

Calls to address plastic pellet pollution grows at state, federal level

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Ronnie Hamrick shows Diane Wilson a handful of plastic pellets he collected along the water in Cox Creek next to Formosa in January. State Rep. Todd Hunter plans to introduce a nurdle bill during the upcoming legislative session that would establish a zero discharge of plastics standard for stormwater and wastewater permits obtained by facilities that manufacture, handle or transport preproduction plastics.

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Republican State Rep. Todd Hunter plans to introduce a nurdle bill during the upcoming legislative session that would enhance regulation of plastic pellets and enforcement in an effort to prevent microplastics from polluting Texas waters.

The bill would establish a zero discharge standard of plastics for stormwater and wastewater released from facilities that manufacture, handle or transport preproduction plastics, including pellets, powders, flakes and fibers, said Neil McQueen, vice chair of the [Surfrider Foundation's Texas Coastal Bend Chapter](#), who is working with Hunter on the bill.

“This legislation is bipartisan and timely,” Hunter said. “I look forward to working with my legislators throughout the state.”

Under Hunter’s bill, observed discharges would have to be reported to Texas Commission on Environmental Quality by the company within two working days and violation of the zero discharge standard would be considered a violation of a facility’s permit, triggering an enforcement action and cleanup requirement, McQueen said. The bill also includes mandating regular monitoring and new measures of best management practices to prevent discharges.

Commonly referred to as nurdles, plastic pellets serve as raw material for almost all consumer plastic products. The plastic beads are released into the environment from plastic manufacturing sites, during transport or when they are off-loaded at their final destination to be melted down and made into a product.

Millions of nurdles have shown up on beaches and along rivers throughout the country. The [Nurdle Patrol](#), a citizen-led science project tracking nurdles throughout the U.S., has found the highest concentration of pellets on the Texas coast.

Research [shows](#) that microplastics have been consumed by hundreds of species and can cause physiological effects, including changes in reproduction, metabolism and behavior. Plastic pollution [can also lead to economic losses](#) for manufacturers, as well as losses in tourism revenue and costly cleanup.

TCEQ also is [considering making changes](#) to stormwater and wastewater permit standards, including some of those in Hunter’s bill.

Some plastics facilities are permitted to release plastics in “trace amount” — a phrase that [gained national attention](#) when environmental activist Diane Wilson

and the San Antonio Bay Waterkeeper [won a lawsuit](#) against Formosa Plastics in 2019. The corporation was found in violation of the federal Clean Water Act for discharging plastic pellets into waterways from its Point Comfort facility.

Nurdle Patrol Director Jace Tunnell and McQueen said the Formosa lawsuit illustrated why further regulation of plastic pellet pollution was needed. In his ruling, the district judge wrote that Formosa's ongoing discharge of pellets "[merely shows the difficulty or inability of TCEQ to bring Formosa into compliance.](#)"

"If there is no enforcement and nobody is bringing it up as a problem, then why would a facility try to fix it?" Tunnell said. "The whole issue is this 'trace amount', you know, how much is that? It needs to be zero so that if any pellets are found, there are steps taken to mitigate it and also have enforcement by state agencies."

As part of the \$50 million settlement reached with plaintiffs, Formosa agreed to meet zero discharge standards and update the language in its permit to reflect the mandate.

"Formosa coming out with language to amend their discharge permit gave us the information we needed because if Formosa can do it, the rest of these companies ought to be able to do it and not only just the manufacturers," Tunnell said.

Formosa's agreement to zero discharges was also [cited](#) in U.S. Sen. Tom Udall's announcement of the [Pellet Free Waters Act](#) that he introduced in September.

The New Mexico Democrat's act includes requiring the Environmental Protection Agency to enact and implement a new zero discharge of plastic pellets or other pre-production plastic materials from facilities and sources that produce, use, package, or transport those materials in the U.S.

Retrofitting and updating facilities to meet a zero discharge standard will be costly, especially for older facilities built in the 1940s through 1960s when mass production of plastics exploded, Tunnell said. But the price needs to be paid to prevent millions more microplastics from entering the environment, he said.

“There is a lot of information out there now showing that this is a huge problem,” Tunnell said. “With all this coming to light, I think that the companies are going to have to do something.”

The Texas Legislature’s 87th regular session starts Jan. 12.

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