

*Advocates
Mediators
Arbitrators*



Palladium
LEGAL

MUMBAI

DELHI

LONDON

Consumerism Schism: Legal Challenges in Pollution, Waste, and Unethical Practices

Author: Harry Kenny, Clarb, IIMA, LLB
International Arbitrator & Mediator

| February 2025

Outline

Introduction.....	3
Plastic Pollution and Single-Use Products: A Legal Crossroads.....	3
Right-to-Repair and Agricultural Machinery: A Digital Dilemma.....	3
Planned Obsolescence and Tech Giants: Unravelling Anticompetitive Practices.....	4
E-Commerce Platforms: Temu, Wish, and Market Disruption.....	4
Consumer Advocacy and Class Action Lawsuits: A Force for Change.....	4
International Collaboration on Corporate Accountability.....	4
Conclusion: Forging Legal Paths to a Sustainable and Ethical Future.....	5

Introduction

In the urgent quest for environmental sustainability, legal battles extend beyond plastic pollution and single-use products, encompassing intricate issues such as right-to-repair, planned obsolescence, and the unscrupulous practices of corporations. The legal landscape finds itself entangled in cases involving proprietary software in agricultural machinery, anticompetitive practices by tech giants like Apple, and the disruptive impact of platforms like Temu and Wish. This exploration deepens the understanding of these nuanced legal intricacies, shedding light on the complex tapestry of challenges and potential solutions.

Plastic Pollution and Single-Use Products: A Legal Crossroads

Legal professionals navigate a crossroads where plastic pollution and single-use products intersect with issues of corporate responsibility. The legal battle expands to include product packaging regulations, exploring the culpability of companies in contributing to environmental degradation. As single-use items come under scrutiny, legal frameworks must adapt to regulate and encourage sustainable alternatives, fostering a legal environment that aligns with the urgent need for reduced plastic waste.

Right-to-Repair and Agricultural Machinery: A Digital Dilemma

In the aristocratic realms of agricultural machinery, the right-to-repair movement contends with a digital dilemma. Manufacturers such as John Deere have made it virtually impossible to perform "unauthorised" repairs on farm equipment. This restriction is perceived by farmers not only as an attack on their sovereignty but also as a potential existential threat to their livelihoods if their tractors break down at inopportune times.

"When crunch time comes and we break down, chances are we don't have time to wait for a dealership employee to show up and fix it," expressed Danny Kluthe, a hog farmer in Nebraska, during his recent discourse with the state legislature. "Most all (sic) the new equipment [necessitates] a download [to repair]."

The nightmare scenario, a fear frequently voiced by farmers, is that John Deere could remotely shut down a tractor, leaving the farmer powerless. A licence agreement imposed by John Deere in October forbids nearly all repair and modification to farming equipment. This agreement prevents farmers from suing for "crop loss, lost profits, loss of goodwill, loss of use of equipment ... arising from the performance or non-performance of any aspect of the software." The agreement applies to anyone who turns the key or otherwise uses a John Deere tractor with embedded software, allowing only John Deere dealerships and "authorised" repair shops to work on newer tractors.

Planned Obsolescence and Tech Giants: Unravelling Anticompetitive Practices

Tech giants like Apple face mounting legal scrutiny for alleged anticompetitive and anti-repair practices. As planned obsolescence becomes a focal point, legal professionals delve into cases involving intentionally slowed-down devices and restricted repair options. The legal battle extends to antitrust considerations, exploring whether these practices stifle competition and hinder consumer choice. To realise how far we have already fallen from the right path for consumers and the planet, one needs only to compare the handheld market with the reparability and customizability of desktops and even laptops, including new widely available parts available every few months. It's the proverbial Ship of Theseus versus the whole ship that must be scuttled because nobody can repair the engine! Crafting legal strategies to curb planned obsolescence emerges as a pivotal step in fostering a consumer-friendly and environmentally sustainable tech industry.

E-Commerce Platforms: Temu, Wish, and Market Disruption

The rise of e-commerce platforms, such as Temu and Wish, introduces legal challenges in the realm of market disruption. These platforms employ strategies that undercut virtually all suppliers of a given item, often operating at a loss to gain market share. Legal professionals engage in discussions surrounding anti-competitive behaviour and the impact on traditional suppliers. The potential efficacy of protectionist policies aside, it is impossible to properly audit these supply chains for human rights violations, pollution or hazardous practices, with wholesale plagiarism of entire western Amazon seller's catalogues (including certification bearing the original seller's address!) becoming normalised with these large-scale undercutting platforms. Crafting legal frameworks that ensure fair competition and prevent market distortion becomes crucial in balancing innovation with ethical business practices.

Consumer Advocacy and Class Action Lawsuits: A Force for Change

Consumer advocacy gains momentum as class action lawsuits target corporations engaging in unethical and environmentally harmful practices. From challenging the unavailability of repair options to addressing the environmental impact of market-disrupting platforms, legal professionals play a crucial role in empowering consumers to seek justice collectively. Class action lawsuits become a powerful tool to hold corporations accountable and drive systemic change.

International Collaboration on Corporate Accountability

Given the global nature of corporate practices, legal professionals engage in international collaborations to establish comprehensive corporate accountability frameworks. Addressing

issues like proprietary software, planned obsolescence, and anticompetitive practices requires a unified global effort. Legal experts actively contribute to shaping international agreements that set ethical standards for corporations, ensuring they prioritise sustainability and environmental responsibility in their operations worldwide.

Conclusion: Forging Legal Paths to a Sustainable and Ethical Future

In conclusion, the legal battles against plastic pollution, consumer waste, and unethical corporate practices represent a multifaceted challenge that demands a comprehensive legal response. Legal professionals, standing as architects of change, play a central role in shaping laws that guide businesses toward more eco-friendly and ethical practices. As consumers increasingly demand transparency, accountability, and sustainability, the legal landscape must evolve to create a future where environmental and ethical responsibility is not just a preference but a legal imperative.

For further information please visit contact us page on our website.:

www.palladium-legal.com/contacts/