a campaign to compete by turning the wheels of American justice to the company's self-interested purposes," the Exxon complaint said. "More specifically, **Fortescue** funds Minderoo, which owns and controls the IEFJ, which hired an American law firm to bring claims against ExxonMobil on behalf of the US Proxies." (Minderoo says Exxon's description of its relationship to IEFJ is incorrect.) Exxon said the scale and nature of IEFJ's engagement with US law firm Cotchett was significant enough to require the firm to register itself as a foreign agent under the US Foreign Agents Registration Act.

"Together, Bonta and the US Proxies - the former for political gain and the latter pawns for the Foreign Interests - have engaged in a deliberate smear campaign against ExxonMobil, falsely claiming that ExxonMobil's effective and innovative advanced recycling technology is a 'false promise' and 'not based on truth'," the complaint said.

Mr Bonta has accused Exxon of simply stockpiling, rather than recycling, plastic waste it had collected and has labelled Exxon's advanced recycling "a false promise". Those attacks, Exxon said, had had a "chilling effect" on its ability to attract third-party customers and secure permits.

Exxon noted in its lawsuit that Dr Forrest himself had in a 2019 TED Talk talked up the merits of advanced plastics recycling, when he called for a voluntary levy on virgin plastics to help make the economics of advanced plastics recycling more competitive.

Dr Forrest's **Fortescue**, while named in the complaint, is not a party to the lawsuit.

The accusations of foreign influence driving legal activism against the oil and gas sector echo accusations levelled against Australia's Environmental Defenders Office in the wake of its failed legal challenge against Santos and its Barossa gas project.

The EDO receives a significant portion of its donations from foreign sources. Opposition resources spokeswoman Susan McDonald has repeatedly called for greater transparency over the origins of that offshore funding.

Dr Forrest said he was dedicated to steering the world away from a future reliant on fossil fuels, and said any accusation of commercial benefit was completely false. "The fossil-fuel industry know they are on borrowed time and that technological solutions exist to phase out fossil fuels," he said. "If the company I founded, **Fortescue**, one of Australia's biggest polluters and most successful companies can profitably cease the use of fossil fuels and go 'real zero' by 2030 - in just five years - heavy industry will be quick to follow." A **Fortescue** spokesman said the company rejected the assertions made against it in the lawsuit, including that it had orchestrated litigation against Exxon to gain a competitive advantage.

"While the world was in turmoil in 2021, **Fortescue** seized the opportunity to meet with governments around the world to begin its green transformation and this has been pivotal to setting the company up for its future success," the spokesman said.

'Foreign agent': Forrest named in Exxon lawsuit

"**Fortescue** has an industry-leading plan to stop burning fossil fuels and achieve 'real zero' across its Australian iron ore operations by the end of the decade. It is this commitment that continues to set the bar for other companies - including those in the oil and gas industry - to follow." A Minderoo spokesman said it was clear that recycling was not an effective means to curb the environmental and human health harms of plastics. "Minderoo Foundation is committed to reducing the production of plastics which have a devastating impact on human health, with exposure to chemicals found in plastics increasing risks throughout the entire human life cycle, including impacting birth outcomes, child neurodevelopment, reproductive health, and metabolic, endocrine and nutrition systems," the spokesman said.

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