



"We must not forget that we are the air. We are the water. We are the land. We are not separate from the environment. We are the environment."

- Frankie Orona, Society of Native Nations

INTRODUCTION

As part of the many environmental justice delegates¹ present at the first negotiating committee for the United Nations Global Plastics Treaty, we represent communities and environments directly impacted by the entire lifecycle of plastic pollution from extraction, refining, creation, use and wastage. Our communities are mostly Black, Brown, Indigenous, and Low Income communities in the United States of America. We have experiential knowledge of human rights violations and live with the direct health effects of plastic pollution.

Many of us are original peoples of the land, representing various indigenous groups and tribes. Others have resided here for many generations enduring

¹ [Environmental Justice](#) advocates represent Break Free From Plastic US at INC-1

the ongoing injustices and discrimination arising from the institution of slavery. Original peoples have demonstrated through over 500 years of resistance to colonialism, genocide, and the destructions brought about by runaway capitalism, that human beings have an inherent right to protect our environment; our land, our air, our water and all creation. We all have a responsibility to do our part and take care of Mother Earth, and it is imperative that this assembly hold the fossil fuel and petrochemical industries accountable for the plastic pollution crisis. A treaty that neglects the demands of communities most impacted by the plastic pollution crisis will be a treaty destined to fail. A legally binding global instrument is a once-in-a-lifetime opportunity to address the multi-generational harm the plastic pollution crisis is having on human rights, the climate, and biodiversity.

Plastic pollution is rooted in the destructiveness of imperialism, genocide, slavery, nationalism, and capitalism. We cannot solve this problem with the same mindset that has led to it. And we certainly cannot solve it without first nations, indigenous peoples, and the most impacted communities being centered at the negotiating table.

SUBSTANTIVE ELEMENTS

PROPOSED OBJECTIVE – End plastic and toxic chemical pollution across the entire supply chain; from fossil extraction to petrochemical refinement, manufacture, use, and disposal.

Plastics are a danger to our cultural diversity and to our ancestral traditional systems, systems that for millennia operated in alignment and balance with the environment. The plastic crisis is not only connected to the climate crisis and to biodiversity loss; it is also connected to social inequities, systemic racism, and cultural erasure. The devastating loss of ancestral, traditional, and cultural heritage and knowledge caused by fossil fuel extraction and petrochemical refinement must stop.

Communities living in the shadow of fossil fuel and petrochemical infrastructure face higher risks of cancer, cardiovascular disease, and respiratory illness.² There is evidence of microplastics in everything from tap water to table salt³, to human lung tissue⁴, breast milk⁵ and cord blood⁶. It is airborne and in our food systems. Harmful toxins line our beverage containers making it difficult and dangerous to have recycled plastic in food grade containers. Historic disposal and management of plastic waste continues to perpetuate myriad human and environmental injustices in communities around the world.⁷ Parties have a moral obligation to confront the intergenerational environmental injustices and violence which lies at the root of the global plastic pollution crisis.

SCOPE – Terms in the Obligations listed below have the following scope:

- **Plastics** including plastic products (including products made partly from plastics), plastic materials (plastic polymers and additives including fillers) and plastic polymers. For more information, see [GAIA 2022b](#).
- **Plastic pollution** includes pollution from plastics and associated chemicals (including feedstock chemicals, emissions in refinement, and intentional and non-intentional additives) in the environment, including in human bodies.
- **Additives** always refers to both intentional additives and non-intentional additives, unless stated otherwise.
- **The life cycle of plastics** begins with the sourcing of feedstocks to make plastics (and associated environmental and health impacts) and ends at the conclusion of the waste management or pollution phase (including impacts from waste-management residues or by-products such as incineration ash).

OBLIGATION 1: Confront the plastic pollution crisis by prioritizing the protection of public health and human rights over the interests and profit motives of the industries responsible for the global plastic pollution crisis.

² [Pro Publica](#) - Poison in the air

³ [A review](#) of microplastics in table salt, drinking water and air

⁴ [Detection](#) of microplastic in human lung tissue

⁵ [The Guardian](#) - Microplastics found in human breast milk for the first time

⁶ [Plasticentia](#): First evidence of microplastics in human placenta

⁷ [GAIA](#) - Bankrolling polluting technology: the World Bank Group and incineration

The plastics crisis is a human rights crisis. The system that allowed the steel chains of slavery to imprison Africans and perpetuated state sanctioned genocide against indigenous peoples, is connected to the system that allows their descendants to be imprisoned by the harmful polymer chains of plastic pollution. Petrochemical refineries owned by multinational corporations follow the literal footprints of plantations in Louisiana. The upstream manufacturing of plastics continues to exploit Black communities and communities of color throughout the U.S.

Last year, U.N. human rights experts denounced environmental racism in the "Cancer Alley" region of Louisiana – an 85-mile stretch of land along the Mississippi River with more than 150 petrochemical plants and refineries⁸. Since then, U.N. officials have continued to sound the alarm. During INC-1, the U.N. High Commissioner on Human Rights said this new treaty must protect human rights and put people before profits⁹, and the U.N. Secretary General acknowledged that plastics are fossil fuels that pose a serious threat to climate and biodiversity¹⁰.

The human rights violations in Cancer Alley due to the upstream production of plastic is now a calamity that can be seen in communities throughout the world. Furthermore, in Houston, Texas, the environmental injustice that the fossil fuel and petrochemical industries have imposed on communities of color is so severe and so pervasive that it can be seen from space. If an observer watching from space can see this kind of environmental racism and environmental violence then governments around the world are obligated to bear witness and confront these human rights violations at the source.

As stated by the U.N. Special Rapporteur, Marcos Orellana, it is vital that the treaty adopts ***“A human rights-based approach to global plastics management, focusing on human rights principles as well as mechanisms for accountability and access to remedy”***. Principles of prevention, precaution, polluter pays, as well as the right to information on the hazards of plastics and the right to effective remedies to plastic pollution are key, as are the right of affected communities and environmental defenders to participate in policy-making.

⁸ [UN News](#) - Environmental racism in Louisiana

⁹ [Twitter](#) - “The whole cycle of plastics is now a global threat to human rights”

¹⁰ [Twitter](#) - “Plastics are fossil fuels in another form and pose a significant threat to human rights..”

OBLIGATION 2: Eliminate and remediate the harm, hardship, and generational injustices that plastic extraction, production, use, and disposal has caused and continues to inflict on Indigenous, Black, Brown, and Low Income communities.

Tribal erasure and the systemic marginalization of Black, Brown, and Low Income communities in the Americas is ongoing and evident by the constant attack by the plastics, petrochemical, and waste management industries who continue polluting the air, water, and soil of our lands. The killing of our people continues to this day in industrial sacrifice zones across the country¹¹.

A legally binding global instrument must focus on upholding the rights of these communities, including by guaranteeing transparency, monitoring, prioritizing environmental justice in decisions on the shutting down of existing industrial facilities or siting of new ones, and supporting access to effective remedies.

OBLIGATION 3: Phase out and eliminate toxic polymers and additives in plastic production as well as materials that shed harmful microplastics, specifically:

Toxic polymer groups, starting with:

- Chlorinated plastic polymers (e.g. PVC, PVDC)
- Fluoropolymers

Harmful additives groups, intentional or otherwise, starting with:

- Bisphenols
- Phthalates
- Brominated flame-retardants
- PFAS chemicals and fluoro-chemicals
- Chlorinated paraffins
- Oxo-degradation additives¹²
- At a later stage, the treaty could phase out harmful non-intentional additive substances that are present in plastics as residues from the production process

¹¹ [Pro Publica](#) - How Black Communities Become “Sacrifice Zones” for Industrial Air Pollution

¹² For more information on plastic additives that have already been phased out in different jurisdictions, see [ClientEarth 2022b](#).

Plastic materials that shed the most microplastics, starting with:

- Oxo-degradable plastics
- Plastic foams (e.g. EPS, XPS, PU foam)
- Plastic textiles

The chemicals used during the production of plastics are destroying communities that industry and enabling governments have deemed sacrifice zones. These communities endure this harmful pollution across entire supply chains. The rates of chronic respiratory illness and cancer¹³ in our communities are usually 3 to 5 times higher than the national average in the U.S.

Plastic production exposes consumers and the general public to myriad harms. Harm that is disproportionately carried with the most vulnerable including unborn and developing children, women, the already sick and workers. Necessary restrictions, reductions and chemical monitoring efforts for toxic cancer-causing, and endocrine-disrupting emissions should be implemented in the production, recycling, and waste sectors. We support the recommendation from IPEN calling for requirements on the transparency and traceability of chemical ingredients throughout the life cycle of plastic materials and products.

Additionally, we support the Endocrine Society and IPEN recommendations that the treaty include benchmarks for reducing plastic and hazardous chemical production while following the precautionary principle in making decisions to prevent harm. Without achieving reduction goals of the production of virgin plastic polymers we will not end the global plastic pollution crisis.

It is imperative that Parties work with the independent scientific community and impacted communities in accessing the most effective use of the best available science, free from the influence of corporate interests. Parties must also recognize that the use of specialized, technical language presents barriers to transparency for impacted communities. We advocate for the use of easily understood plain language in this treaty.

OBLIGATION 4: Reject harmful industry-backed waste management schemes involving waste exports and thermal treatment including, but not limited to

¹³ [Pro Publica](#) - The most detailed map of cancer-causing industrial air pollution in the U.S.

incineration, pyrolysis and gasification, and other forms of so-called chemical recycling.

There is no place for toxic plastics or bioplastics in a truly circular economy. The mechanical recycling of plastic waste has far lower toxic and climate-adverse impacts than incineration, pyrolysis, and so-called “chemical recycling”. Mechanical recycling must also be improved, notably to exclude toxic recycling and limit polluting VOC, wastewater, and other emissions.

The incineration of plastic waste emits considerable carbon; is one of the major sources of dioxin, furans, mercury, and other toxic emissions¹⁴; while also contributing to microplastic pollution. Critical new research has consistently found microplastics in incinerator ash. This translates into a high risk of microplastic pollution from incinerator smokestack emissions, as well as ashfills, hazardous waste landfills, and various other applications of incinerator ash disposal such as road construction materials.

“Pyrolysis and gasification are incineration processes that release toxic air pollutants associated with cancer, asthma, and harm to children’s health. These toxic pollutants include dioxins, formaldehyde and mercury.” Veena Singla, PhD. Senior Scientist at Natural Resources Defense Council (NRDC) continues, “Just one plastic pyrolysis facility generated almost 500,000 pounds of hazardous waste in one year.”

In 2022, NRDC found¹⁵ that most of these facilities are not recycling any plastic but generating large quantities of hazardous waste, and releasing hazardous air pollutants. These facilities release chemicals known or suspected to cause cancer, neurological damage, or other serious health effects like birth defects. Most facilities are cited in communities that are disproportionately Black, Brown, Indigenous, and Low-Income; adding to existing environmental injustices.

An independent investigation¹⁶ found that the “chemical recycling” industry in the U.S. has struggled with technological difficulties and dubious economics while creating an unnecessary risk to the environment and

¹⁴ [Packaging Insights](#): GAIA calls on Asian development bank to halt incineration investments

¹⁵ [Recycling Lies](#): “Chemical Recycling” of plastic is just greenwashing incineration

¹⁶ [Reuters](#): The recycling myth - big oil’s solution for plastic waste littered with failure

public health that is incompatible with a climate safe future and circular economy.

Another analysis found that without strict regulation and maximum achievable control standards, these technologies could lead to the burning of PFAS-contaminated wastes in pyrolysis facilities¹⁷. The implications for disposal of PFAS waste needs to be fully looked at and understood before any new last-minute changes are made and vulnerable global communities are affected.

In addition, pyrolysis and gasification are carbon-intensive technologies that will increase greenhouse gas emissions. A recent life cycle assessment of the technologies¹⁸ found that pyrolysis generates nine times the greenhouse gas emissions as mechanical recycling. Recycling industry experts not only object to this use of language, they also object to the technology itself. The Alliance of Mission Based Recyclers reports that the use of pyrolysis and gasification to manage plastic waste creates a barrier to better systemic solutions¹⁹. Moving forward with regard to waste management, Parties must seek to:

- **Establish a manifesting system** that spans the entire plastics life cycle for all plastic waste trade and export
- **Ban all plastic waste exports** to non-OECD countries, and strictly minimize all other plastic waste trade
- **Ban the export of plastic waste for thermal treatment** and plastic-to-fuel
- **Establish criteria for environmentally-sound plastic waste management** (for finance, capacity-building, and technology transfer).
- **Establish criteria for effective EPR** schemes inclusive of waste pickers

The treaty should be an effective tool to protect impacted communities from harmful waste management schemes, both traditional and emergent. Whether pyrolysis, gasification, solvolysis, methanolysis, depolymerization, or purification, these technologies must not be considered legitimate recycling or waste management methods that belong in a circular economy.

¹⁷ [NRDC](#): huge amounts of PFAS underreported and burned

¹⁸ [Zero-Waste Europe](#): Climate impacts of pyrolysis of waste plastic packaging

¹⁹ [AMBR](#): Chemical recycling will not solve our plastic problem

OBLIGATION 5: Center access to traditional reuse systems as a primary solution to plastic pollution.

The plastic industry has systematically replaced traditional zero waste, reuse, and refill systems that existed at the core of our values and cultures by fabricating market demand and forcing upon the world a dependence on single-use plastics. Communities most affected by this crisis, including those within the U.S., insist that Parties hold industry accountable and to reject false, downstream solutions that will only perpetuate cultural erasure and environmental injustice.

A just transition recognizes the negative impacts that the plastic, chemical, consumer goods, and waste management industries have had on human health and the environment, particularly on frontline/fenceline communities who are overburdened by toxic pollution from petrochemical infrastructure and the impacts of waste colonialism. Parties must center and adopt a framework to support and subsidize reuse/refill systems that will result in a net reduction of plastic demand, consumption, and harm.

Fees, surcharges, and taxes to participate in reuse systems or discourage single-use should only be considered as a last resort, as they disproportionately impact low income individuals and households. Reuse/Refill systems should be accessible, affordable, and practical for all. Accessibility includes cultural accessibility and relevance, and supporting infrastructure. Affordability implies reuse/refill should be affordable to all, and not rely on premium prices or subscription services. Practicality includes convenience, especially for people reliant on public transportation.

Access to funding for Black, Indigenous, and People of Color (BIPOC) business owners, and businesses in low income communities should be available for those businesses to make the transition to a circular economy. This may include access to low interest business loans, grants, rebates, tax incentives, or other financial incentives to encourage reuse/refill.

Reuse/refill systems should not rely on reusable plastics, or create a market demand for new plastic products.

IMPLEMENTATION

ENSURING IMPLEMENTATION OF THE INSTRUMENT AT THE NATIONAL LEVEL

1. National plans must prioritize a just transition for affected workers in formal and informal sectors.
2. Parties should adopt multi-year planning frameworks to effectively manage the phasing out of specific polymers and the overall phase-down of plastic production, setting specific dates and benchmarks for effective reduction.
3. Enforcement mechanisms are paramount and tracking and reporting throughout the plastics life cycle is vital. Plastic-producing member states must track emissions at every emissions point, from flaring and smokestacks to valves and chemical storage tanks.

ENSURING EFFECTIVENESS OF THE INSTRUMENT

1. In order to achieve systemic transformation through a truly circular economy, we must reclaim, protect, and promote traditional and ancestral systems. The knowledge of our communities will be crucial in the mitigation of the triple crisis: climate change, biodiversity loss, and plastic pollution.
2. It is imperative that Parties hold the fossil fuel and petrochemical industries accountable for the plastic pollution crisis and stop industry involvement in future negotiations.
3. Parties must adopt specific language to protect and/or do no harm to existing circular systems, including traditional cultural practices.
4. Existing practices should be identified, acknowledged and recognized, celebrated, and expanded via community based solutions. Direct community engagement and consultation should inform proposed circular policies and practices to ensure all underrepresented communities needs and concerns are addressed.

RELEVANT PROPOSALS & PRIORITIES ON IMPLEMENTATION MEASURES

1. Parties must examine the impacts that plastic production and pollution have on our changing climate. Emerging science demonstrates how plastics are interacting with the plankton in the ocean to potentially disrupt the oceanic carbon sink. By 2050 the greenhouse gas emissions from plastic could contribute over 56 gigaton of carbon to the climate, 10-13 percent of the entire remaining carbon budget²⁰.
 2. Parties must examine how climate change increases the risks to new and aging petrochemical infrastructure as extreme weather and human-induced climate disasters become more frequent. With each disaster comes millions of pounds emitted from each facility that, once built, locks in continued pollution beyond the 30-50 years originally intended. Cases have emerged of retiring problematic facilities with a history of catastrophic disasters transitioning to chemical recycling plants²¹.
 3. Parties must develop, adopt, and implement a transparency mechanism to ensure that accurate accounting of non-compliance by facilities is not wiped clean during corporate restructuring or transitioning.
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ADDITIONAL INPUT

1. **Identify plastics as fossil fuels** which are inextricably linked to climate change and biodiversity loss.
2. UNEP must **make future negotiations more equitable and inclusive** to Indigenous peoples, frontline communities, waste pickers, and the youth of our next generation.
3. The INC process cannot confine itself to a consensus-based decision-making process without critically jeopardizing the prospect of an ambitious and effective global treaty, and **INC voting must remain an option**. States retain their sovereignty through the ratification process.

²⁰ [Client Earth](#) - Plastics: a carbon copy of the climate crisis

²¹ [Reuters](#) - Lyondell eyes very large investment at Houston site after refinery closure

4. **Reject the term “stakeholders”** as it implies a false symmetry between the perpetrators of plastic pollution and the communities most impacted.
5. **End fossil fuel and plastics industry participation in these negotiations** as they represent an irrefutable conflict of interest in establishing an effective global instrument that lives up to its mandate.
6. **Ensure that plastic pollution becomes a criminal offense** under national and international laws.
7. **Ensure 3rd party scientific and technical coordination**, unassociated with the fossil fuel and plastic production industry.
8. **Establish a dedicated scientific body to:**
 - a. Monitor pollution of plastic production throughout the entire lifecycle
 - b. Periodically evaluate the environmental and health cost of plastic pollution
 - c. Strengthen life cycle assessments (LCAs) and product environmental footprints (PEFs) standards for adequate consideration of plastic pollution
 - d. Review LCAs comparing plastic products and their alternatives
9. **Adopt specific language to protect and prevent harm** to existing circular systems, including traditional cultural practices.
10. **Ensure direct community engagement** and consultation; inform proposed circular policies and practices to ensure all underrepresented communities' needs and concerns are addressed.
11. **Fund delegates of small island nations and underdeveloped nations** so they can fully participate in the treaty process, including support for travel, food, lodging, and additional meeting expenses.
12. **Provide adequate translation services**, and meetings in multiple languages should be accessible to all who participate.
13. **Create stronger COVID-19 mitigation measures** and safety protocols for future INCs.
14. **Provide easily accessible video recordings** with translation and slides for future INCs so that stakeholders unable to attend in person are able to follow the proceedings.

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