Potential elements of the Plastics Treaty – proposals from the International Pollutants Elimination Network (IPEN)

IPEN is a network of over 600 non-governmental organizations working in more than 120 countries to reduce and eliminate the harm to human health and the environment from toxic chemicals. IPEN’s work on Toxic Chemicals in Plastics seeks to eliminate harm from chemicals in plastics when plastics are sourced, produced, used, recycled, and discarded.

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<th>Name of organization (for observers to the committee)</th>
<th>The International Pollutants Elimination Network</th>
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I. Substantive elements

1. Objective(s)

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

Proposed Objective: As the impacts of plastics throughout its lifecycle are many, the overall objective of the treaty should be simple and in line with consolidated UN principles. The objective can reflect the formulation of Article 1 of the Stockholm Convention: The objective of the treaty, is to protect human health and the environment from all adverse impacts of plastics, based on the

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precautionary principle and on the protection of the human right to a healthy environment.

Explanatory Text: The treaty, should have an overall objective that is simple and comprehensive that should guide the in the interpretation of the control measures and future amendments of the treaty. As for the Stockholm convention, the precautionary principle should be an important underlying principle. Additionally, as the human right to a healthy environment has been recognized, it should also be an underlying principle, particularly to ensure transparency, participation in decision making and access to justice.

Under the proposed objective of the treaty there may be a further specification of how the objectives will be achieved, for example, by stating the intention to reduce the overall production of plastics and promote resource efficiency through a circular economy approach.

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?

Why harmonized global controls are necessary

Consistent with UNEA Resolution 5/14 the Treaty should address plastic pollution in all environments and at all stages of the plastics lifecycle. Scientific evidence shows that we have exceeded the “planetary boundaries” for chemical production and plastic pollution, meaning that production and emissions may threaten the stability of the entire global ecosystem. Providing for global control of the health impacts of the chemical ingredients used in plastics is necessary because plastics cross borders in many uncontrolled ways throughout their lifecycle:

- In the extraction and feedstock production phase: The raw materials that are used to make plastics (mostly oil and gas) cross borders as they are
transported between extraction sites, then to feedstock production sites, and then to material production sites. Chemicals released into the environment during extraction and feedstock production can also be transported over large distances via water and atmospheric transport.

- In the material **production** phase: As plastic materials made with toxic chemicals are used in virtually every sector of the economy, their supply chain is complex. Plastics are known to cross borders several times even before they are made into useful products. Pre-production pellets are manufactured and transported, and plastic articles and unfinished products are often traded before they are incorporated into products.

- In the **use** phase: Plastic products carrying toxic chemicals may be exported to several different countries before they are sold and used by consumers.

- In the **waste** phase: Plastic wastes with toxic chemicals can cross borders several times. After being collected, they may be exported for sorting, then exported again to recycling facilities or for final disposal.

At all these stages plastics have toxic impacts and leach hazardous chemicals. However, countries can align in creating common standards for tracking chemicals in plastic materials and creating global sustainability standards that make non-toxic plastics part of a circular economy. Such standards would help reduce resource consumption, increase the useful life of plastic materials, and increase the likelihood that plastics can be recycled in closed loops, or at least not be downcycled.

**Global controls to end plastic pollution**

The scope of the treaty should encompass, at a minimum, the production, design, use, recycling and disposal of all plastic materials. It should work upstream to eliminate harmful chemicals and polymers used in the production of plastic and also eliminate unnecessary or non-essential plastics applications. The key solution to address the impact of plastics is to scale down production and prohibit the use and addition of hazardous chemicals. Plastics that are
produced with toxic additives, whether fossil-based or not, cannot be part of the “circular economy” and must be phased out. To curb the negative health and environmental impacts of plastics, essential uses should be identified, and non-essential uses should be eliminated. The remaining plastics should be free of hazardous chemicals and designed for durability and reuse.

The main core obligations of the Treaty should be focused upstream and be centered on plastics as a material. In particular the Treaty should:
- Track the types and volumes of plastics feedstocks, polymers, processed plastics.
- Track the ingredients of plastics (both the polymers and the additives) throughout the supply chain (from the processing/compounding phase to the end-of-life).
- Restrict the production and use of polymers with certain toxic characteristics either based on a positive/negative list or based on sustainability criteria (priority polymers to phase-out include polyvinyl chloride (PVC), polyurethanes, polystyrene, and fluorinated polymers).
- Restrict the production and use of chemical additives with certain toxic characteristics either based on a positive/negative list or based on sustainability criteria.
- Restrict the use of hazardous monomers, polymers and processing aids used in making plastic materials.
- Prohibit the production and recycling of plastics containing toxic chemicals to allow for a non-toxic circular economy.
- Prioritize environmentally sound end-of-waste policies with a focus on best available techniques such as zero-waste strategies and non-combustion technologies. To prevent the production and releases of toxic emissions from plastics waste management, policies should prevent the following dangerous practices: open burning, incineration, co-firing in coal-fired power plants and waste-to-energy processes, co-processing in cement kilns, and chemical recycling.

In developing control measures for the treaty, countries should take into account lessons learned from other MEA’s Covering Plastics, Chemicals, and Waste
• **Adopting sustainable design criteria can avoid chemical hazards.** The lack of precautionary design criteria for plastics creates material flows that include toxic chemicals and leads to burdensome decision-making in the identification and phase-out of chemicals in plastics that are health and environmental concerns.

• **Assessing chemical families can avoid poisonous substitutions.** Individual chemicals from related groups or families usually present similar hazards, but by adopting mostly a one-by-one regulatory approach, we allow similarly harmful chemicals to be used often for decades after related chemicals have been restricted. Priority groups for phasing out that could be named in the Treaty include bisphenols, brominated flame retardants, chlorinated paraffins, phthalates, benzotriazole UV stabilizers, and PFAS.

• **Providing information on plastics’ composition can lead to producers’ awareness, consumer confidence, and safer recycling and disposal.** A lack of, or insufficient knowledge about and communication of the ingredients of plastic materials in the supply chain and in products sold to consumers leads to ignorance about plastics’ ingredients. Manufacturers of products with plastic components may not always be aware of the toxic ingredients in their plastics. Also, lack of traceability leads to the mismanagement of plastics containing hazardous chemicals. For example, recycling plastics with harmful chemicals results in toxic consumer products and exposure to workers, particularly in the informal sector.

• **Regulating toxic plastics and promoting alternative materials can avoid harmful wastes.** Lack of controls on the production of plastics of concern triggers large quantities of hazardous waste streams that are challenging to manage in an environmentally sound manner. Recycling these creates an uncontrollable spread of hazardous chemicals into new products (Article 6(d)(iii) of the Stockholm Convention on Persistent Organic Pollutants (POPS) prohibits the recycling of wastes contaminated with POPs to maintain toxic-free material cycles). Voluntary approaches have limited impacts in harmonizing the market for cleaner material flows.
II. Implementation elements

1. Implementation measures

   a) How to ensure implementation of the instrument at the national level (e.g. 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).

**National action plans:**
- National action plans should be established as a tool to monitor that the commitments from the treaty are implemented and tracked (e.g. production volumes reporting, phase outs or phase downs of certain materials, reduction and reuse targets).
- National reporting should be harmonized, and accessible by all stakeholders
- Public participation in the formulation of National Action Plans should be clearly required, including the participation of all affected stakeholders, indigenous communities, fence line communities, women and girls, children and youth.
- National Action Plans should address vulnerable populations that are particularly affected by the health and environmental impacts of plastics, for example by drawing up Gender Action Plans that include gender-specific indicators, and collect disaggregated data by sex, age, and other demographics.

**Scientific body:**
The Treaty should establish an Independent Scientific body to keep the Treaty up to date with the best available independent science, free from vested interests and conflicts of interest.

- The scientific body should consider plastics materials and priority polymers for phase out and reviewing the need for transitional periods, depending on specific circumstances.
- Scientific data on the health and environmental impacts of plastics should be open and transparent and should never be considered confidential business information.
- The scientific body should identify knowledge gaps to inform its decision-making process.
- The scientific review of the treaty should include different forms of knowledge, including indigenous knowledge and citizen science.

Compliance mechanism

- The Treaty should foresee a compliance mechanism that is transparent and participatory and allows communications also from civil society.

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?
**Financial aspects:**

The Treaty should be informed by and apply the “polluter pays” principle, which requires that the costs of all impacts on human health, society, and the environment caused by the production, use, dumping, import and export of plastics are recovered through policies such as extended producers’ responsibility or liability schemes that cover the whole lifecycle of plastics, and this responsibility should be implemented globally (not only within national boundaries).

The treaty should ensure predictable and sustainable financing as a key element for the success of the plastics treaty and will be key for establishing and sustaining a plastics management system in low- and middle-income countries. Financing the treaty should include:

- A multi-lateral fund to be established to support the institutional development and strengthening the capacity of low-and middle-income countries.
- A global Extended Producers Responsibility system to ensure that entities that provide the feedstock to create plastics and virgin plastics producers are paying for the pollution they are causing, such payments should contribute to a global fund for the implementation of all aspects of the Treaty including the transition to best practices based on the waste hierarchy (reduction and reuse).

**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).

**IPEN selected scientific publications on Plastics:**

- Plastic pellets found on beaches all over the world contain toxic chemicals [https://ipen.org/documents/plastic-pellets-found-beaches-all-over-world-contain-toxic-chemicals](https://ipen.org/documents/plastic-pellets-found-beaches-all-over-world-contain-toxic-chemicals)