

1. Formosa Plastics

This newsletter started as a report on the original settlement agreement reached between Formosa Plastics and me in the mid-1990s as well as subsequent agreements signed with Formosa by Diane Wilson of Seadrift and me. Due to these agreements, Formosa's compliance and safety record showed significant improvements that have been maintained and improved over the last two decades. However, that does not mean problems do not occur. Recently, an issue has emerged regarding the release of plastic pellets which are known as "nurdles". These pellets, which are shown in Figure 1, are not toxic per se but mar our shorelines and can be deadly when ingested by fish and wildlife.



Figure 1. Nurdles collected from a beach. Photo courtesy of sustainable coastlines.

<https://www.flickr.com/photos/sustainablecoastlines/24895585669>

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The release of these pellets is often the result of loading and unloading operations for rail cars and trucks as well as from poor handling and housekeeping practices by truckers and plants rather than manufacturing plant problems and upsets typically associated with toxics issues. This situation has led to the filing of a new federal lawsuit, *San Antonio Bay Waterkeeper and Diane Wilson v. Formosa Plastics*, <https://www.courthousenews.com/wp-content/uploads/2017/08/FormosaPlastics.pdf>. Diane lives on San Antonio Bay and is a long-time environmental activist formerly involved with commercial fishing and a fearless protector of the bay.

In the work done under the various agreements with Formosa, the issue of nurdles was never addressed. Instead, the focus was upon toxic air and water releases, hazardous waste management, process safety management and plant safety and health practices. Today the good news is that those issues appear to be much better managed and controlled, but the continued release of pellets from Formosa or any other plastics manufacturer or transporter is simply unacceptable.

Time will tell whether the federal court will find against Formosa or not, but an often-overlooked benefit of filing federal litigation is that it brings the focus of many different agencies and citizens on worthy issues. Nurdles have been overlooked in the past and focus upon this important issue hopefully has been achieved.

This issue is particularly important given the unprecedented expansion of ethylene plants and new plastics facilities along the Texas coast. Plants are under construction or in permitting up and

down the coast from Corpus to Beaumont-Port Arthur (see Section 6 of this report). Nurdles could certainly become a much bigger problem and need to be addressed now. When you are on the water, check out the shorelines and debris piles. Look for these nurdles and report any major build-up to either Texas Parks and Wildlife game wardens or other personnel or the Texas Commission on Environmental Quality. This is a problem that can be corrected, but only with attention and vigilance by all of us, companies most of all.