The United States Council for Business (USCIB) welcomes the opportunity for stakeholders to provide written comments to be considered in the preparation of a document by the Secretariat with potential options for elements towards an international legally binding instrument, 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.

USCIB’s members include U.S.-based global companies and professional services firms from every sector of the U.S. economy, with operations in every region of the world, generating $5 trillion in annual revenues and employing over 11 million people worldwide. As the U.S. affiliate of the International Chamber of Commerce (ICC), the International Organization of Employers (IOE), and Business at OECD (BIAC), USCIB provides business views to policymakers and regulatory authorities worldwide, and works to facilitate international trade and investment and the advancement of the SDGs. USCIB and our members participated on the ground in UNEA 5.2 in Nairobi, Kenya, the Plastics OEWG in Dakar, Senegal, INC1 in Punta del Este, Uruguay, and intend to continue to contribute to and support the INC process at INC2 and beyond.

I. Substantive elements

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

USCIB and its members are committed to the goal of eliminating plastic pollution from the environment and developing a circular economy for plastics. The Legally Binding Instrument (LBI) should seek to eliminate plastic waste in the environment and enable a circular economy approach for plastics and plastic packaging, which would contribute to ending plastic pollution while allowing society to continue to benefit from the economic, environmental, and social advantages of plastics. This will require objectives that address the full life cycle of plastics, from upstream (design and production), to midstream (consumption) and downstream (waste management and recycling).

The LBI should develop clear definitions of terms and provide clarity on key terms and concepts, including the types of plastics that will be addressed by the instrument in an effort to tackle the sources and drivers of plastic pollution and to enhance circularity. This specificity on the types of plastics to be addressed is critical. The myriad uses for plastics cut across the global economy, beyond just single-use plastic packaging – consideration must be given to, among others, the aerospace, agriculture, automotive, construction, electronics, healthcare, textile, and utilities sectors. The LBI should focus on keeping plastics out of the environment, not out of the economy, and identify the best ways to accelerate progress towards a circular economy for plastic.
The LBI should also make it a specific objective to be informed by, and work in concert with, other existing international agreements, international organizations, and regulatory structures. Careful consideration should be given to avoid duplication of work and scope. It should take into account the ongoing work of the SAICM process, Basel/Rotterdam/Stockholm conventions, and the to-be negotiated Science Policy Panel, to contribute further to the sound management of chemicals and waste and to prevent pollution and avoid duplication.

Moreover, it will be essential for the LBI to also synergize and work in harmony with other international trade and investment frameworks and relevant initiatives, such as the WTO and OECD.

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?

   The LBI should challenge countries to set specific, high-level targets that address the full life cycle of plastics – upstream, midstream, and downstream. These could include, among others, targets on the use of recycled materials, design, recyclability, and recycling and waste management infrastructure.

   However, in practice there will need to be a “bespoke” mix of mandatory controls and voluntary elements as each country faces different challenges, and national action plans must be given the ability to reflect national circumstances and capabilities. An ambitious and implementable legally binding agreement will only be effective with both a clear overarching objective and a flexible framework for individual and self-determined national action plans based on national circumstances. Any national action plans should include mandatory reporting and consistent metrics to gauge progress to the LBI goals.

II. Implementation Measures
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).

To ensure effective implementation at the national level, the LBI should encourage parties to work with the full spectrum of industry sectors, and with companies of all sizes, across the entire lifecycle of plastics and the myriad uses and types of plastic in the global economy, and a full assessment of jobs and livelihoods associated with plastics in the global economy. The challenge of plastic pollution in the environment cannot be fully addressed without meaningful engagement and partnership with all industry sectors. Sectoral approaches will be vital to implementation, yet addressing the many interconnections and uses of plastics in value and supply chains will require economy-wide approaches.
To ensure the effectiveness of the instrument, its impacts, and efficient national reporting, parties should regularly engage and consult their respective domestic business constituencies, including micro, small, and medium sized businesses and from across the full life cycle of plastics. To this end, this full spectrum of domestic business constituencies should each be consulted with to the greatest extent possible throughout the INC process. Any agreement should be clear and easy to implement at the local, national, regional and global levels, without creating unnecessary challenges in its implementation by business.

As part of the consideration needed regarding definitions to determine the LBI’s scope, to ensure effective implementation of the agreement, definitions should be viewed as tools through which the LBI can lead to global harmonization and regulatory predictability. To this end, best efforts should be made to make use of existing standards and definitions (such as ISO definitions) deemed most useful in achieving the instrument’s goals. This will also help avoid unintended outcomes of new, but parallel international standards.

2. Means of Implementation

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

Funding and technical assistance, including financial mechanisms, will be integral to the implementation of the instrument and the continued development and deployment of technological solutions. Financial mechanism designs should draw from existing systems, and should again take into account local contexts and circumstances, as there will be no one-size-fits all instrument applicable to all countries.

The instrument should facilitate conditions for business to invest and innovate, including in developing countries. It will be critical to strengthen global partnerships between the public and private sector to mobilize implementation as well as to align public and private financial flows to incentivize market behavior and investments in circular and sustainable products. Clear policies with international consistency and predictability are the best way to enable business to invest in innovation and implementing both new and existing technological solutions.

The LBI should also consider capacity building mechanisms, including education and awareness raising with a particular focus on developing and emerging economies. This could include funding to build waste collection and management capacity in key markets and countries in a position ability to interdict ocean-bound plastic. Alternatively, the LBI could consider direct support for technology, government and consumer knowledge transfers or an innovation fund to scale proven initiatives, including the many voluntary measures already taken by industry, or encourage bold new proposals.

III. Additional Input

As stated above, the private sector will play a critical role in achieving the goals and objectives of the LBI. Business can provide on-the-ground knowledge, experience, expertise, and act as both partners and solutions providers. Beyond the physical life cycle of plastic products themselves, industry can also bring to bear digital tools and innovations for monitoring metrics around supply chains, processes, materials and recyclability of products, and other digital tracking to these ends.
To the extent possible, sufficient time should be given to all observers to offer meaningful, useful information and perspectives to the INC process. Whether scheduled alongside future INCs meetings or intersessionally, the secretariat should work to allow for the maximum possible participation in multistakeholder events such as forums, informational webinars, or panel discussions.

To facilitate and encourage the most meaningful and active observer engagement, future INC meetings could also consider providing all observers with meeting rooms to gather amongst themselves and meet with delegates or Secretariat staff.

USCIB and its members stand ready to continue to bring forward the voice, expertise, innovation and experience of the American business community to support the development of an ambitious and effective LBI on Plastic Pollution, including in the marine environment. Our members look forward to continuing to engage ahead of and at INC2 to further explore and develop the goals and objectives of the legally binding instrument, and to the eventual achievement of an agreement by the end of 2024.

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<th>Name of organization (for stakeholders to the committee)</th>
<th>U.S. Council for International Business (USCIB)</th>
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