Response template / INC on Plastic Pollution / 21 June 2023

TEMPLATE FOR SUBMISSIONS

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<tr>
<th>Name of country (for Members of the committee)</th>
<th>Norway</th>
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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)

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

Input on suggested intersessional work under Contact group 1:
Norway considers the regulation of plastic polymers and chemicals of concern and problematic and avoidable plastic products as key elements of the new plastics treaty. Requirements for design for sustainable and circular plastic products are closely linked to this. Expertise needed vary among these topics, Norway therefore proposes four intersessional workstreams/expert groups addressing:

- chemicals of concern in plastics,
- plastic polymers of concern,
- problematic and avoidable plastic products, and
- design for sustainable and circular plastic products.

The need for increased knowledge and information is a cross-cutting issue relevant for all the above topics. As part of the intersessional work, the expert groups should identify the information gaps and lack of knowledge that is related to their proposed options for regulation in the treaty.

1) Chemicals of concern in plastics
Norway sees an urgent need to strengthen the global governance of chemicals in plastics and proposes to establish intersessional work to provide the INC with options on how chemicals of concern to human health and the environment can be included and regulated in the new plastics treaty. Although there are data and knowledge gaps on chemicals in plastics and chemical properties, Norway considers that there is sufficient knowledge available to the INC to allow chemicals of concern to be regulated in the new treaty.

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1 See UNEP/PP/INC.2/INF/4, II.B for potential criteria to determine polymers and chemicals of concern and section II.A for potential criteria for the determination of problematic and avoidable plastic products identified in Member submissions to the committee’s second session: OptionElementsAdditionalInformation.pdf (unep.org)
when adopted. This will cover substances and groups of substances like brominated and chlorinated flame retardants, phthalates, bisphenols, toxic metals and metalloids among others.

The intersessional work should be aimed at developing criteria for listing chemicals of concern and an initial list of chemicals fulfilling those criteria to be prioritized at the time of adoption of the treaty, as well as a mechanism for listing new chemicals in the treaty. The intersessional work should be designed and organized to allow for in-depth discussions and involvement by technical experts and scientists with relevant expertise e.g., in chemistry and toxicology. In developing their proposals to the INC and considering the large number of chemicals used in plastics, the intersessional work should consider new, innovative, and effective approaches to the regulation of chemicals, such as grouping.

The work should be based on the discussions and working documents prepared for the INC and build on existing knowledge. The reports presented in documents UNEP/PP/INC.2/INF/5 on chemicals in plastics and UNEP/PP/INC.2/INF/7 on the governance of plastics give a good basis for the assessments. The output from the project State-of-the-art review on hazardous substances in plastics could be a starting point for this workstream.

The identification of chemicals of concern in plastics should also promote synergies and avoid the duplication of efforts by building on national, regional, and global work and regulations on chemicals and plastics. Where possible, it should also look to existing treaties that can serve as models for and that contains elements that can be adapted to the plastics treaty.

The anticipated output of this intersessional work would be to:

1. Develop criteria for listing chemicals in the treaty due to risk to human health and the environment: While aiming to protect human health and the environment in a precautionary manner develop suitable criteria for listing chemicals in the treaty. Chemicals to be controlled under the new plastics treaty could be identified according to the following:
   - Chemicals and groups of chemicals associated with plastics, either as plastic additives, processing aids, non-intentionally added substances (NIAS), and chemicals unintentionally produced during the plastics life cycle.
   - Chemicals for which there is evidence of known or potential long-term effects for human health or the environment according to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). This will follow a generic approach to risk management, also called the hazard-based approach, to ensure a high level of protection. For such substances, regulatory action is based on critical hazard properties, where any use is assumed to constitute a risk. The criteria include chemicals used in plastics with at least one of the following properties:
     - carcinogenic, mutagenic or reprotoxic substances (CMRs)
     - persistent, bioaccumulative and toxic substances (PBTs)

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4. State-of-the-art review on hazardous substances in plastics (PlastChem project) - Prosjektbanken [forskningsradet.no](http://forskningsradet.no)
5. About the GHS | UNECE including existing and proposed hazard classes for long-term effects to human health and the environment
o very persistent and very bioaccumulative substances (vPvBs)
o persistent, mobile and toxic substances (PMTs)
o very persistent and very mobile substances (vPvMs)
o endocrine disrupting substances (Eds)
o immunotoxicants
o neurotoxicants
o respiratory sensitizers
o substances having specific organ toxicity with chronic effects.

- Chemicals having ozone depleting effects.
- Chemicals with global warming potential.

2. Establish an initial list of chemicals of concern for inclusion in the treaty, based on existing knowledge including adopted regulatory measures and databases under development by scientists and industry actors: The plastics treaty should aim at eliminating and phasing out chemicals of concern used in plastics. A primary objective should therefore be to develop lists of chemicals that will not be allowed for use in plastics. Possible derogations for limited uses may be considered, based on existing regulations.

3. Propose a mechanism for listing of new chemicals. Based on existing knowledge and the intersessional work propose:
   - A mechanism for listing new chemicals in the treaty.
   - Consider the need to clarify any relevant terms and definitions.

2) Plastic polymers of concern

Norway proposes to establish intersessional work to provide the INC with options on how to regulate plastic polymers of concern in the agreement.

The intersessional work should be aimed at developing criteria for listing plastic polymers of concern in and an initial list of polymers fulfilling those criteria to be prioritized at the time of adoption of the treaty, as well as a mechanism for listing new polymers in the treaty. The intersessional work should be designed and organized to allow for in-depth discussions and involvement by technical experts and scientists with relevant expertise.

The anticipated output of this intersessional work would be to:

1. Develop criteria for listing polymers of concern in the treaty: While aiming to protect human health and the environment in a precautionary manner develop suitable criteria for listing polymers of concern in the treaty. Criteria for identifying polymers to be controlled under the new plastics treaty could include, e.g.:
   - Polymers that are themselves of concern
   - Polymers that are of concern because they contain chemicals of concern

   In developing these criteria, it might be relevant to also consider information on priority use sectors.

2. Establish an initial list of plastic polymers of concern for inclusion in the treaty, based on existing knowledge. The plastics treaty should aim at eliminating and phasing out plastic polymers of
3. Propose a mechanism for listing plastic polymers of concern and consider any necessary definitions. Based on the outcome of the INC discussions as well as existing knowledge on plastic polymers propose:

- A mechanism for listing polymers of concern in the treaty.
- Consider the need to clarify any relevant terms and definitions.

3) Problematic and avoidable plastic products

Norway proposes to establish intersessional work to provide the INC with options on how to regulate problematic and avoidable plastic products in the agreement. Such regulations have already been implemented in a number of countries, as well as in the EU, so there are already a fair amount of experience covering the mechanisms and advantages of these interventions.

The intersessional work should be aimed at developing an initial list of problematic plastic products as well as criteria and a mechanism for listing new products in the plastics treaty. The intersessional work should be designed and organized to allow for in-depth discussions and involvement by technical experts and scientists with relevant expertise in chemistry and material technology as well as releases of plastics to the environment.

The anticipated output of this intersessional work would be to:

1. Develop criteria for listing products in the treaty: While aiming to protect human health and the environment in a precautionary manner develop suitable criteria for listing products in the treaty. Criteria for identifying products to be controlled under the new plastics treaty could include:
   - products and polymers that have a high risk of littering during use (i.e. single use on-the-go products, products mad out of oxo-degradable plastics, products with added microplastics), and
   - single-use products that can be replaced with reusable products or other materials (i.e. plastic cutlery, straws, cotton swabs).
   In developing these criteria, it might be relevant to also consider information on priority use sectors.

2. Establish an initial list of problematic and avoidable plastic products for inclusion in the treaty. The plastics treaty should aim at eliminating and phasing out problematic and avoidable plastic products. A primary objective should therefore be to, based on existing knowledge, develop initial lists and/or databases of problematic and avoidable plastic products for inclusion in the new treaty.

3. Propose a mechanism for listing products and consider any necessary definitions. Based on the outcome of the INC discussions as well as existing knowledge propose:
   - A mechanism for listing problematic and avoidable plastic products in the treaty.
   - Consider the need to clarify any relevant terms and definitions.
4) Design for sustainable and circular products

Intersessional work should be initiated to explore how the plastic treaty can promote design for sustainable and circular products. The intersessional work should be aimed at exploring the possibility of developing sustainability criteria for plastic products and consider the need for sectoral approaches for product groups and sectors. The intersessional work should be designed and organized to allow for in-depth discussions and involvement by technical experts and scientists with relevant expertise in chemistry and material technology, plastic product design, recycling, and circular economy.

The anticipated output of this intersessional work would be to:

1. Consider the best way to ensure sustainable and circular design for products through the treaty and consider establishing an initial list of overarching guiding principles for design or sustainability criteria for inclusion in the treaty. A primary objective should be to, based on existing knowledge, develop lists and/or databases of relevant design criteria for inclusion in the new treaty. Examples of these overarching design guiding principles could be:
   - Optimise product lifetime,
   - use of recycled material to the extent possible,
   - optimise material use,
   - facilitate reuse,
   - facilitate recyclability.

2. Investigate the possibility to develop specific product requirements for inclusion in the treaty. The work should aim to guide the INC on how overarching guiding principles for design in the treaty can work, and how it can be used as a basis for specific product requirements and guidelines for different product groups and sectors.

3. Propose a mechanism for updating guiding principles for design and/or any sustainability criteria as well as consider any necessary definitions. Based on the outcome of the INC discussions as well as existing knowledge on sustainable design, explore and as far as possible propose:
   - A mechanism for updating the guiding principles and/or sustainability criteria in the treaty including considering the possibility and/or need for establishing sectoral approaches or similar.
   - Consider the need to clarify any relevant terms and definitions.

Suggested organisation of work for the intersessional work.

We propose that the work in the expert groups/intersessional work streams is conducted between INC-3 and -5. The work can be divided in distinct work streams and packages with their own defined objectives and deliverables. This will allow work to be conducted in parallel and facilitate input of different types of expertise at different stages in the work process. The work should aim to provide the INC with knowledge on how to address the abovementioned issues in the treaty.

INC-3 to INC-4: This phase should be aimed at compiling relevant and existing information and develop suggestions for the anticipated output of the intersessional work streams/expert groups. The output of the work should be delivered in a format that ultimately will allow Member States to have an understanding.
of, and the INC to develop, regulation for chemicals, polymers and products in the new treaty. If needed after consideration by Member States at INC-4, this work could also continue until INC-5 with further detailing of the suggestions.

The intersessional work would require the expertise of scientists and technical experts. It could be a secretariat driven and/or an expert led process modelled after and/or building on the approach taken in the country led initiative by the United Kingdom and Brazil. It would also be important to allow input from Member States. The aim should be to deliver options, proposals, and suggestions in the form of working documents for the INC-process.

**The need for increased access to information, including on chemical composition and requirements for disclosure of information to enhance transparency in the plastic value chain.**

Norway proposes to integrate the aspect of access to information and accountability in all the intersessional work-streams.

For the diverse types of information needs, the intersessional work should address type of disclosure need/data required for each proposed stream of intersessional work, why the data is required, who should provide the data, as well as if information needs are primarily for investors, value-chain actors including workers, consumers, citizens, public authorities, or other relevant parties.

Transparency is necessary for tracking chemicals of concern and polymers along the life cycle of plastics. Measures and approaches to ensure transparency along the plastic value chains and priority sectors will therefore be needed e.g., by establishment of inventories, databases, and labelling. The lack of access to information about hazardous chemicals in plastic products also hinders safe recycling and a toxic-free circular economy.

Relevant information aspects to consider are polymer and chemical use in production, chemical composition in products, marking and harmonized labelling of products throughout the value chain (of relevance to e.g., manufacturers, recyclers, importers, and consumers), material safety data sheets, product passports and publicly available databases. Lack of transparency comes at a financial cost to public authorities. Assessment of chemicals may present a considerable workload and expense, the vast number of chemicals used in plastics and the many gaps in the current knowledge on chemicals in plastics. To ensure adherence to polluter pays principle, considerations should also be made with respect how the treaty can help promoting the internalization of costs associated with chemicals assessment also along the plastic value chains.

There are several examples of current initiatives that could provide useful input, including but not limited to:

- UNEP Chemicals in Products (CiP) Programme
- Inter-Organization Programme for the Sound Management of Chemicals (IOMC)
- International Programme on Chemical Safety (IPCS)
- Global chemical transparency (Global minimum transparency standard)
- Globally Harmonized System of Classification and Labelling of Chemicals (GHS)
- International Labour Organisation (ILO) presentation of right to information aspects in the ILO Chemicals Convention
There are also many proposals by parties and stakeholder on how to improve transparency and accountability. Stakeholders (civil society, academia and business actors) should be invited to present their views and provide input.

**Suggestions for intersessional work under Contact group 2:**

Norway proposes that INC3 considers setting up one intersessional Expert Group that can support the INC negotiations on Means of Implementation by building or compiling relevant knowledge on aspects of the discussion.

The intersessional work of the expert group would take zero draft text as a base, enriched by the debate at INC3.

The setting up of the expert group may benefit from consideration of the group that was set up in the Minamata process at INC3. We welcome sharing of experiences from that and possibly similar groups.

The expert group could inter alia develop knowledge on the following issues in support of INC considerations of Means of Implementation (and its priority goals of mobilizing resources and improve ease of access);

- identify provisions and approaches that could serve to align private and innovative sources of funding with the goals of the treaty.
- characteristics and examples of successful deployment of grants or concessional finance for de-risking of major private investment in waste handling systems.
- measures and/or treaty provisions that could advance technical assistance and technology transfer on mutually agreed terms (south-south, north-south and triangular with private sector).
- approaches for effective best-practice sharing in all regions, including on EPR.