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Written submission on aspects of the OEWG and INC process

On 2nd March 2022, 175 countries unanimously agreed to start working on a legally binding instrument to end plastic pollution. The adopted resolution titled: “End plastic pollution: towards an international legally binding instrument” convenes an intergovernmental negotiating committee (INC), which aims to develop the instrument by the end of 2024.

The resolution has noted with concern “that the high and rapidly levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social, and economic dimensions of sustainable development”.

An open ended working group (OEWG) will meet in Dakar, Senegal from 29th May to 1st June 2022. This will be the first meeting since the historic adoption of resolution to end plastic pollution. The agenda of this meeting will be to outline the key considerations from this point, in addition to electing bureau members and planning for future meetings of the INC.

The United Nations Environment Programme (UNEP) INC Plastic Secretariat has invited submissions from Member states as well as major groups and stakeholders.

Centre for Science and Environment (CSE), New Delhi, India- based think tank is writing to the Secretariat highlighting the key considerations that need to be prioritized to support the OEWG deliberations.

Key considerations for OEWG deliberations and INC negotiations:

- **Agenda 1- Define:** Terminologies need to be clearly defined as we begin this journey of ending plastic pollution.- ***Aligned with operative paragraph 3 of the 5/14 resolution adopted by UNEA***
 - **Life cycle of plastic:** The lifecycle of plastic can be divided into a) upstream-production, midstream- product design and logistics, and downstream- plastic waste management. More often than not, the focus of national governments has been limited to the downstream of plastic, which primarily means plastic waste management. We will need to define the stakeholders in each of the 3 streams and how they contribute to the plastic menace that is eventually dealt with by mobilising exchequer funds. With the pressure on petroleum companies, plastic has become their escape route. Global plastic production increased by 79 per cent between 2000 and 2015ⁱ. In India, 58 per cent of the petrochemical production capacity is used to manufacture polymers (plastics)ⁱⁱ. Hence, it is imperative to focus equally if not more on upstream of plastic production, as compared to the midstream and downstream interventions. Restriction and regulation of plastic production is the first step.
 - **Plastic recycling:** Recycling for long enough has been used as an alibi for producing and consuming plastics. It is a term that convinces a consumer to keep using plastic without envisaging the fate at the end of its life. It is widely reported that the global plastic recycling rates stand at a meagre 9 per centⁱⁱⁱ. National level policies have now begun to promote incineration of plastic waste in various kinds of facilities under the pre-text of “closing the loop”, “circular economy” and “resource efficiency”. The real



question is are we really closing the loop with such policy interventions? In India, almost 97 per cent of the PET bottles are recycled to make textile fabric for T-shirts. Once the T-shirt reaches its end of life, it moves out of the plastic waste value chain and does not even get accounted for as plastic waste. Moreover, apart from mechanical recycling of plastic, there are now advanced recycling options like chemical recycling and energy recovery options which do not necessarily close the loop. It is thus, important to bifurcate the treatment and processing options for plastic instead of labelling everything as recycling.

- **Agenda 2- Transparency:** This is a massive hurdle in overall success of the instrument to end plastic pollution. Most of the countries do not have reliable estimations of plastic waste generation due to poor governance and monitoring mechanisms. While some countries report much less than the actual generation of plastic waste, some ship a considerable quantity of plastic waste to vulnerable countries.- ***Aligned with operative paragraph 3(l) of the 5/14 resolution adopted by UNEA***
 - **National and federal Governments:** should be empowered and mandated to create an inventory of plastic being put out on the market by the private sector involved across the lifecycle of plastic. A mean service life should be assigned to the application for which the plastic is used. Reporting should be based on calculations, not estimations.
 - **Private sector:** Private sector players rarely share data around plastic put out on the market. The absence of such data in public domain allows the private sector to leverage its position and market products under the garb of being eco-friendly even if they create more problems than they address. Public disclosures should be mandated for private sector for applications which have been identified as an area of concern. For instance, 40 per cent of plastic produced is packaging, used just once and discarded^{iv}, which means they are nothing but single use plastic. In India, close to 60 per cent of the plastic produced is used for packaging applications^v. Data in public domain will empower research institutes, NGO's, civil society organisations to support national governments introduce relevant policies to address the challenges around plastic.
 - **Plastic recyclers:** It is a known fact that all plastic cannot be recycled, especially if the principles of circular economy are kept in consideration. Plastic recyclers will need to report to other stakeholders, including local, federal and national governments on which plastics are difficult to recycle or non-recyclable. We should eventually phase out the plastic which we cannot recycle in a closed loop system. In addition, midstream interventions will be needed to design better keeping the end of life disposal in consideration.
- **Agenda 3- Sustainable Solutions not false solutions:** The attempts to solve the plastic problem have witnessed wide-ranged solutions. Solutions have ranged from burning plastic waste to making houses and roads from them. What we constantly miss is the



long term effect of such solutions which have no scientific basis and lab or pilot scale testing. We discuss why some solutions are not as sustainable as they are projected to be- ***Aligned with operative paragraph 3(o) of the 5/14 resolution adopted by UNEA***

- **Biodegradable and Compostable plastic:** These types of plastic have been pushed into the market labelled as alternative plastic with a potential to solve the plastic crisis. It is important to note here that such plastic degrade in select environment or under controlled conditions, none of which is communicated to the consumers or the local governments. Introducing such plastic prematurely in a market struggling to manage its waste will worsen the plastic pollution problem. It is also important to note that the compostable plastic also contaminate a batch of conventional recyclable plastic. Applications for such plastic have to be limited and they have to be introduced at an optimum pace depending on the circumstances of the market, consumerism patterns and waste management systems.
- **Plastic waste to roads:** This technology has gained momentum over the last few years and a number of countries have allowed/mandated the use of plastic waste to make roads. Research studies are limited to structural benefits to the roads, however, limited studies have been done on human health impact of such applications and even lesser studies on the micro-plastic generation potential from such applications of plastic waste.
- **Agenda 4- Informal sector involvement: *Aligned with operative paragraph 4(e) of the 5/14 resolution adopted by UNEA*** - The only reason why we have not drowned in our own waste is because of the efficient informal sector. This holds true for most of the South Asian and East Asia Pacific countries where the presence and operations of informal sector is considerable. The informal sector is a stakeholder that needs to be involved actively in all the deliberations and negotiations. There have been instances when the informal sector have been engaged to meet the extended producer responsibility (EPR) targets of giant companies without rightfully compensating them. In a classic case in India, the informal sector are paid as little as 0.052 USD per kilogram for collecting non-recyclable plastic waste like multi-layered packaging. Informal sector have been exploited by the private sector without rightful compensation, while depriving them of occupational safety, health insurance, minimum wages, and leave entitlement among other issues.
- **Agenda 5- National Action Plans (NAP's):** Member countries will need to work on NAP's to identify and bridge the knowledge, data, infrastructure, and policy gaps which will lead to development of a robust NAP for targeted action. The NAP's will encompass the measures taken or planned by the Member countries in accordance to the agreed international obligations and commitments.- ***aligned with operational paragraph 3(d) of the 5/14 resolution adopted by UNEA***
 - **Develop NAP's-** Initial draft of NAP's should be invited from all Member states and studied for gaps and discrepancies. This should be done in the year one. A template for the initial and following NAP's will need to be shared with the member states to



make data received standardised and comparable. The template should also keep in mind the 'Life cycle of plastic' and include pertinent and contemporary data point which help in identifying the real pain points.

- **Implement NAP's-** More often than not, there is a gap between the existing policy and implementation (ground reality), the member countries should be given a fair amount of time post the submission of initial draft of NAP's to do a gap analysis and highlight the areas where support is needed considering the national circumstances and capabilities. For instance support could be in terms of capacity building, funds, infrastructure, technology transfer etc. The gap analysis should take into consideration the real meaning of circular economy and resources should only be mobilised for technologies and interventions which actually close the loop.
- **Update NAP's-** On the basis of findings of the following NAP's, the progress needs to be monitored and regularly updated in the form of reports in a cycle of two or three years. Progress should be monitored on the basis of reduction in plastic production, change in product design in the overall country market and advances in waste management through solutions that actually close the loop.

ⁱ Persson, L., Carney Almroth, Collins, C.D., Cornell, S., de Wit, C. et.al. Outside the Safe Operating Space of the Planetary Boundary for Novel Entities, 2022

ⁱⁱ CSE publication, 2022, yet to be published.

ⁱⁱⁱ Production, use, fate of all plastics ever made, Roland Geyer, Jenna R. Jambeck, and Kara Lavender Law, Science Advances, 2017

^{iv} Fast facts about plastic pollution, Laura Parker, National Geographic, 2018

^v Indian plastic industry estimates, Plastindia foundation, 2019