

## **Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument**

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably UNEP/PP/INC.1/5 on 'Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment'.

The template is divided into three sections:

- I. Substantive elements
- II. Implementation elements
- III. Additional input

All written submissions must be sent to [unep-incplastic.secretariat@un.org](mailto:unep-incplastic.secretariat@un.org). The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

### **Deadline for submissions:**

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.

**TEMPLATE FOR SUBMISSIONS**

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| Name of country<br>(for Members of the committee)            | India   |
| Name of organization<br>(for observers to the committee)     | India Institute for Critical Action Centre in Movement (CACIM)            |
| Contact person and contact<br>information for the submission | Swathi Seshadri<br><a href="mailto:swathi@cenfa.org">swathi@cenfa.org</a> |
| Date   | January 6, 2023   |

**I. Substantive elements****1. Objective(s)**

*a) What objective(s) could be set out in the instrument?*

Proposed Objective:

We propose that the objectives of the legally binding treaty cover the following aspects:

1. To eliminate and mitigate pollution caused by production and consumption of plastics, associated chemicals and additives across their lifespan.
2. To put in place remedial mechanisms for social, economic, environmental and climate impacts caused to people (past, present and future), especially for those who have been directly affected including local communities & workers due to unhindered plastics production (including chemicals and additives) and consumption particularly for non-essential uses.
3. To develop a legally binding treaty which would hold members states and corporations (across the lifespan) and investors accountable for their actions which promote unencumbered production and consumption of plastics and their associated chemicals.
4. To build a truly circular economy, which actively discourages single-use based product design and promotes reuse and refill mechanisms, and negligible (less than 10%) use of virgin plastic.

Explanatory Text:

India's plastic industry:

- The plastics industry was established in India in 1957, and has continued to grow to a multi-billion dollar industry. India is already recognised as a global plastic hub, attractive as seen as having low cost production - supported by government interest in promoting further growth.
- The Indian plastics industry produces and exports a wide range of raw materials, plastic-moulded extruded goods, polyester films, moulded/ soft luggage items, writing instruments, plastic woven sacks and bags, polyvinyl chloride (PVC), leather cloth and sheeting, packaging, consumer goods, sanitary fittings, electrical accessories, laboratory/ medical surgical ware, tarpaulins, laminates, fishnets, travel ware, automobile parts, and others.
- There are around 15 large scaled polymer manufacturers, approximately 30,000 plastic processing units (85-90% of which are small and medium-sized enterprises), over seven thousand recycling units,

and a host of end-users. The plastics industry spans the country and hosts more than 2,000 exporters. It employs more than four million people, with around 1.7 million skilled labourers in the financial year 2019 (not including informal workers).

[Upstream] India is also seeking to grow as a global chemical and petrochemical manufacturing hub:

- “With the index of industrial production (IIP) for chemical manufacturing returning to pre-COVID levels, the industry is expected to grow at a CAGR of about 9.2% by FY25.” Key growth drivers for the Indian chemical industry are demographic dividends, low per capita consumption (therefore a drive to increase use in plastics including outside of cities), an increasing export demand (therefore higher installed capacity than domestically needed) and enabling Government initiatives (favourable policy and subsidies).
- India’s petrochemical sector is expecting a significant investment boom, with a number of multibillion-dollar capital investments either already being implemented (11 projects) or expected (8 projects) within the next few years.
- India is reliant on imported crude oil (more than 85% of its total consumption)
- About 80% of India’s petrochemicals capacity is integrated with petroleum refineries
- The Indian chemical industry is highly diversified. With a coverage of over 80 thousand products, the south Asian country was the sixth largest producer of chemicals in the world and the fourth largest in Asia.
- India aspires to be a petrochemical and polymer production hub in the Asia Pacific region. According to IEA’s 2018 report titled ‘Future of Petrochemicals’, the world intends shipping much of the crude oil to the Asia Pacific countries for refining. Much of this will be towards petrochemicals and polymers given that the same report highlights that the petrochemicals are rapidly becoming the largest driver of global oil consumption. According to the IEA report, they will account for more than a third of the growth in oil demand by 2030, and nearly half by 2050, and overtake the share of trucks, aviation and shipping.

[Distribution & Consumers] Consumption in India is growing, as is export market for plastics:

- Most of the plastic produced is used by the packaging industry. Finding a replacement is necessary as the plastic packaging industry is estimated to grow to 22 million tonnes a year by 2020 from 13.4 million tonnes in 2015. Nearly half of this is single-use plastic.
- Plastic consumption per capita in India is 11.6kg (Plastic Atlas, 2018) low in comparison to other parts of the world, but still considerable given the large population.
- In Asia, increasing demand for e-commerce has been fuelled by giants.

[Waste Management] Which means, there is an increase in waste:

- India generates nearly 26,000 tonnes of plastic waste every day, making it the 15th biggest plastic polluter globally (2019). However, this figure from a 2017 report by India’s Central Pollution Control Board (CPCB) seems low, when compared to the Plastindia Foundation estimates in 2017-2018 year that India consumed 16.5 million tonnes of plastic.

- “Plastic accounts for 8% of the total solid waste generated in the country annually, with Delhi producing the biggest quantity, followed by Kolkata and Ahmedabad,” said a 2018 report by the Delhi-based The Energy and Resources Institute (TERI), citing data from India’s CPCB.
- The Central Pollution Control Board (CPCB) estimated that in 2017, Indian cities generated about 9.47 million tonnes of plastic waste. This was because roughly 70% of the plastic packaging products are converted to waste in a short span of time (CPCB 2018, MoHUA2019). Plastic waste generation is expected to increase to 31.4 million tonnes by 2031 and further to 55 million tonnes by 2041 (Statista 2019), indicating an urgent need to address concerns on growing plastic waste.

## 2. Core obligations, control measures and voluntary approaches

- a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

### *Core Obligations*

#### 1. Cap production and consumption of virgin plastics

To close the tap on plastics and to end plastics pollution, there is a need for stringent policy to regulate the upstream part of the plastics lifespan. This includes fossil fuel extraction and polymer production. This can be successfully implemented only through efficient use of existing plastics and furthering reuse and refill systems. Further, problematic and non-essential plastics need to be systematically phased out. This will require a series of control measures enlisted below.

#### 2. Re-vision product design and packaging to further reuse, refill and repair, and eventually phase out the production and use of single-use plastics

Throw away cultures in the pretext of convenience has fueled the consumption of single use plastics. This has resulted in stifling existing indigenous and traditional supply chains and livelihoods. To reduce the dependency on plastics, there is an immediate need to do away with single-use plastics in supply chains and packaging.

#### 3. Put an end to false solutions, especially chemical recycling including waste to energy and incinerators

Incineration is being seen as a quick way to deal with legacy waste, especially in countries like India which have dumping grounds with almost half a century of waste which has accumulated. The toxicity of incinerating waste has been well documented. Yet, the polluters and the developed world are promoting this method of waste management by exporting this problematic technology to countries in the Asia Pacific region. This is to the detriment to the health of local communities and waste workers. Instead, polluters along with investing in product and supply chain design which is amenable to reuse and repair, need to invest in research and development on how best their products may be recycled without releasing the toxicity of their products into the water, air and soil.

#### 4. Just Transition

Local communities and workers in polymer and plastics manufacturing units have been negatively impacted since the 1950s when manufacturing of plastics took off in a big way. These impacts include loss of farm land and commons for large petrochemical complexes, impact on traditional livelihoods like agriculture and fishing due to emissions and dumping of untreated waste in the air, soil and water,

health impacts on the general population and particular vulnerability to women and children. Workers in petrochemical and chemical producing units are exposed everyday to harmful chemicals and accidents. Migrant workers in these factories are particularly vulnerable due to a lack of local support systems. A just transition needs to provide remedial measures to these communities and workers, and protect communities and workers in the future as well.

While this is the reality in the upstream, workers and communities are impacted where plastic products are finally produced as well. In countries like India, it is Micro, Small and Medium Enterprises (MSMEs) which produce plastics. These manufacturing units are located in congested communities exposing them and the workers to the toxicity of these units. Remedial measures for the owners of these plastic producing enterprises and workers needs to be factored in the just transition framework while moving away from the hyper-dependency on plastics that we see today.

In the downstream, informal workers like street vendors and wet markets need to be supported to transition away from plastics. The current bans on SUPs do not factor the additional costs that these workers incur to move to sustainable packaging products. Subsidies need to be provided for these informal sector workers to ensure that they are not punished for a crisis caused by the privileged classes. In addition, incentives need to be provided to revive the industries in manufacturing sustainable packaging that have been killed by cheap plastic flooding the market (for example jute fibre and bags). Other informal workers like waste pickers and sanitation workers are also impacted by plastic use and need to be supported in the transition away from plastics.

#### *Control Measures*

##### 1. Cap production and consumption of virgin plastics

- a. Scientifically identify and establish a historical baseline year / range of years to cap production of virgin plastics and associated chemicals to be implemented across all member states.
- b. Multilateral Development Banks, International Financial Institutions, Non Banking Financial Institutions and banks globally and in member states should be encouraged to be aligned to the mandate of the Global Plastics Treaty and should stop investing in further buildout of petrochemicals and plastic production.
- c. Polluters pay principle is upheld where polymer producers, plastics manufacturers and those who sell the plastic to the end consumer are all held accountable for the pollution in their section of the lifespan.
- d. Globally regulate polymer, chemical and additives production, and the emissions and effluents discharged.
- e. All plastic products disclose the chemicals and additives used in them to the end consumer (transparent labelling).
- f. Establish sustainable criteria for plastics and associated chemicals and additives and globally regulate the implementation of these criteria in time-bound manner
- g. Identify and list permissible chemicals, additives, polymers and plastics that are not harmful, hazardous and toxic, and in a time-bound manner phase out all products that use any chemicals, additives, polymers and plastics not on the permissible list.
- h. Setup systems to collect and recycle existing plastic, and cap the use of virgin plastic to maximum of 10% in every final product and intermediary.

2. Re-vision product and supply chain design, and packaging to further reuse, refill and repair and eventually phase out the production and use of single-use plastics
  - a. Redefine the term “essential plastics” to include only those which have absolutely no other alternative. This includes re-looking at the notion that plastics are needed for hygiene and safety, which is a false narrative propagated by the industry to push the demand for plastics.
  - b. Phase out and eventually ban the use of all single-use plastics unless deemed essential while applying the principle of not having another alternative.
  - c. The Global Plastics Treaty needs to ensure that the FMCG industry invests in Research and Development on phasing out non-essential single-use plastics. This would include R&D on product and supply chain design which will eliminate single-use packaging and facilitate reuse models for installing neighbourhood refill systems, easy repairs, etc.
3. Put an end to false solutions, especially chemical recycling including waste to energy and incinerators
  - a. Stop subsidies for incineration of plastic waste in waste-to-energy projects and cement kilns.
  - b. Acknowledge that plastic is a form of fossil fuel and that plastic contributes significant greenhouse gas emissions in every stage of its lifespan.
  - c. De-recognise incineration as a source of renewable energy (as it is a form of fossil fuel) and the associated market mechanisms like carbon credits associated with it.
  - d. Immediate ban on all international waste trade. Waste should be managed in the source country and state.
4. Just Transition
  - a. Remedial measures for communities and workers affected by the polymer industry and plastic producing industry must be put in place. These measures should be arrived at by member states in consultation with these communities and not merely by taking the corporations on board.
  - b. MSME and trader associations need to be consulted by member states while putting in place a support system to help these enterprises in moving away from plastics production and consumption.
  - c. Regular monitoring of health of communities and workers affected by chemical and petrochemicals producing units, plastics manufacturing units, informal workers including waste pickers and sanitation workers, and creating public health facilities to provide subsidised medical aid to those affected.
  - d. Set targets and indicators to achieve the objectives of the treaty which would be globally and equitably implemented to ensure just transition for all workers in the lifespan and communities adversely affected.
5. Other Measures common to the entire plastics lifespan
  - a. The industry should stop externalising its costs, for e.g. linked to labour, impact on the environment and climate etc. Externalising costs is what keeps the cost of production of plastics low and therefore outcompete local, more sustainable alternatives. Living wages should be paid to workers, mitigation costs for impacts created on livelihoods and health of communities, workers in factories and informal workers as the case may be, mitigation costs of the impact on environment and climate need to be factored

and expended by the industry across the plastics lifespan including manufacturers of polymers, associated chemicals and additives.

*Voluntary Measures*

1. Member states may come up with permissible standards of plastic usage in different sectors like construction, automobiles, medical infrastructure, pharmaceuticals to ensure that even in instances where there are multiple uses of plastics, the material and technology used to produce these materials are regulated.

## II. Implementation elements

### 1. Implementation measures

- a) *How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) *How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) *Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

#### A. Ensure implementation of the instrument at the national level

##### 1) Role of NAP:

- a) The NAP shall be the national mechanism of implementing the treaty and has to be submitted for approval to the treaties secretariat.
- b) The NAP will be written and/or updated to fully reflect the objective, obligations and measures of the treaty one year after the treaty went into force.
- c) The NAP reflects the specific country's indigenous/local knowledge and practices to approach the objective and obligations.
- d) The NAP is evaluated and approved by the scientific body under the secretariat
- e) The NAP promotes traditional practices which largely were not/least relying on plastics such as wet markets, local production and consumption, etc.
- f) Obligations: Member states update NAPs in line with global measures and obligations on a bi-annual basis reflecting also Annexes added later to the treaty.

##### 2) Effectiveness of the instrument and have efficient national reporting

###### a) Effectiveness:

- i) Member States shall set up a national nodal agency for the effective implementation of the instrument which consists of members from various government agencies dealing with environment, consumer affairs, public health, science & technology, urban governance, sanitation, corporate affairs etc.
- ii) The nodal agency shall hold regular regional and national consultations with civil society organisations.
- iii) Nodal agency will prepare a plan for time-bound phaseout of the plastics that are not on the permissible list.
- iv) Polymer and plastic product producers can be made fully accountable for the full recovery and damage caused by their products, leaked to soil, water or air. This includes damage caused by environmental pollution like flooding, soil

- contamination, etc. as well as POPs in air linked to production of the resins and polymers, moulding and other processes in product manufacturing, open burning of discards causing damage to human health. (Linked to CM 2.7)
- v) A fossil fuel taxation system shall be put in place to ensure that the polluters are contributing to mitigation and remedial measures implemented by the member states in their countries. Member states will ensure that all corporations across the entire plastics lifespan will be levied this tax.
- b) efficient national reporting:
- i) All private entities need to report resin/polymer production, and plastic generation/reuse/recycling data on an annual basis, which will be made public and need to be in line with global reduction targets.
- 3) Other relevant proposals or priorities:
- a) scientific and technical cooperation
    - i) A global plastic leakage method has to be adopted and practised. Results will be fed into national and global statistics with the aim of extending the list of banned and restricted products, materials and chemicals.
    - ii) producers relying on similar package have to synergise and standardise their methods and package in the return for refill/reuse
  - b) Compliance
    - i) All manufacturing and industrial units violating the norms of the treaty will be shut down immediately until such time that they put in place mechanisms to follow the control measures in place.
    - ii) Member states should be accountable to the Parliaments / elected legislative body of their respective countries. All reports submitted as part of reporting and monitoring of the GPT including submissions to the INC during the negotiating process should be tabled in the Parliaments / elected legislative body of the countries. Through such a process, governments should be made accountable by this body to their omissions and commissions.
    - iii) The GPT should mandate that member states decentralise the implementation of NAPs, where local bodies are empowered to monitor the same. The implementation/monitoring body should be a representative one and not one dominated by industry or the bureaucrats and executives

## 2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) *What measures will be required to support the implementation of the instrument?*

The most fundamental means of implementation is that of Intention. Without the intention to reduce plastics production and consumption including chemicals and additives, even the most sophisticated forms of implementation would be bound to fail. Further, it is important for the member states and the industry to acknowledge the role that indigenous knowledge systems have regarding not just circularity of supply systems but the connectedness between the earth and the different life forms on it. We propose the following within this above ethos.



Capacity-building

1. Build public awareness both about the problems of production and consumption of plastics and associated chemicals and additives and of alternatives. However noble the intentions are unless the public is on board, attempts to move away from plastics will remain ineffective. This should take the form of public campaigns
2. School curriculum should include the harmful impacts of production and consumption of plastics and associated chemicals and additives.
3. Perspective change of people at large, corporations and the government officials helping society to move away from the prevalent use and throw culture to one embedded in the understanding of waste hierarchy of refuse, reduce, reuse, refill, repair and recycle.

Technical Assistance

1. Multilateral Development Banks have a role to play in providing technical assistance to low / middle income countries in the implementation of this instrument. However, it is absolutely critical that this does not become merely a source of transferring the responsibility of the key polluting countries to the low / middle income countries. Nor should such funds be used for whitewashing policies by the governments of the low / middle income countries which further plastics production and consumption including their associated chemicals and additives.

Technology Transfer

1. Any technology, if it is a false solution or has been deemed ineffective in other parts of the world, should not be transferred to countries which are grappling with the issue of plastics and its associated chemicals and additives. This is relevant for every technology across the plastics lifespan.

Financial Assistance

1. Historically all corporations who have profited from the use of plastics should pay as much money as the profit they have earned to the government so that these resources may be used to remediate the impacts of corporate profiteering at the cost of people, environment and the climate. Governments should ensure that the voice of the people most affected by the production and consumption of plastics and associated chemicals and additives are central to decisions on how these funds would be utilised and remediation would be implemented.
2. Multilateral Development Banks have a role to play in financially supporting low / middle income countries in the implementation of this instrument. However, it is absolutely critical that this does not become merely a source of transferring the responsibility of the key polluting countries to the low / middle income countries. Nor should such funds be used for whitewashing policies by the governments of the low / middle income countries which further plastics production and consumption including their associated chemicals and additives.

### III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).