



Date: 26 January 2023

To: United Nations Environment Program (UNEP), [unep-incplastic.secretariat@un.org](mailto:unep-incplastic.secretariat@un.org)

Re: Potential options for elements towards an international legally binding instrument

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Name of organization: **Moms Clean Air Force**

Moms Clean Air Force is a community of over 1 million moms and dads united against air pollution—including the urgent crisis of our changing climate—to protect our children’s health. We support robust protections for workers, for frontline communities, and for the climate. We fight for Justice in Every Breath, recognizing the importance of equitable solutions in addressing air pollution and climate change. Many of our members and staff reside in the vicinity of fossil gas fracking, plastics processing and production facilities, oil and gas pipelines, and plastics combustion facilities.

## I. SUBSTANTIVE ELEMENTS

### 1. Objectives

Moms Clean Air Force supports the development of an international legally binding instrument to protect human health and the environment from plastics pollution. Specifically, we seek an end to plastics pollution at every stage in the supply chain, from fossil extraction to petrochemical processing, manufacture, use, and disposal. The projected tripling of fossil fuel plastics production by 2060 will impose severe consequences on fence-line communities and will accelerate planetary heating. We support a cap on plastics production with clear timelines for phasing down petrochemical output, while shifting the world to alternative materials, products, and processes.

### 2. Core obligations:

Moms Clean Air Force supports the following 10 measures to protect people, the environment, and the climate from plastics pollution. There is an urgent need to safeguard the most vulnerable populations including children, lower-income people, and indigenous, Black, and Brown people living in the vicinity of petrochemical infrastructure.

What follows is a list of highlights rather than a comprehensive assessment, and we look forward to submitting further recommendations in future.

1. **Prioritize the public health and human rights** of children, women, petrochemical workers, fence-line communities, first responders, and waste-pickers, those who suffer the greatest harm from fossil fuel plastics.
2. Require all parties to adopt, implement, and enforce **control measures to minimize toxic pollution** during the production, transport, use and disposal of fossil fuel plastics feedstocks and plastics materials.
3. Require all parties to adopt and implement legal and administrative measures into national legislation to significantly **reduce the production of fossil fuel plastics feedstocks and plastics materials**, consistent with legally binding global and national targets established in the Treaty.
4. Establish annexes for those polymers and toxic chemical constituents destined for **phase out (Annex A)** and those destined for **reduction (Annex B)**.
5. Expedite the **phaseout of the most dangerous polymers** (including fluoropolymers and chlorinated plastics such as PVC) and toxic chemical constituents (such as PFAS chemicals, UV-328, bisphenols, phthalates, brominated flame retardants, and chlorinated paraffins).
6. Adopt legal and administrative measures requiring **full transparency as to the toxic chemical feedstock, plastics constituents and emissions** throughout of plastics value chain, from fossil extraction, production, use, and disposal. The public has the right to know what risks they are facing from plastics chemicals. This is especially critical for communities at the fence-line of petrochemical cracker plants, plastics incinerators, and other heavily polluting facilities.
7. **Reject false solutions such as pyrolysis and gasification incineration.** Stop greenwashing plastics-burning technologies with terms such as “chemical recycling,” “advanced recycling,” and “molecular recycling.” Do not let the fossil fuel plastics lobby evade pollution control laws by rebranding their heavily polluting incinerators as “recycling.” Burning plastics release chemicals known to cause cancer, birth defects, and other serious health harms. These include benzene, cadmium, dioxins, arsenic, lead, polycyclic aromatic hydrocarbons, and mercury. Plastics and plastics incineration are not part of a circular economy.
8. **Cut off the financial incentives to produce and to burn fossil fuel plastics.** Eliminate the \$5.9 trillion dollars in global fossil fuel subsidies, which the International Monetary Fund concludes are one of the biggest contributors to local air pollution deaths and to global heating. Create treaty mechanisms to shine light on the role of banks, investors, asset managers, trade associations and other financial agents in the plastics supply chain.
9. **Do not overlook the deliberate application of single-use plastic materials to agricultural lands and to marine environments.** A growing body of research warns that there may be even more plastic pollution in the soils than in the oceans. Not only are soils drenched in fossil fuel pesticides and fertilizers, but single-use plastics have become a ubiquitous part of terrestrial and marine agriculture. For example, single-use plastic mulching films are now a standard soil covering on farmlands. Upon removal

(generally destined for landfills or burning trash heaps) they leave in the soil a residual layer of microplastics and leached chemical additives such as phthalates. Another example is the widespread use of plastic-coated fertilizers and seeds, which degrade into microplastics and contaminate soils and waterways.

10. **Close loopholes in international plastics trade.** The world's plastics waste is regularly shipped to countries that lack infrastructure and environmental regulation to manage plastic waste. Commonly the plastic trash is burned or buried, even though exporting countries register it as "recycling." The international plastics trade compounds global inequities and environmental injustices, and ought to be minimized. Nonparties to the treaty should be barred from trade in plastics feedstocks, precursors (such as ethylene and propylene), and materials (such as blended polymers and chemical constituents); this provision will create an incentive for non-signatory states to join the treaty. All shipments of plastics polymers and chemical feedstocks as well as plastic waste materials need to be tracked in a publicly available global plastics inventory.

## II. IMPLEMENTATION ELEMENTS

- **Shift the burden to those responsible for the plastics crisis.** The plastics producers continue to entrench national economies deeper and deeper in the carbon lock-in while deflecting responsibility for the human health, environmental, and climate impacts associated with fossil-based plastics. It is time to hold the fossil fuel and petrochemical industries accountable. Instead of designing products for recycling or re-use, these companies promote greater reliance on single-use plastics; spread misinformation about plastics recycling; smother surrounding communities in hazardous chemicals and climate-heating gases; and take no responsibility for disposal of plastic waste, which lasts for hundreds of years and never stops emitting carbon pollution into the atmosphere.
- Acknowledge that **no end-of-pipe fix is a match for the enormous scale** of the plastics waste crisis; the thousands of types of plastics chemical constituents; or the legacy of cancers and other human health outcomes. Of the 10,000 chemicals added to plastics, 2,400 meet the criteria for toxicity, bioaccumulation, or persistence -- making a recycling solution all but impossible for more than a tiny portion of the waste. Tripling production will only compound the vastness of the problem. First and foremost, we need to address the plastics crisis "at the tap."
- **Establish robust enforcement mechanisms** to protect communities from plastics pollution. Create a global plastic pollution liability and compensation mechanism, as recommended by the U.N. Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. This mechanism should be financed by mandatory contributions from polluters.
- **Establish an independent scientific body** to provide technical support and to identify priority chemical risks to human health and the environment at every stage of the plastics supply chain. The committee would also play a critical role in identifying

materials, products and processes best suited to replace plastics applications, especially for those uses that readily become trash.

- **Create a plastics pollution trust fund** based on fees levied on fossil fuel plastic precursor and materials production, as outlined by the Center for Environmental Law. This trust fund would be part of the multilateral environmental agreement financial mechanism and would support implementation of the treaty.
- **Help to ensure a just transition** for affected workers in formal and informal sectors including waste-picking. An estimated 20 million people work as waste pickers -- collecting, sorting, recycling and selling materials that others have thrown away.
- **Make the plastics treaty negotiations more equitable and inclusive** to indigenous peoples, fence-line communities, waste pickers, and the young people who are inheriting a contaminated and overheated world. Fund delegates from small island nations and from less-developed countries so they can fully participate in the treaty process.
- **Restrict the role of the fossil fuel plastics industry in the treaty negotiations.** The plastics industry has an irrefutable conflict of interest. It is no wonder that their lobbyists were out in force at INC 1. Exxon, Dow, Chevron, Dow, and other producers of fossil fuel plastics have every interest in derailing an effective global instrument to rein in plastics pollution.