

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. 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 (for Members of the committee) | |
| Name of organization (for observers to the committee) | Global Alliance on Health and Pollution - GAHP |
| Contact person and contact information for the submission | Lilian Corra liliancorra@gahp.net |
| Date | 13 January 2023 |

I. Substantive elements

1. Objective(s)

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

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| <p>Proposed Objective: Reduce plastic pollution and protect the environment, human health and biodiversity from plastic's deleterious/harmful/toxic effects.</p> <p>Explanatory Text:</p> |
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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?*

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| <p>a. To define the obligations first is important to define the scope of the convention by defining:</p> <ul style="list-style-type: none"> - "plastics", "plastic's fate in the environment", "plastics behavior in the environment" (some nano-micro plastics are designed to have a specific behavior which continue when they are emitted to the environment, by example to be "carriers" and others) - "precursors", "additives" (in particular well-known toxic chemicals as heavy metals as lead (Pb), "coadjuvants" (or when and where plastics behave as coadjuvants), others. - essential plastics (which cannot be eliminated but handle as hazardous waste at the end of their useful life) and easily eliminated plastics (by example, those that produce most of the "plastic waste" or those that difficult essential plastics recycle and can be more easily reduced). |
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- difference between "plastic waste" and "pollution from plastics".

"Plastic waste" (are plastic articles at the end of their useful life present in the different environmental media: visible in water and soil) and interventions that may be implemented to reduce or remediate this kind of pollution. **Plastic waste is visible and reversible**

"Pollution from plastics" is the diffuse presence of chemicals from plastics and nano/micro plastics in the environment (air, water and soil) and in the tissues of human beings and of other living species.

Pollution when diffuse is invisible and irreversible.

b- Define impacts in the different steps of the processes to produce plastics.

The scope of the "life cycle approach" has to be defined early in the negotiation process according to the mandate of UNEA resolution which, if taken literally, should begin with the impact of oil extraction and not only from its distillation into by-products, including the previous design. This was clearly stated by UNEP in the opening speech. Is central to highlight and consider the process of "design" of plastics where the "imprint" and intention of use, fate and behavior in the environment (persistence, toxicity and others) are impose according to the formulation.

c- Analyze the design of the plastics the design should take into consideration the environmental fate, recyclability and the possibility of separation from other recyclable plastics.

No less important is to consider the environmental fate for nano/micro plastics which are "never waste" as are designed, produced and used **to enter directly in the trophic chain** (as the nano-micro plastics used in pharmaceutical, cosmetics, pesticides and fertilizers and others).

The obligations should include the analysis of the environmental fate as a central criterion for the design of plastics considering the possible impacts all along the cycle of life including, by example, the impact of precursor and additives; during production, use and at the end of life (recollection, reuse, recycling or disposal).

d- About production: There is also the issue of how much plastics are produced and other issues in relation to the impact all along that production chain (specific processes related to the production of plastics, their additives, uses and releases during their use).

It is important to carry on a negotiation on the issue to define the extent of the problem or the current scenario, in particular under this point.

There is not enough information about how many chemicals are added to or transported by plastics. In particular, how nano-micro plastics behave in the environment in the cases when specifically designed to be facilitators, coadjuvants or carriers of other chemicals.

The convention should consider not only the scope but also the magnitude of the problem. To transparent or identify information on how much material is currently used for the production of plastics, and for what type of plastics (according to toxicity or uses: essential/indispensable use or dispensable or replaceable ones). This information will help to the informed decision-making process and facilitate the implementation making visible the cost/benefit of the implementation and prioritization of actions.

e- On Health issues: In the convention it is important to have a specific article on "Health Issues" including "workers' health" (exposure and capacity building to actively participate in the

implementation by improving and formalizing their conditions of work). The plastic waste production will increase in the next years and their role will gain importance to stream it correctly and reduce toxic exposure. In this article is necessary to focus as well on worker's exposure all along the life cycle of plastics production. Workers involve in the intentional production of nano-micro plastics may have a particular exposure during production.

To transparent and make visible information of the impact (emissions to the environment) all along the life cycle (extraction, production, use and disposal) is important to regulate to protect workers and users health.

f- Nano-micro plastics as INTENTIONAL ADITIVES:

Is important to give visibility to the issue that nano-microplastics which are specifically designed to be used in the production of fertilizers and pesticides, in pharmaceuticals and cosmetics and in food (either as intentional additives or to adulterate them).

These plastics enter directly into the trophic chain without ever having been waste, therefore deserve a separate analysis.

The access to information about microplastics used as intentional additives in food is scare, they can be used, by example to mask taste.

It is difficult to confirm the addition to food but is positive and clear in the case of the addition to pharmaceuticals and cosmetics, fertilizers and pesticides.

Is important to identify existing regulations (FAO, EU, USA?) that limits/prohibits the addition of nano-microplastics to food.

g- Adulteration of food with plastics, by example is very well known the case of **MELAMINE**.

Melamine tolerable limit present in food is even regulated in many countries and regions as in the EU and by WHO as well. How many other plastics are in the similar situation to melamine?

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- For the implementation at the national level is important to distinguish:
- between the countries that produce plastics and those that only import them.
 - define first which is the main problem with plastics that they have and the possible cost of the implementation of solutions (by example: with one use plastics, industrial uses, cost effective implementation of solutions and others).

- b- To produce a National Plan of Action including a country profile, identifying the main problems and evaluating the goals in a timeframe. Develop and implement a simple cost-effect evaluation tool. Evaluate burden of disease of plastics all throughout the lifecycle (from oil to recycling and burning of waste).
- c- Is important to prioritize interventions based mainly on the effects and impacts on health and the environment, the harmonized and comparable collection of data must be addressed actions as well as develop indicators to monitor and follow up success of interventions.
- d- Industry (private sector) has to be included to provide information and solutions to contribute to develop and implement national implementation of a convention in countries or regions where plastics are produced and commercialized all around the world.
As well, information on the formulas of the different plastics will allow the non-producers countries to facilitate correct handling and disposal.
- e- In the negotiation it is important to raise the issue of including an article focused on "Health Issues" including:
 - d.1- *"Worker's health"* is an important issue *"all along the production and handling chain"* (including workers involved in the production of plastics and waste pickers).
 - "Worker's health" (exposure and capacity building to actively participate in the implementation by improving and formalizing their conditions of work. The production of plastic waste will increase in the next years and their role will gain importance to stream it correctly and reduce toxic exposure. Under worker's health is important to include the formalization of the collectors and recyclers as formal workers and inform on the toxicity, improve the conditions of work and reduce exposure as well as monitor their health.
 - As it is important to get ILO engaged from the early stage of the negotiation to produce guidelines to inform/protect workers from toxic exposure all along the production, waste management and recycling/disposal of all kind of plastics of "visible plastic waste" as well as "nano-micro plastics" derived from them as well as nano-micro plastics designed as such (which was never be waste).
 - Workers Unions have to be adequately informed to identify the problem and opportunity of exposure and be prepared to handle this issue correctly.
 - d.2- *"Health sector"*
 - The Health Sector use a lot of plastics in different ways, some replaceable and some not.
 - The involvement of the sector of the industry who design and produce plastics issues for medical uses should be involved/informed/committed to replace one-use or non-essential articles of plastics as well as adequately inform on the management at the end of useful life of essential medical plastics articles to reduce plastic waste or its impact. Guidelines on plastic essential articles or replaceable ones have to be developed to inform hospitals authorities and orient the purchase and demand. Regulations on one-use plastic articles sold to the general public is also important. Regulations to replace or orient the packaging of medical articles. Have to be implemented as well. Information to the consumers (medical consumers and general public) is central to improve the right to decide when purchasing and in the management/disposal of medical waste.
 - Pharmaceutical industry intentionally design and include nano-micro plastics in pharmaceuticals which are by example carriers or coadjuvants, and continue having this character after they are

emitted to the environment. (What do we know of the design, production, fate and behavior, which can be replaced?).

- How to handle medical plastic waste? WHO engagement is central since the early stages of the negotiation to approach the pharmaceutical sector as well as to clarify specific aspects of the health impacts.

- Is important that WHO engage from the early stage of the negotiation to produce guidelines for the Health Sector to reduce plastic use and improve disposal in his activity, to inform/protect health workers from toxic exposure and to keep medical professionals on the pharmaceuticals formulas that includes nano-micro plastics (which is not currently informed).

- Involving the Health Sector for a change is important as they have to be able to research on, identify the toxic impacts of plastics and their additives, opportunities of exposure, workers toxic exposure's and effects and advice to act in prevention. Including education on health and environment as part of medical education is central, as well as informing medical community in medical/scientific publications and conferences.

-Early interaction with Ministers of Health at the high level is as well important as Public Health administration today (in general) is not involved on environmental health issues, which is not sufficiently recognized by the health sector even when the environmental burden of disease is currently the most important cause of death and disease (with the economic burden that this represents in particular for Low- and Middle-Income Countries - LMICs).

The convention should include clear actions on these important points.

- The Minamata Convention includes medical articles containing mercury in the annexes and something similar should be included in this convention on non-essential or one-use plastic medical articles.

- f- Cooperation and interchange with other conventions which already are implementing actions to reduce plastic pollution is central.

By example with MARPOL (International Convention for the Prevention of Pollution from Ships).

-There are many main points from the MARPOL Annex V adopted in 2017 that are interesting and cross cutting with aspects to be considered during the Plastic negotiation.

-Taking into consideration these aspects, the participation of representatives of **IMO** during the negotiation process may contribute enormously to the Plastic's process.

-It is also important to **encourage countries to include the "Marine sector" reached by MARPOL** to get involved in the Plastics negotiation process and in the consultancy and preparatory activities at the country level.

- Other conventions who has cross cutting issues may be (not limited to) BRS (Basel, Rotterdam and Stockholm) and Minamata as well.

- g- Scientific and technical cooperation and transparency.

-Science and technology are central for the production of plastics in the industrial process by the private sector, as well it is in the processes of commercialization and use.

-Production and design of plastics are intrinsically based or related to scientific and technological development and innovation. The full cycle of life of the production of plastics (from production of raw materials, design, production of the diverse types of plastics for the divers uses as well as recycling of the materials) is based in technology and science.

-In general, industrial procedures all along the cycle of life are based in the cost/benefit analysis to allow/improve/assure profit to the industrial sector and /or in the commercialization.

-The problem is that when industry/commerce calculates the cost/benefits to define the more economic (for them) convenient production (defined by the design) do not include the

environmental fate, the cost of the environmental impacts or toxicity (environmental damage, to human health or biodiversity). The burden of the negative impact is not included.

- Science and technology are central to disclose and reduce the impact and to find less or no toxic alternatives, to reduce the burden (cost) of the impacts of plastics all along the life cycle. It is important to do the complete accounts, including the costs of the negative impacts.
- The science and technology that we have today working for the industry should be efficient in producing materials with less or no negative impact on the environment and health and not only serve to calculate the profits during the production and marketing processes without including environmental fate in their analysis.
- The cooperation of the industry is central to make a change at the source of the problem. This is why understanding the nature and magnitude of the problem is important to regulate the behavior of the industry. At this point, it is also necessary that the private sector disclose the information and be part of the negotiation process, understanding the need to be committed as an important part/sector as well to produce a change.
- It is not possible to regulate or to find alternatives to what is not known. Involvement, transparency and access to information from the private sector (industry) and the scientific and technological sector who works for them is central for the success of the implementation of any regulation.

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 main first measure is to define the problem of the countries. Not all the countries have the same problem. Some design, other produce raw materials, other produce, other can separate/recycle, other “use and export” and other only “import and use” and so on.
- The first measure is “to know the nature of the problem” that affect the country to be more efficient to implement a Plan of Action and involve the actors which will be essential to implement the instrument.
- The other important issue here is to know what kind of problem the nations are handling. By example: pollution from industry involved in the production of plastics (at the beginning of the life cycle), created by the import, use and disposal, in relation to the production of nano-micro plastics and its use... etc.
- Involvement of other UN organizations are central to help in the implementation at the national level, to make a diagnose of the national scenarios and main problems, to improve information, knowledge and capacity building.
- Capacity building of UN agents is also important to be able to actively participate in the implementation of the instrument, in particular of which have agencies in every country.
- Capacity building of agents of the financial agencies are also important to recognize the issue and position it high in their financial agendas, facilitate and improve access to financial aid as needed.

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).

Important issues to consider to better understand, clarify, orient and include in the instrument:

- Define “plastics” to understand/define the scope of the instrument to work on.
- Define scope of “cycle of life” to be approached by the instrument.
- Distinguish between “plastic waste” (visible plastics waste) and “plastic pollution” (invisible, when all the environmental media (soil, air, water including rivers and oceans) human beings and biodiversity (wild life, vegetation and) and food are perfused with nano-micro plastics and cannot be removed or expelled.
- Some nano-micro plastics may have “intrinsic characteristics by design”. They are designed with characteristics which make them more toxic or increase toxicity of other chemicals as were designed to be “coadjuvants” or “carriers” of other chemicals (to improve their action in living things). When enter in the environment, these nano-micro plastics do not lose this character and continue to behave as carriers (has incremented adsorption to transport chemicals) or coadjuvants (by example facilitating the absorption in the tissues). When they enter in the environment and continue to be toxic and improve toxicity of other chemicals. In general, these nano-micro plastics.
- Last but not least, including the impact of petrochemical industry will also improve the reduction and unnecessary emission of mercury from oil and gas to the environment and toxic exposure of workers all along the process (from extraction and during distillation and production processes of precursors and plastics) .