U.S. interventions at INC-2
Contact Group 1 on (a) Objective and (b) Core obligations, control measures, and voluntary approaches

Objective of the instrument

- The United States supports a simple, clear, and concise article on an objective and agree with those supporting Options 9(a) and (b) as reasonable starting points for considering such an objective, including Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, EU, Iceland, India, Israel, Japan, Peru, Mexico, Norway, Republic of Korea, Switzerland, Thailand, United Arab Emirates.
- We think the objective of the instrument should succinctly convey ‘what’ the instrument is intended to achieve and provide a broad opportunity for Parties to undertake the work they need to.
- We think we should leave how to achieve the objective to the other provisions of the instrument, as noted by a few others.
- The United States supports that the aim of the instrument should be protecting human health and the environment from adverse effects of plastic pollution, and we think that many of the additions that countries propose may fit within such a mandate.
- We agree with China, New Zealand, Türkiye, and Uruguay on having some reservations of the inclusion of a timeline in the objective, even though we agree with the global goal of eliminating the release of plastic into the environment by 2040.
- We prefer not to set a time-bound target or date in the objective of the instrument, which could bring into question the continued relevance of the instrument after that date. We would prefer to not need to re-negotiate the objective of the instrument and would prefer an objective that can stand throughout the life of the instrument.
- The United States would also like to ensure that the objective is framed broadly, inclusive of plastic pollution in the marine environment, and is not focused on a limited part of the lifecycle of plastic, such as plastic production, consumption, or waste generation.
- The United States also believes it is important to include all options we have discussed for the objective in the zero-draft, and we offer the following for inclusion:
  - “The objective of this Convention is to protect human health and the environment from plastic pollution.”

Core obligations, control measures and voluntary approaches

1. Phasing out and/or reducing the supply of, demand for and use of primary plastic polymers

- We prefer that countries retain the discretion to determine specific policies and measures related to promoting sustainable production and consumption, as expressed by Uganda on behalf of the African Group, and we think promoting sustainable production and consumption should be appropriate to countries’ national circumstances.
• We note that many of the policies and measures presented as options when undertaken as nationally determined actions would result in a reduction in the demand for plastic, which Bangladesh and Brazil noted as well.
• Therefore, we believe that Option 10(a)(ii) is a good starting point for such an approach, and we have heard others may view this as an option to bring forth in the options paper.
• We have reservations about global targets and restrictions on plastic production, including options proposed on bans and setting global targets, similar to Argentina, along with reservations on global regulations on primary plastic polymers and the market-based measures presented in Option 10(c). That said, we recognize the importance of transparency.
• We think that countries could implement such options as nationally determined actions on sustainable production and consumption of plastic.
• The United States would like to introduce the following as additional options related to sustainable production and consumption to be included in the zero-draft text:
  
  o Promote sustainable production and consumption of plastic polymers throughout the lifecycle of plastic through nationally determined actions. Such actions could include a range of activities that work towards enhancing the circularity of plastic throughout its lifecycle.
  o Undertake public procurement policies or other approaches to prevent and reduce the generation of plastic waste, including from single-use plastic products.
  o Undertake measures to publish and update, in a transparent manner, relevant and available information on plastic production, use, and additives, consistent with national laws.
  o Promote developing a global platform for sharing information on the development of safer, potentially more environmentally sustainable plastic alternatives and substitutes.

We also agree that there is not a clear category for many of these ideas and some concepts may overlap.

2. Banning, phasing out and/or reducing the use of problematic and avoidable plastic products

• We have reservations on global bans or phaseouts and import and export controls related to “problematic” or “avoidable” plastic products. However, we recognize, similar to India and Japan, that countries may want to implement such approaches according to their national circumstances.
• We also continue to hear many perspectives on the terms “problematic” or “avoidable” plastic products and would like to note that such terms may have very different meanings for countries depending on their waste management/recycling capacity.
• As Japan noted, there are many options presented that would contribute to enhancing the circularity of plastic in a manner that is protective of human health and the environment, and we will raise this under section 6 on circularity.
• The United States supports the instrument having broad provisions to foster and enhance the circularity of plastic and would encourage discussions around product design, reuse,
repair, and refurbishment, recycling, and use of safe and sustainable alternatives / substitutes within the context of plastic circularity.

- Many of these options impact the design of products, including limiting the number of resins used globally to promoting sustainable and green chemistry, reducing what Parties may nationally determine are “problematic” and/or “unnecessary” plastics, setting recycled content targets or design standards, as well as implementing extended producer responsibility (EPR) approaches according to national circumstances.
- We do not think there is one way to achieve plastic circularity, and countries should outline how they intend to implement the transition to plastic circularity in their national action plans.
- The United States does not envision the instrument directly establishing universal standards, because such activities are more appropriate for, and would duplicate the work of, existing international standard-setting bodies (e.g., ISO, ASTM).
- The United States would like to introduce the following as additional options to be included in the zero-draft text:
  - Promote the establishment of a voluntary certification scheme for plastic products at the global level that countries could use at the national level, potentially through an existing standard setting body.

3. Banning, phasing out and/or reducing the production, consumption and use of chemicals and polymers of concern

- The United States strongly supports the establishment of measures to foster sustainable or green chemistry innovation and to incentivize research and development of sustainable additives and polymers (Options 12(c)(i) & (ii)). We have heard similar sentiments of support for innovation expressed by Japan and Singapore.
- This is fundamental to our success in combatting plastic pollution and making the transition to circular approaches for plastic.
- We also support measures for increasing transparency regarding polymers and additives of concern used in products, consistent with national laws.
- We have reservations about developing globally agreed lists of specific polymers and chemicals of concern in the instrument itself that would be targeted for a global ban, phase out, or reduction of the production, use, import, and export of plastics (Options 12(a)(i), (ii), and (iii)).
- We think that agreeing on such a specific list would be challenging, particularly if the goal is to achieve an agreement that is truly global.
- We would prefer that the agreement instead address such ideas through broader provisions related to sustainable production and consumption, which parties could implement through nationally determined policies and measures on specific polymers and chemicals.
- The instrument should avoid any duplication with controls on chemicals under other existing multilateral environmental agreements.
- We hear the need for further information to understand the science and potential risks to human health related to plastic pollution. We think there can be a role for sharing such scientific information intersessionally.
• However, we do not support any intersessional work — including a process to identify lists of polymers, products, and chemicals — that would prejudge the content of the zero-draft text or the approaches taken in the instrument.

• Further, we think it would be helpful for this group to consider the interventions on intersessional work under Any Other Matters during this contact group.

• The United States would like to introduce the following as additional options to be included in the zero-draft text:
  
  o Undertake measures to foster innovation and incentivize sustainable or green chemistry for plastic polymers to further reduce the use of hazardous substances in plastic and releases from industrial processes, and to further the development of more environmentally sustainable alternatives to plastics.

4. Reducing microplastics

• We support addressing microplastics through provisions aimed at addressing plastic pollution, including those related to promoting more sustainable production and consumption and advancing the circularity of plastic.

• The United States recognizes the importance of reducing microplastics and supports efforts to reduce unintentional releases of microplastics into the environment through nationally determined policies and measures that prevent plastic waste from getting into waterways or remove plastic waste once there to prevent it from becoming microplastics.

• We recognize that knowledge gaps exist about the sources, fate, transport, and impact of these particles in the environment and about the source-pathway-sink relationships influencing such transport and suggest that a scientific body could help Parties understand the science related to microplastics.

• Increasing understanding of the sources, pathways, and sinks of microplastics in communities across the world and in the oceans would help decision-makers prioritize and understand the most feasible nationally determined actions to maximize the impact of microplastics prevention and removal efforts.

• We want to encourage research that can support the development of guidance, best practices, and technologies to reduce the release of microplastics from wastewater, tires, and other major sources (Option 13(b)(iii)) and to minimize the risk of leakage of plastic pellets from production, handling, transport, and the use of certain products (Option 13(b)(i)).

• We can also support the identification and promotion of new technologies on effective systems to capture trash and microplastics as well as wastewater treatment technologies to remove microplastics from wastewater and stormwater (Option 13(b)(ii)).

• The United States would like to introduce the following as additional options to be included in the zero-draft text:
  
  o Encourage measures to address microplastics.
  
  o Encourage undertaking relevant research to address gaps in understanding about the sources, fate, transport, and impact of microplastics in the environment.
  
  o Promote the development of guidance, best practices, and innovative technologies to address microplastics.
Encourage sharing technical and economic information to support diminishing the use of intentionally added microplastics and reducing the generation and release into the environment of microplastics throughout the lifecycle of plastic.

5. Strengthening waste management

- The United States supports the instrument having broad provisions for Parties to strengthen waste management with the details of implementation of such provisions to be determined based on national circumstances.
- We should use the provisions to encourage achieving environmentally sound waste management as quickly as possible, given its effectiveness in preventing plastic waste from entering the environment.
- We support provisions on environmentally sound waste management and can note that we do not want to duplicate obligations under the Basel Convention and instead should encourage opportunities for the instrument to benefit from the work undertaken under the Basel Convention.
- We believe that the instrument should enable Parties to have the flexibility to determine the national actions they want to undertake to implement provisions on waste management and elaborate on such actions in national action plans.
- There are a few options that we think would be more appropriate as nationally determined actions to implement broad provisions on environmentally sound management of waste, including establishment of indicators for plastic waste management and policy measures to increase circularity, such as EPR.
- We do not support the instrument including provisions that require Parties or a subsidiary body to identify whether other specific waste management operations are environmentally sound, since such determinations usually depend on the manner in which they are carried out and other context-dependent factors (e.g., applicable national and/or subnational requirements).
- We can also support Parties implementing nationally determined policies and measures to establish safeguards to enhance the safety of recycled plastics.
- The United States would like to introduce the following as additional options to be included in the zero-draft text:
  - Encourage strengthening environmentally sound management of plastic waste, especially during collection and transport, including preventing and reducing the generation of plastic waste through nationally determined actions. Such policies and measures could include a range of activities that work towards enhancing the circularity of plastic.
  - Promote increasing recycling of plastics in an environmentally sound manner, including by strengthening the demand for secondary plastics to facilitate environmentally sound plastic scrap recycling. Actions to strengthen such demand could include, where appropriate and feasible, using public procurement to drive demand for plastic products containing higher recycled content levels.
  - Support the development and use of guidance for environmentally sound management of waste to complement the activities of the Basel Convention.
- Promote research and development and innovation on strengthening waste management capacity.
- Promote the understanding of trade flows of plastic waste and scrap, including through transparency measures and sharing information on trade in plastic waste and scrap under the Harmonized System.
- Encourage measures to incorporate best available technologies and environmental practices to capture and remove plastic pollution from waterways and the marine environment.
- Encourage Parties to conduct research to support the development of such technologies.
- Encourage Parties to remove existing plastic pollution on a voluntary basis.
- Encourage cooperation on strategies to identify, prioritize, and address areas of legacy waste on a voluntary basis.
- Encourage plastic pollution removal activities in specific sectors or at specific sites that would have a positive impact on human health and the environment/ecosystem.
- Encourage action for collection and recycling or proper disposal of end-of-life fishing gear, removed ghost gear, and other sea-based sources of plastic pollution.
- Promote sharing of information to support effective, efficient and environmentally sound plastic pollution removal practices.

6-8. (6) Fostering design for circularity; (7) Encouraging reduce, reuse and repair of plastic products and packaging; (8) Promoting the use of safe, sustainable alternatives and substitutes

- We will speak on the potential options for 6, 7, and 8 together.
- We support a broad range of obligations, commitments, and voluntary approaches to take measures designed to foster and enhance the circularity of plastic, including product design, reuse, repair, and refurbishment, recycling and use of safe and sustainable alternatives/substitutes.
- Countries should elaborate on how they intend to implement such provisions on plastic circularity in national action plans, including using any relevant standards, ecolabels, certifications, and design guidelines, which are important tools to decrease negative environmental and human health impacts.
- We see substantial value in environmental performance standards and certifications for plastic products and packaging as part of the nationally determined actions.
- We generally support consideration of using economic instruments for enhancing research on alternative products and technologies and incentivizing the adoption of alternatives and substitutes at the national level.
- The United States would like to introduce the following as additional options to be included in the zero-draft text:

  - Promote enhancing the circularity of plastic throughout its lifecycle through nationally determined actions, including those focused on product design, reuse, repair and refurbishment, recycling, public procurement, and labelling.
9. Eliminating the release and emission of plastics to water, soil and air

- We support reducing and eliminating plastic releases (Option 18(a)) and think such a provision could be achieved through nationally determined actions.
- We support the application of such actions that address environmentally sound management practices at all stages of the collection, transportation, recycling, and landfilling processes as described in Options 14(a-d) on waste management and Options 16(a-b) on reduce, reuse and repair of plastic products.
- For releases to water, we support appropriate policies and measures that focus on incorporating best available technologies and environmental practices to capture and remove plastic waste from waterways and the marine environment, including research to support the development of such technologies (Option 18(b)).
- We support policies and measures on curbing the release of plastic into the air and the emissions associated with any type of uncontrolled burning of plastic.
- We support preventing and reducing loss of fishing gear including leveraging existing efforts through the UN Food and Agriculture Organization and the International Maritime Organization (Option 18(d)).
- We would like to introduce the following as additional options to be included in the zero-draft text:
  - Promote measures to reduce and eliminate the release of plastic into the environment – to water, land, or air – throughout the plastic lifecycle, including as appropriate through developing guidance to support such measures that are sector specific.

10. Addressing existing plastic pollution

- We recognize the importance of removing existing plastic pollution -- whether in terrestrial, coastal, or high seas areas -- and support action in this area by Parties on a voluntary basis. We also see an important role for non-State actors in this area.
- We welcome Parties sharing information on their respective activities to remove plastic pollution from the environment, which could be done in their national action plans.
• The instrument should also encourage Parties to continue and enhance efforts to engage local populations to remove coastal (and riverine) litter, raise awareness of the issue, and provide data on common plastic pollution types.

11. Facilitating a just transition, including an inclusive transition of the informal waste sector

• We recognize that working to end plastic pollution is likely to require societal and economy-wide transformations as Parties move from linear to circular approaches for plastic production and consumption.
• As communities transition toward such circular approaches, we cannot leave behind the workers that supported the previous system nor can we forget those who have been impacted by those systems.
• Accordingly, the instrument should broadly encourage support for workers, and impacted communities at large, in transitioning their livelihoods, through workforce training, development programs, and other measures.
• We support Parties addressing such impacts through Parties’ development, implementation, and enforcement, as appropriate, of national laws, regulations, and policies. We think Parties’ activities in this regard should be articulated in national action plans.

12. Protecting human health from the adverse effects of plastic pollution

• We support the protection of human health from plastic pollution as part of the instrument’s objective, and therefore we support the inclusion of provisions in the instrument that address this important issue.
• Such provisions should promote appropriate actions to increase understanding of the potential threats to human health arising from plastic pollution, including information about the generation and release of microplastics in the environment and their potential impacts on the human body.
• The instrument should promote research on threats to human health arising from plastic pollution, and we could support the establishment of a subsidiary body to help Parties understand emerging science on that topic.
• We also support the inclusion of provisions to facilitate working with other relevant international organizations, such as WHO, FAO, and ILO, that can help enhance the understanding of the human health impacts of plastic pollution.
• The United States would like to introduce the following as additional options to be included in the zero-draft text:

  o Encourage research and sharing of knowledge related to the human health and environmental impacts of plastic pollution.
  o Promote understanding of the potential threats to human health from plastic pollution, including through establishing a subsidiary body dedicated to synthesizing relevant science and research for policy makers.
Co-facilitator report and way forward on potential intersessional work

• Co-facilitators, we echo the sentiment expressed by Brazil and express our deep gratitude to you both for your hard work and your efforts to fairly capture the full range of Member views.

• You mentioned that your summary will refer to the fact that some members proposed additional options for obligations, beyond those presented in the INC.2/4 potential options paper. And you mentioned those additional options would not be lost. However, it is not clear to us where those additional options would be available.

• It is important that the Chair be able to draw on the full range of Member views in developing the zero-draft text. Therefore, we would expect members’ views on additional options to be captured on the same footing as Members’ views on the potential elements in the INC.2/4potential options paper. We note that paper is called “potential options for elements”. We take this to mean it is not intended to exclude other options for elements. Therefore, we would ask that the other options that Members have stated are important to see reflected, and are, indeed, reflected in your summary, even if in summarized form.