Proposed response template on written submissions prior to INC-3 (part b)

Potential Areas Identified by the Contact Groups

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups\(^1\), to inform the work of INC-3.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

All written submissions must be sent to unep-incplastic.secretariat@un.org. The submissions received will be made available on the INC webpage.

Please note that not all fields in the template need to be answered in the submission.

**Deadline for submissions:**

I. **By 15 August 2023** for written submissions from **observer** organizations.

II. **By 15 September 2023** for written submissions from **Members** of the Committee.

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\(^1\) Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.
Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)

Potential areas for intersessional work

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity
2. Information on criteria, also considering different applications and sectoral requirements, including:
   a. Chemical substances of concern in plastics,
   b. Problematic and avoidable plastic polymers and products and related applications
   c. Design e.g. for circularity, reuse
   d. Substitutes and alternatives to plastic polymers and products
3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products
4. Potential sources of release of microplastics (applications and sectors).

(Please note: A longer list is included in the co-facilitators report on discussions in contact group 1. Submissions may also include input on any of the items in that longer list, such as, amongst others, the development of criteria to prioritise problematic and avoidable plastics; the development of targets for the reduction, reuse and repair of problematic and avoidable plastic products; or the guidelines on EPR)

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2 The report can be accessed here: https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf
Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]
2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]
3. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered
4. To consider how other MEAs provide for monitoring, and suggest best practice
5. To consider options to define ‘technology transfer on mutually agreed terms
6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))
8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member
9. To identify capacity building and training needs for each Member.

Inputs relating to potential areas for intersessional work. Please identify clearly which area your input relates to.

Contact Group 1

1. Information on definitions - All definitions shall be clear, unambiguous, and shall not leave space for multiple interpretations, leading to loopholes. Rules of strict interpretation shall be used and exemptions may be given in clear, unambiguous language as provisos, wherever necessary. In case of lack of ambiguity in any of the definitions, the

   • If any other general/vague/ambiguous terms, such as “green”, “eco-friendly”, “innovative”, “sustainable” is used in the treaty, it needs to be clearly defined.

2. Information on criteria
   • To address chemical substances of concern (as an ingredient, additive, processing aid, non-intentionally added substance, or as an unintentionally produced substance during the plastics lifecycle), the criteria should include - toxicity of chemicals, health impacts of such chemicals (eg-persistent organic pollutants, carcinogens, endocrine disruptors, etc), the impacts of
continuous accumulation of these chemicals in soil, air and water, suitability/ risks of using these chemicals in food packaging. Essential use approach shall be employed while laying down the criteria.

- **Problematic and avoidable plastic polymers** - To identify the group of problematic plastics which need to be banned or phased out, the criteria shall include: 1) the severity and scale of harm/impacts caused by them to the environment (including land, ocean and waterways), to human, animal and marine health, particularly the harm caused to people working in post-consumer waste management chain. 2) extent to which they can be avoided or substituted with alternatives (not only in current circulation but also factoring in the potential of new environmentally sound alternatives through R&D). 3) Number of times a product can be used before disposal. 4) Impacts of polymers caused due to the change in temperature, such as release of toxins. For eg - polymers used for food packaging (particularly takeaway packaging) which could potentially cause adverse health effects. 5) Essential use approach shall be employed to lay down the criteria where problematic plastics such as Single-Use Plastics may be exempted.

- **Design for reuse** - Criteria to set targets and baselines for reuse systems across sectors, number of times it can be reused, minimum design criteria for reuse systems that include toxic-free reusable products, processes (e.g., collection and washing), and mechanisms and infrastructure needed for effective and safe reuse systems, guidelines or requirements on the participation of the informal sector in reuse systems, as well as in repair initiatives, that include consultation on just transition from the linear plastics economy to a reuse economy.

- **Substitutes and alternatives to plastic polymers and products** - Criteria to include renewability of the feedstock, reusability, biodegradability, compostability, non-toxic additives, adverse impacts of substitute materials entering the food chain, affordability and accessibility for consumers irrespective of socioeconomic disparities.

### 3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products

- **Single-Use Plastics** (including Multi-Layered Plastics and Sachets) vis-a-vis Just transition - While it is our strong contention that Single-Use Plastics are one of the most polluting and problematic plastics, we also acknowledge the large number of marginal communities dependent on it. Any measure taken to eliminate Single-Use Plastics (for instance a ban) shall not disproportionately place the burden of enforcement/implementation of control measures solely on the consumers or the marginalised communities while continuing to allow upstream and midstream players to continue production as per business as usual. Onus should be placed on producers to effectively implement the control measures by redesigning products, achieving EPR targets, creating a reuse, refill, repair ecosystem accessible to all consumers.

- “Bio-plastics” - Ideally bioplastics should not be supported in the treaty as they are a form of greenwashing and only promote false solutions to the plastic pollution crisis. While bioplastics are advertised to make consumers believe that these plastics are biodegradable in nature, they
actually mean that they are produced from bio-based feedstock instead of fossil fuel feedstock. Companies continue to label bio-based plastics as ‘biodegradable’ and ‘compostable’, while it has not yet been empirically proven that they degrade or compost naturally in the environment. Bio-based plastics which make claims that they are biodegradable and compostable, can degrade only in an industrial composting facility under controlled temperatures. Countries in the global south, where the waste management processes and infrastructure are poor, these so-called bioplastics do not get collected and sorted separately and they ultimately end up in oceans, dumpyards, clogging waterways or incinerated. This key information is never disclosed to consumers thereby misleading the consumers to believe that they are making a sustainable choice while the companies continue to enjoy the profits of greenwashing at the expense of the environment, human, animal and marine health.

4. Potential sources of release of microplastics - Principles of prevention, precautionary and polluter pays shall be the key pillars to deal with the issue of release of microplastics. Intentional use of primary microplastics shall be prohibited and eliminated in line with the prevention principle. Unintentional release of secondary microplastics such as microplastics released during washing polyester fabrics is one of the major sources of release of microplastics. Therefore, the treaty shall lay down limits to restrict the intentional use of polymers in textile fibres, in line with the precautionary principle. Producers shall be made responsible for preventing and remedying pellet loss - escape of pellets at various stages of industrial processes (including pellet manufacture, conversion into different plastic items and recycling) as a result of poor handling and transportation practices. Man-made disasters such as nurdle pollution and accidents/leakages of pellets shall be remedied by the producer in line with the polluter pays principle. Given the catastrophic scale of the impacts of nurdle pollution, producers shall be made liable with sufficient penalty which act as a deterrent for other producers in exercising great caution to prevent such leakages.