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Ron Vachris
Chief Executive Officer
Costco Wholesale
P.O. Box 34331
Seattle, WA 98124

Re: Formal Notice of Potential Liability for Participation in Coordinated Plastics-Restriction Initiatives

Mr. Vachris:

We write as an independent third party to put your organization on formal notice regarding serious potential antitrust and related legal exposure arising from participation in coordinated plastics-related initiatives advanced through the U.S. Plastics Pact, the Sustainable Packaging Coalition / GreenBlue, and The Consumer Goods Forum.

Recent public developments, including civil investigative demands issued to certain entities associated with these initiatives, strongly suggest that regulators are examining whether these NGO-driven programs, targets, playbooks, materials lists, and implementation frameworks have crossed the line from advocacy into coordinated market conduct. The apparent focus includes whether such conduct may restrain trade, reduce output or quality, limit innovation, diminish consumer choice, distort pricing, or encourage collective boycotts of lawful products and materials.

Although some entities have already received formal investigative demands, others who participated in the same programs, adopted the same restrictions, implemented the same lists or targets, or coordinated around the same prescribed business practices should not assume they are insulated from scrutiny or liability. To the contrary, any company that knowingly joined, supported, implemented, promoted, or enforced the same or substantially similar practices could face comparable exposure.

This includes, without limitation, participation in or adherence to any of the following:

- coordinated efforts to phase out, restrict, discourage, or boycott specified categories of plastics or plastic packaging;
- adoption of so-called “problematic” or “unnecessary” materials lists developed or promoted through NGO-led collective initiatives;
- implementation of common design, sourcing, packaging, recyclability, compostability, reuse, or recycled-content mandates developed through coordinated group processes;

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- participation in meetings, workshops, task forces, activator or accelerator programs, or similar forums in which competitors or market participants aligned around shared targets, timetables, restrictions, or implementation measures; and
- reliance on NGO-prescribed frameworks or guidance that may have the effect of standardizing market behavior across independent firms.

No company should assume that conduct becomes lawful simply because it is routed through a nonprofit, coalition, trade association, or “voluntary” sustainability initiative. If nominally independent firms are encouraged to act in concert in ways that affect competition, product availability, consumer choice, quality, innovation, or price, substantial antitrust risk may arise regardless of the stated motive.

You are therefore on notice that continued participation in these coordinated practices may carry legal consequences.

At a minimum, any prudent organization should immediately consider taking the following steps:

1. **Cease participation** in any coordinated effort to eliminate, phase out, or boycott categories of plastic or plastic-containing products where the conduct is not the result of truly independent, unilateral business judgment.
2. **Suspend involvement** in any working groups, coalition activities, activator sessions, implementation teams, or NGO-led collaborations that seek to align participants around common plastics-related restrictions, targets, or prescribed conduct.
3. **Reevaluate and, where appropriate, rescind** any commitments tied to:
 - “problematic materials” statements or lists,
 - packaging playbooks or design frameworks,
 - common market-wide targets,
 - coordinated material-substitution programs, or
 - any similar framework that may promote concerted action.
4. **Preserve all potentially relevant documents and communications**, including emails, text messages, Slack or Teams messages, meeting invitations, agendas, memoranda, draft policies, internal analyses, board materials, and communications with NGOs, coalition representatives, consultants, or other participating companies.



5. **Undertake a prompt legal review** through qualified antitrust counsel of your company's memberships, commitments, communications, implementation steps, and past or present participation in these initiatives.

If your organization continues on its current course after this point, it may be difficult later to claim that it lacked notice of the potential legal risks.

This letter is intended to make clear that entities which were not initially named in investigative demands may nonetheless face significant exposure if they participated in the same coordinated frameworks, adopted the same prescribed restrictions, or helped implement the same market-shaping initiatives. In plain terms: those who have not yet received formal process should not assume they are safe. They may very well be next.

The time for plausible deniability has passed. Any company that continues to participate in coordinated plastics-restriction initiatives after receiving notice of the issues outlined above does so with open eyes and at its own risk.

Nothing in this letter should be construed as a complete statement of all facts, rights, claims, or remedies, all of which are expressly reserved.

Sincerely,

Will Hild

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Executive Director

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