



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

October 29, 2025

Mr. Jonathan Quinn
U.S. Plastics Pact Inc.
P.O. Box 772
Walpole, New Hampshire 03608-0772

Re: Antitrust and Consumer Protection Concerns

Dear Mr. Quinn:

We, the undersigned Attorneys General of five States, write to express our collective concern that the U.S. Plastics Pact (“the Pact”) may be violating Federal and State antitrust laws. As you are aware, the “mission” of the Pact is to “facilitate the transition to a circular economy for plastic packaging in the U.S. by bringing together resources and expertise across the entire plastics value chain.”¹ The Pact believes that “[e]ngaging stakeholders in concert toward the same targets will initiate a profound paradigm shift” and “create systemic change.”² We have grave concerns that this mission is harmful to our States’ economies, results in higher costs to our States’ consumers, unreasonably restrains trade, and reduces output and quality of goods and services. Indeed, it appears that such a mission is “nothing less than a frontal assault on the basic policy of the Sherman Act.”³

The Pact has identified at least four “targets” that Pact members must agree to reach by 2025: Target 1 – Define a list of plastic packaging that is problematic or unnecessary and take measures to eliminate the items on the list; Target 2 – 100% of plastic packaging will be reusable, recyclable, or compostable; Target 3 – Undertake ambitious actions to effectively recycle or compost 50% of plastic packaging; and Target 4 – Achieve an average of 30% recycled content or responsibly sourced biobased content in plastic packaging.⁴ Critically, through these targets, the Pact seeks to create “the strength of collective action on the ground in communities, businesses, retail” and to “work together toward a common vision of a circular economy for plastics.”⁵ In other words, it appears that the Pact uses these targets to ensure as many stakeholders as possible, across entire markets, artificially change the output and quality of their goods and services in a uniform manner, in a way that normal, unrestrained market forces would not otherwise bring about. This has all the trappings of the sort of “adverse, anti-competitive

¹ U.S. Plastics Pact, usplasticspact.org/ (last visited Oct. 29, 2025).

² *Id.*

³ *FTC v. Ind. Fed’n of Dentists*, 476 U.S. 447, 463 (1986) (quoting *Nat’l Soc’y of Pro. Eng’rs v. United States*, 435 U.S. 679, 695 (1978)).

⁴ U.S. Plastics Pact, *Let’s Take Action*, usplasticspact.org/take-action/ (last visited Oct. 29, 2025).

⁵ U.S. Plastics Pact, usplasticspact.org/ (last visited Oct. 29, 2025).

effects” that the antitrust laws seek to prevent.⁶

The Pact then coordinates collective action to achieve these targets and reduce plastics. The Pact boasts of “bring[ing] together businesses, not-for-profit organizations, research institutions, government agencies, and other stakeholders to work toward scalable solutions...through vital knowledge sharing and coordinated action.”⁷ Indeed, the Pact laments that “[o]ur individual actions and piecemeal activities alone will not get us any closer to a circular economy for plastics”⁸ and “will not achieve these targets.”⁹ The Pact solves this perceived problem: “By bringing together diverse stakeholders, the Pact aims to drive systemic change across the plastics value chain.”¹⁰ The Pact believes that “[w]e must act boldly in collaboration and quickly adapt or change course as we work together to meet our ultimate goal to reduce plastic waste.”¹¹

The insistence of the Pact that stakeholders must urgently make systemwide changes is also particularly concerning. The Pact is quite explicit regarding its role: “U.S. Plastics Pact will create a unified national framework for a circular economy for plastic; creating structure, coherence, aligned goals and associated reporting”; “act[ing] boldly in collaboration” to “drive action”¹² to “collectively meet impactful goals by 2025” that members “could not otherwise meet on their own.”¹³ As the Pact explains, “[i]nfrastructure, policy, education, access, design, and supply and demand will not be as effective if we do not *unite behind a national strategy*.”¹⁴ “By unifying stakeholders across the entire plastics value chain,” the Pact is “ultimately reducing plastic waste in our environment and creating a circular economy for plastics.”¹⁵

The undersigned Attorneys General, as chief law enforcement officers, have a duty to protect the citizens of our States from unlawful business practices. Such unlawful practices can consist of “facially anticompetitive restraints or reduced output, increased prices or reduced quality in goods or services,”¹⁶ or “an agreement not to compete in terms of price or output.”¹⁷ Numerous courts have focused on the antitrust issues surrounding reduced quality. “[T]he ability to degrade product quality without concern of losing consumers” has been identified as “proof of monopoly power.”¹⁸ This is because “[a]n agreement to make a product of inferior quality ... counts as an output reduction,” which are illegal.¹⁹

Unfortunately, the Pact’s activities and mission may be violating these prohibitions. The Pact

⁶ See *United States v. Brown Univ.*, 5 F.3d 658, 668 (3d Cir. 1993) (citing *Tunis Bros. Co. v. Ford Motor Co.*, 952 F.2d 715, 722 (3d Cir.1991)).

⁷ U.S. Plastics Pact, *What is the U.S. Plastics Pact?*, usplasticspact.org/about/ (last visited Oct. 29, 2025).

⁸ *Id.*

⁹ U.S. Plastics Pact, *Let’s Take Action*, usplasticspact.org/take-action/ (last visited Oct. 29, 2025).

¹⁰ Eric Downing, *U.S. Plastics Pact Releases Essential Guides to Advance Circular Economy for Plastics*, U.S. Plastics Pact, (Aug. 21, 2024), usplasticspact.org/u-s-plastics-pact-releases-essential-guides-to-advance-circular-economy-for-plastics/.

¹¹ U.S. Plastics Pact, *Let’s Take Action*, usplasticspact.org/take-action/ (last visited Oct. 29, 2025).

¹² *Id.*

¹³ U.S. Plastics Pact, *What is the U.S. Plastics Pact?*, usplasticspact.org/about/ (last visited Oct. 29, 2025).

¹⁴ *Id.* (emphasis original).

¹⁵ U.S. Plastics Pact, *U.S. Plastics Pact Roadmap to 2025*, usplasticspact.org/roadmap/ (last visited Oct. 29, 2025).

¹⁶ *U.S. Horticultural Supply v. Scotts Co.*, 367 F. App’x 305, 309 (3d Cir. 2010) (citing *Gordon v. Lewistown Hosp.*, 423 F.3d 184, 210 (3d Cir. 2005)).

¹⁷ *In re NFL’s Sunday Ticket Antitrust Litig.*, 933 F.3d 1136, 1151 (9th Cir. 2019) (quoting *Nat’l Collegiate Athletic Ass’n v. Bd. of Regents of Univ. of Okla.*, 468 U.S. 85, 109 (1984)).

¹⁸ *United States v. Google LLC*, 747 F. Supp. 3d 1, 118 (D.D.C. 2024) (citation omitted).

¹⁹ *In re German Auto. Manufacturers Antitrust Litig.*, 392 F. Supp. 3d 1059, 1069 (N.D. Cal. 2019) (internal quotations omitted; cleaned up).

is clear about its desire to artificially create a “unified national framework” by bringing together many stakeholders to artificially drive “systemic change” to the output and quality of goods and services in all areas involving “post-consumer plastic packaging.”²⁰ Indeed, the Pact appears to be aware of the antitrust implications of its activities, given its “disclaimer” containing language seemingly inapposite to its own mission.²¹ When it comes to enforcing applicable antitrust laws, we will not remain idle.

Intentions of the Pact, including its environmental goals, do not excuse violations of the law. Restraints on competition “cannot be justified solely on the basis of social welfare concerns.”²² Indeed, a supposed “potential threat that competition poses to the public safety” is insufficient, and there is no exception “for potentially dangerous goods and services.”²³ An argument “that an unrestrained market in which consumers are given access to the information they believe to be relevant to their choices will lead them to make unwise and even dangerous choices ... amounts to ‘nothing less than a frontal assault on the basic policy of the Sherman Act.’”²⁴ No matter how noble the Pact believes its intentions may be, they must be pursued within the confines of the law.

In addition to antitrust laws, the various consumer protection laws of our States may also be implicated. For instance, Pact members who fail to meet the Pact’s “targets” or otherwise set unrealistic goals at the urging of the Pact risk misleading consumers by failing to disclose material facts regarding the viability of an unrealistic and artificial Pact agenda. The Pact and its members also may be misleading consumers about the benefits of achieving the targets or about the alleged harm that the Pact seeks to avoid. Once again, we stand ready to enforce our laws and protect our consumers.

We request that you provide a response to these concerns. Please explain in detail the legal basis for why you believe the U.S. Plastics Pact is not violating antitrust or consumer protection laws. Please also provide all documents that support your position. We look forward to receiving and evaluating your response.

Sincerely,



James Uthmeier
Florida Attorney General

²⁰ U.S. Plastics Pact, *Let’s Take Action*, usplasticspact.org/take-action/ (last visited Oct. 29, 2025); U.S. Plastics Pact, usplasticspact.org/ (last visited Oct. 29, 2025).

²¹ U.S. Plastics Pact, *Let’s Take Action*, usplasticspact.org/take-action/ (last visited Oct. 29, 2025).

²² *Brown University*, 5 F.3d at 669 (citing *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695).

²³ *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695.

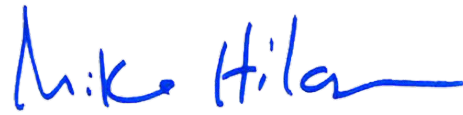
²⁴ *Ind. Fed’n of Dentists*, 476 U.S. at 463 (internal quotations omitted) (quoting *Nat’l Soc’y of Pro. Eng’rs*, 435 U.S. at 695).



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