



Exxon Sues California Official, Claiming He Defamed the Company

The New York Times

January 7, 2025 Tuesday 23:09 EST

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Section: CLIMATE

Length: 1020 words

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Highlight: The lawsuit, an unusual strategy for the oil giant, comes after California's attorney general sued Exxon last year alleging it misled the public about plastics recycling.

Body

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Exxon Mobil sued California's attorney general, the Sierra Club and other environmental groups on Monday, alleging that they conspired to defame the oil giant and kneecap its business prospects amid a debate over whether plastics can be recycled effectively.

The claims are an escalation in the legal conflict between oil companies and environmental groups, which have spent years fighting over environmental concerns related to fossil fuels, plastics and climate change.

Exxon's lawsuit singles out language used by Rob Bonta, the California attorney general, [who sued](#) Exxon in September, alleging that the company carried out a "campaign of deception" that led people to buy more single-use plastics by promoting the idea that the products could be recycled. Plastics are made from fossil fuels and are more difficult to recycle than other materials like paper and metal. Mr. Bonta's lawsuit, filed in superior court in San Francisco, denounced the company's "advanced recycling" program, which refers to processes that break down plastics to create new materials, including fuel.

"Exxon Mobil has not engaged in a decades-long secret mission to brainwash or deceive the public," the company said in its federal lawsuit, filed Monday in the Eastern District of Texas.

Exxon said Mr. Bonta later made false statements in interviews and other forums about its recycling technology, causing prospective business deals to fall apart. "Advanced recycling is not a 'farce' or 'myth,'" the company said in its suit.

A spokesperson for the California Department of Justice called the suit "another attempt from Exxon Mobil to deflect attention from its own unlawful deception" and said Mr. Bonta was looking forward to "vigorously litigating" the case.

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Exxon is seeking monetary damages and retractions from Mr. Bonta and the environmental groups, which include the Sierra Club, San Francisco Baykeeper, Heal the Bay and the Surfrider Foundation. These four, all based in California, had filed their [own lawsuit](#) against Exxon in parallel with Mr. Bonta's, alleging violations of state nuisance and unfair-competition laws.

A spokesman for the Sierra Club, Jonathon Berman, called the suit "a shameless attempt at intimidation" and said "Exxon is clearly confused about the difference between defamation and accountability."

An Australian charity, Intergenerational Environment Justice Fund, was also named in Monday's lawsuit. That group is described in the suit as working on behalf of Andrew Forrest, the founder of an Australian mining company, **Fortescue** Metals Group, that has become a critic of Exxon. Exxon said the charity had retained a law firm, Cotchett, Pitre and McCarthy, and recruited the environmental groups that filed the parallel lawsuit as "proxies."

The charity said in a statement on Tuesday that it was not a subsidiary of, owned or controlled by **Fortescue** or Mr. Forrest's environmental foundation, Minderoo. A spokeswoman for Mr. Forrest said he had provided funds to the charity in his personal capacity. Minderoo said that its work had been described incorrectly in Monday's lawsuit.

Niall McCarthy, a partner with Cotchett, Pitre & McCarthy, called the case "a P.R. campaign" with no merit and said the groups stood by the lawsuits. "Suggesting they are anyone's 'proxy' is baseless, and fails to recognize that these nonprofits have been at the forefront of the battle over plastics," he said.

[Fortescue advocates transitioning away from oil](#), and instead using hydrogen as fuel. Exxon in its lawsuit described the company as a competitor in the energy-transition sector. A spokesman for **Fortescue** said Tuesday that it rejected Exxon's assertions, including that the company had orchestrated the litigation to gain a competitive advantage.

Mr. Forrest, in a separate statement, said that "any accusation of commercial benefit" related to the case was false and that the fossil fuel industry knows it is "on borrowed time and that technological solutions exist to phase out fossil fuels."

The September lawsuit by Mr. Bonta came after a more than two-year investigation that included subpoenas to Exxon and industry groups and sought damages that he said could amount to "multiple billions of dollars."

Energy companies are facing numerous lawsuits from state and local governments alleging that they misled the public about climate change in their quest to keep selling fossil fuels. California's plastics lawsuit had indicated a new tack in that yearslong legal battle and was built on a similar premise over claims of deception.

In a recent [report](#), "The Fraud of Plastic Recycling," the advocacy group Center for Climate Integrity concluded that recycling plastics had largely failed because it was too expensive to do on a large scale. Even when recycling is technically possible, virgin plastic is cheaper. But oil companies and the plastics industry continued to promote recycling as a solution to plastic waste, the report said.

Less than 10 percent of plastic generated in 2018 was ultimately recycled, according to Environmental Protection Agency [data](#), though the rates for some categories of plastic were much higher. The rate of plastics converted into energy has grown steadily in recent years, according to the data.

The legal counterattack by Exxon also evoked a lawsuit that [Energy Transfer, a pipeline company. brought against Greenpeace](#) and other environmental groups accusing them of inciting protests against the Dakota Access Pipeline in 2016 and 2017. Energy Transfer said Greenpeace circulated false information to harm its reputation and damage its business interests. Greenpeace has denied playing a leading role in the protests. A trial is set to begin in February in North Dakota.

PHOTO: Rob Bonta, the California attorney general, sued Exxon in September, alleging that the company misled the public about plastics recycling. (PHOTOGRAPH BY SHANNON STAPLETON/REUTERS) (B3) This article appeared in print on page B1, B3.

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Load-Date: January 7, 2025

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