



Human Rights Watch Submission on the Elements Not Discussed at INC-2

Name of country (for Members of the committee)	N/A
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I. Scope

What is the proposed scope for the future instrument? Which types of substances, materials, products and behaviors should be covered by the future instrument?

Proposed scope:

The new treaty should address the full life cycle of plastics, which includes both upstream and downstream containment, disposal, and tracing measures to end plastic pollution. The treaty should uphold the universal right to a clean, healthy, and sustainable environment, and address the human rights impacts related to each stage of plastic production and waste management. The treaty should make clear that the production of plastics, which begins with oil and gas extraction, contributes to global greenhouse gas emissions.

Explanatory text:

Plastic production, use, and disposal have harmful impacts on the environment and human rights.¹ The plastic life cycle begins with oil and gas extraction, which can emit toxic chemicals through drilling operations, mechanical equipment, storage tanks, and transportation of fuels.

¹ Office of the High Commissioner for Human Rights, A/HRC/48/61, “Right to Science in the Context of Toxic Substances - Report of the Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes,” July 26, 2021, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4861-right-science-context-toxic-substances-report-special>.

For example, benzene, a carcinogenic compound, is often emitted from petroleum operations into the water, soil, and air, which can threaten the health of nearby communities.

Plastic production and manufacturing turn fossil fuel raw materials and chemical additives into plastic that can be used to make packaging, consumer products, and other goods. The refining and manufacturing processes pose threats to human rights, particularly to communities living close to petrochemical production facilities and refineries, by emitting harmful pollutants into the air and water. Refineries and plastic production facilities are often located in marginalized communities, often low-income and/or communities of color, including minorities, refugees, and asylum seekers, which are severely impacted by pollution and other environmental harms. Children growing up in areas with high levels of industrial air pollution are likely to have reduced lung function.²

Scientific studies have linked plastics with impacts on cell function, chronic inflammation, and disruptions to the endocrine system.³ Chronic inflammation is associated with an increased risk of heart disease, cancer, and diabetes.⁴ Endocrine disruption has a wide range of negative health impacts, including an increased risk of polycystic ovarian syndrome among women and recurrent miscarriages.⁵

While recycling is often portrayed as a positive, environmentally friendly practice, without proper procedures, plastic recycling can release pollutants and toxins into local environments, threatening the health of those working in and living nearby recycling facilities. [Human Rights Watch has documented](#) that plastic recycling in Turkey – the largest recipient of plastic waste exports from the European Union – harms people’s health.⁶

Currently, plastic producers around the world are not required to identify chemical additives in their products, and so most consumers are not able to access information about the chemical makeup of plastics and their potential impacts on their health.⁷

Early discussions on the new treaty have sometimes focused on downstream measures, such as improving waste management. At INC-2, the role of fossil fuels and the industry’s harms were largely absent from the negotiations. The “options for elements” paper states fossil fuels as responsible for greenhouse gas emissions and suggests the reduction of plastic production as an

² Arnold D. Bergstra et al., “The Effect of Industry-Related Air Pollution on Lung Function and Respiratory Symptoms in School Children,” *Environmental Health* 17 (2018), <https://doi.org/10.1186/s12940-018-0373-2>.

³ Mariana Teles et al., “Insights into Nanoplastics Effects on Human Health,” *Science Bulletin* 65 (2020), <https://doi.org/10.1016/j.scib.2020.08.003>.

⁴ Roma Pahwa et al., “Chronic Inflammation,” *StatPearls*, StatPearls Publishing, August 8, 2022.

⁵ Okunola A. Alabi et al., “Public and Environmental Health Effects of Plastic Wastes Disposal: A Review,” *Journal of Toxicology and Risk Assessment* 5 (2019), <https://doi.org/10.23937/2572-4061.1510021>.

⁶ Human Rights Watch, “‘It’s As If They’re Poisoning Us’: the Health Impacts of Plastic Recycling in Turkey,” September 2022, <https://www.hrw.org/report/2022/09/21/its-if-theyre-poisoning-us/health-impacts-plastic-recycling-turkey>.

⁷ Helene Wiesinger et al., “Deep Dive into Plastic Monomers, Additives, and Processing Aids,” *Environmental Science and Technology* 55 (2021), <https://doi.org/10.1021/acs.est.1c00976>.

option, but it falls short of explicitly suggesting the phaseout of fossil fuels and related subsidies as an element of the future treaty.⁸

The life cycle of plastics begins with oil and gas extraction. Of the more than 400 million tonnes of plastics produced globally every year, 99 percent is made from fossil fuels, which are the primary driver of the climate crisis.⁹ The fossil fuel industry is projected to increasingly rely on plastic production for revenue as the movement to end fossil fuel use in other forms advances.¹⁰

It is crucial to eliminate the subsidies that support the plastic production industry. Currently, public finance plays a significant role in funding the petrochemical industry and threatens the objective of the future treaty to address plastic pollution.¹¹ A growing number of civil society organizations, experts, and member states support a reform of plastic-related subsidies, recognizing the importance of addressing these subsidies as part of a holistic and sustainable strategy to tackle the global plastic pollution.¹² Several member states have stated in their submissions prior to INC-2 that subsidies reform or elimination should be included as an obligation in the new treaty.¹³ The options paper also included a potential element of removing fiscal incentives for plastic production.¹⁴

Going forward, negotiations should emphasize that improving waste management and recycling alone will not end the human rights harms of plastic pollution. For the new plastics treaty to deliver a sustainable solution to end pollution, the zero draft needs to squarely address the role of fossil fuels and ensure that related subsidies are eliminated.

⁸ United Nations Environment Programme, UNEP/PP/INC.2/4, “Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14,” April 13, 2023, <https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/42190/UNEP-PP-INC.2-4%20English.pdf?sequence=13&isAllowed=y>.

⁹ UNEP, “Drowning in Plastics - Marine Litter and Plastic Waste Vital Graphics,” October 21, 2021, <https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/36964/VITGRAPH.pdf>; Center for International Environmental Law, “Plastic & Health: The Hidden Costs of a Plastic Planet,” February 2019, <https://www.ciel.org/wp-content/uploads/2019/02/Plastic-and-Health-The-Hidden-Costs-of-a-Plastic-Planet-February-2019.pdf>.

¹⁰ Current trajectories predict that plastics and petrochemicals will drive 30 percent of the growth in oil demand by 2030 and nearly half of the growth by 2050. See, Fredric Bauer and Tobias Dan Nielsen, “Oil Companies Are Ploughing Money into Fossil-Fuelled Plastics Production at a Record Rate - New Research,” The Conversation, November 2, 2021, <https://theconversation.com/oil-companies-are-ploughing-money-into-fossil-fuelled-plastics-production-at-a-record-rate-new-research-169690>.

¹¹ Jakob Skovgaard et al., “Finance for Fossils - the Role of Public Financing in Expanding Petrochemicals,” *Global Environmental Change* 80 (2023), <https://doi.org/10.1016/j.gloenvcha.2023.102657>.

¹² During INC-2, at least seven member states (Cook Islands, Ecuador, Mexico, New Zealand, Peru, Switzerland, and Uganda) and the Business Coalition expressed their support for including an option on removing fiscal incentives for plastic production.

¹³ New Zealand, Rwanda, and Norway – the latter two as co-chairs of the High Ambition Coalition (HAC), have called for reducing plastic production linked to fossil fuels as well as reducing or eliminating fossil fuel subsidies. See, INC-2 pre-session submissions by New Zealand and Norway and Rwanda as co-chairs of the HAC, February 13, 2023, <https://www.unep.org/inc-plastic-pollution/session-2/submissions#Members>.

¹⁴ UNEP, “Potential options for elements,” p. 5.

II. Principles

What principles could be set out in the future instrument to guide its implementation?

Proposed principles:

The new treaty should be based on human rights, including the universal human right to a clean, healthy, and sustainable environment.

Explanatory text:

The new treaty should explicitly state that human rights will guide its entire implementation and ensure that all its provisions are in line with existing human rights obligations.

International human rights law obliges governments to respect, protect, and fulfill human rights including the rights to life, health, water, food, access to information, and a healthy environment.

For example, the treaty should address the human rights harm associated with plastic waste management. Fossil fuel companies have led decades-long disinformation campaigns to advance the myth that plastic is recyclable, while internal industry documents as early as the 1970s show that plastic producers knew recycling wasn't an acceptable solution.¹⁵ Countries in the Global North, including the United States, Canada, Japan, United Kingdom, and European Union member states, have routinely exported their plastic waste as "recycling" to countries with weak or non-existent environmental regulations, low labor costs, and little government oversight on environmental and labor rights violations.¹⁶ The "options for element" paper includes development of a streamlined permit process for plastic waste shipment to countries with limited capacity in their recycling facilities, but it falls short of proposing a ban on the shipment of plastic waste.

Human Rights Watch has documented the harmful impacts of plastic recycling in Turkey, which put people at risk of developing life-long health conditions, including cancer and harm to the reproductive system. Workers and residents of neighboring communities described respiratory problems, severe headaches, skin ailments, lack of protective equipment, and little to no access to medical treatment for occupational illnesses.¹⁷

¹⁵ OHCHR, "Plastic Recycling is a Clear Example of Disinformation in the Context of Toxics," Special Rapporteur on Hazardous Wastes Tells Human Rights Council, September 21, 2021, <https://www.ohchr.org/en/press-releases/2021/09/plastic-recycling-clear-example-disinformation-context-toxics-special>; State of California Department of Justice, "Attorney General Bonta Announces Investigation into Fossil Fuel and Petrochemical Industries for Role in Causing Global Plastics Pollution Crisis," April 28, 2022, <https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-investigation-fossil-fuel-and-petrochemical>.

¹⁶ Global Alliance for Incinerator Alternatives, "Discarded: Communities on the Frontlines of the Global Plastics Crisis," April 2019, <https://www.no-burn.org/wp-content/uploads/Report-April-22.pdf>.

¹⁷ Human Rights Watch, "'It's As If They're Poisoning Us': the Health Impacts of Plastic Recycling in Turkey," September 2022, <https://www.hrw.org/report/2022/09/21/its-if-theyre-poisoning-us/health-impacts-plastic-recycling-turkey>.