*Greenish*

Sarah Morath

Although the practice of misrepresenting environmental claims—also known as greenwashing—is not a new phenomenon, its occurrence has become more frequent and widespread. To capture the "conscious consumer" market, more businesses are making environmental statements to sell their product.

In 2021, according to Google Scholar, there were over 6,500 articles published that contained the word “greenwashing.” Compare that number to 163—the number of articles published between 1986, when the term was coined, and 1996. Without a doubt, greenwashing has piqued the interest of activists, academics, and governments. While solutions often center around increased regulation and litigation, this article uses the issue of organic fraud to identify the limits to regulating greenwashing this way.

The term organic is defined in the federal regulations that flow from the Organic Food Production Act of 1990 and is regulated by the U.S. Department of Agriculture and its state and non-governmental partners. Although the term has been under federal oversight for over thirty years, concerns over the meaning of organic have emerged, with many farmers threatening to leave the National Organic Program and start a new label. Consequently, organic offers a good illustration of what happens when a term is defined to achieve an economic, rather than an environmental or social, end.

This article describes greenwashing and its associated harms to consumers, businesses, and the environment. It also describes potential solutions to greenwashing claims, including increased regulation and litigation. Using "organic" as an example, this article presents a new approach that focuses on how a term is defined. No amount of regulation or litigation will eliminate greenwashing when a term is inadequately defined. The story of organic can guide future environmental claims, like recycling claims, which are likely to be more common (and will require additional defining) as the world grapples with a solution to plastic pollution. A definitional approach encourages increased consumer participation and regular revisions and updates; in short, it is more democratic. In the end, the reader will appreciate that greenwashing is not just a regulation problem but is, perhaps, more importantly, a definition problem.