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 groups¹, 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.

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.
### Template for Submissions

| Name of country (for Members of the committee) | Consumers International |
| Name of organization (for observers to the committee) | Consumers International |
| Contact person and contact information for the submission | Madhuvanthi Rajkumar, Researcher - Environment and Climate Action & Solid Waste Management madhuvanthi.rajkumar@cag.org.in Camila Cosse Braslavsky, Sustainable Consumption Coordinator - Consumers International – cbraslavsky@consint.org |
| Date of submission | 15 August 2023 |

**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)*

---

2 The report can be accessed here: [https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf](https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf)
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)
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** - The definitions shall aim to be clear and unambiguous, minimizing the potential for multiple interpretations that could create loopholes. Rules of strict interpretation must be followed, and any necessary exemptions should be clearly and unambiguously stated as provisions.

The terms to be defined are:


• Furthermore, if any terms are cited in the treaty, such as "green", "eco-friendly", "innovative", or "sustainable", they should be defined with clear and precise language.

2. **Information on criteria**

• To address chemical substances of concern, whether present as an ingredient, additive, processing aid, non-intentionally added substance, or an unintentionally produced substance during the plastics lifecycle, the criteria should consider various factors including the toxicity and health impacts of such chemicals (such as persistent organic pollutants, carcinogens, endocrine disruptors, etc.), the continuous accumulation of these chemicals in soil, air, and water, and the suitability and risks of using these chemicals in food packaging.
● **Problematic and avoidable plastic polymers** – The Treaty shall include a comprehensive list of problematic plastics that 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, 2) the 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), 3) the number of times a product can be used before disposal, 4) the impact of polymers caused due to the change in temperature, such as release of toxins. For e.g. - 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** – set a design for reuse and establish criteria for setting targets and baselines for reuse systems across various sectors. This includes determining the number of times a product can be reused, establishing minimum design standards for toxic-free reusable products, and implementing processes such as collection and washing, as well as the necessary infrastructure for safe and effective reuse systems. Additionally, guidelines and requirements should be developed for the participation of the informal sector in reuse and repair initiatives, while also consulting on a just transition from a linear plastics economy to a reuse-based 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 - Although we recognize that Single-Use Plastics are a significant contributor to pollution, we also acknowledge that there are many marginalized communities that rely on them. Any measure taken to eliminate Single-Use Plastics (such as bans or phase-outs) shall not focus the burden of enforcement/implementation of control measures solely on the consumers or the marginalised communities or waste workers. Producers shall be primarily responsible for implementing control measures by redesigning their products effectively, achieving Extended Producer Responsibility targets, creating a reuse, refill, repair ecosystem accessible to all consumers.

- “Bio-plastics” - While bioplastics are advertised as a solution to the plastic pollution crisis, it may be worth considering alternative options in the treaty. Bioplastics are produced from bio-based feedstock instead of fossil fuel feedstock, and while they are marketed as biodegradable, it has not yet been empirically proven that they degrade or compost naturally in the environment. Bio-based plastics that claim to be biodegradable can only break down in an industrial composting facility under controlled temperatures, making them difficult to manage in areas with limited waste management infrastructure. This lack of infrastructure in countries in the global south means that these so-called bioplastics often end up in oceans, landfills, or incinerators. It is important to educate consumers on the limitations of bioplastics and consider alternative solutions to reduce plastic pollution.

### 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.