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.

\(^1\) 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\(^2\). 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](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

Add the recognition that plastic impacts are local.
The scope of the future instrument (i.e., the treaty) should be expanded to recognize that for purposes of addressing ocean plastic, the problem is a local one, and the global crisis can only be addressed by the accumulation of local actions with international support.

All plastic comes from somewhere, and all plastic ends up somewhere (75% on beaches and other shorelines, according to the best data available). This means pathways from the source to the ocean can often be identified. If the sources can be identified, then solutions can be implemented to stop the flow, meeting several core objectives.

1. Eliminating the release and emission of plastics to water, soil, and air (stopping plastic from getting into the environment).
2. Addressing existing plastic pollution (cleaning up what's already there).
3. Reducing microplastics (by eliminating plastic from reaching the sea at each local area, the degradation into microplastics can be avoided).
4. Protecting human health from the adverse effects of plastic pollution.
5. Protecting natural populations from the adverse effects of plastic pollution (our addition, as this was unstated in core objectives).
Add a focus on the end of the supply chain.
Environment Assembly resolution 5/14 calls for addressing the full life cycle of plastics. The end of the plastic supply chain (life cycle) is often ocean shorelines. Core obligations related to eliminating unnecessary plastic and moving to circularity are critical. However, they will take a long time, require extensive economic disruption and investment, and perhaps will not be implemented where most needed. By focusing on plastic-fouled shorelines and using mechanisms to look upstream, up-current, or up-land, the flow of plastic to the marine environment can be more quickly stopped in the areas where the most impact can be had. There are only three ways that plastic reaches the ocean:
- Local litter,
- Rivers, or
- Offshore fishing operations
Identifying the pathways starting from the end of the supply chain (shorelines) can lead to more effective and timely reduction of plastic to the ocean.

Proposed principles:
1. Prioritize what can be done when and where in the most efficient and cost-effective manner rather than trying to do everything all at once. Where can we get the most bang for the buck? Is there low-hanging fruit?
2. Identify where human health and the natural environment are most affected by plastic production and waste to define geographic priorities.
3. Find the implementation mechanisms that can be most agreed upon to help with prioritization.
4. Ignore blame and seek solutions.

Prioritization.
Prioritize what can be done when and where in the most efficient and cost-effective manner rather than trying to do everything all at once. Where can we get the most bang for the buck? Is there low-hanging fruit?

Here are the 12 core objectives, not yet categorized or prioritized, as they appear in UNEP/PP/INC.2/4:
1. Phasing out and/or reducing the supply of, demand for, and use of primary plastic polymers
2. Banning, phasing out and/or reducing the production, consumption, and use of problematic and avoidable plastic products
3. Banning, phasing out and/or reducing the production, consumption, and use of chemicals and polymers of concern
4. Reducing microplastics
5. Strengthening waste management
6. Fostering design for circularity
7. Encouraging reduction, reuse, and repair of plastic products and packaging
8. Promoting the use of safe, sustainable alternatives and substitutes
9. Eliminating the release and emission of plastics to water, soil, and air
10. Addressing existing plastic pollution
11. Facilitating a just transition, including an inclusive transition of the informal waste sector
12. Protecting human health from the adverse effects of plastic pollution

At OpenOceans Global we thought one core objective was missing: “protecting natural populations from the adverse effects of plastic pollution.”

To help explain what we mean by prioritization and categorization, please see our perspective on the 12 (now 13 core objectives), broken into four categories:
- Impacts of plastic
- Mechanical mechanisms for addressing plastic in the waste stream
- Supply chain modifications to reduce plastic from reaching the waste stream
- Research, education, and communications to improve both the supply chain and waste stream

**Impacts of plastic (Why we need a plastic treaty)**
These impacts are not implementations or actions at all. They are simply acknowledgement of the harm caused by plastic and why a plastic treaty is needed. The other core objectives, if successful, should achieve these two objectives.
- Protecting human health from the adverse effects of plastic pollution
- Protecting natural populations from the adverse effects of plastic pollution (our addition, as this was unstated in core objectives)

**Actionable priorities for protecting human health and natural populations in order of most likely to succeed**
These actionable items are classified into two categories:
- Mechanical mechanisms for addressing plastic in the waste stream and
- Supply chain modifications to improvements to reduce plastic from reaching the waste stream.

The mechanical mechanisms are prioritized first to immediately address the harm being done. That is followed by the supply chain mechanisms to address future harm.

**Mechanical mechanisms** will likely have little opposition from any perspective. Although it is possible that some might believe that stopping plastic from getting into the environment at or before the point of contamination will politically slow down efforts to make drastic changes to the supply chain. Funding will be the key question. However, the investment is likely to be less than the trillions needed to make changes to the supply chain, and, at least logically, funding should receive broad-based support.

**Supply chain modifications** will be the most difficult, which is why they are all prioritized after mechanical mechanisms. To successfully stop the flow of plastic via the supply chain requires wholesale restructuring of multiple industries – something that must be done – but which will be resisted politically and economically. One only has to look at INC-2, when four countries led an initiative to block negotiations for more than two days because they wanted the ability to veto aspects of the treaty they might not like. Saudi Arabia, China, India, and Brazil all have plastic resin or
plastic production economic interests the to protect, and, between them, China, India, and Brazil contribute between 20% to 30% of all plastic emissions to the ocean.

Here are OpenOceans Global’s prioritized, actionable priorities.

**Mechanical Mechanisms**

1. Eliminating the release and emission of plastics to water, soil, and air (stopping plastic from getting into the environment at the closest point of contamination, i.e., rivers, etc.).
2. Addressing existing plastic pollution (cleaning up what’s already there).

**Supply Chain Modifications**

4. Banning, phasing out and/or reducing the production, consumption, and use of problematic and avoidable plastic products (the most likely place for supply chain success).
5. Banning, phasing out and/or reducing the production, consumption, and use of chemicals and polymers of concern (some success here as long as the chemicals and polymers of concern can be replaced).
6. Reducing microplastics (i.e., by cleaning up existing plastic pollution, and replacing clothing and other materials with alternatives. This will also require cost effective material transition. Clothing is likely the most achievable. Tire wear will be challenging. Cleaning up existing plastic (see #2 above) would have an immediate impact by reducing the degradation of macro plastic to microplastic.).
7. Phasing out and/or reducing the supply of, demand for, and use of primary plastic polymers (This objective, in its very words, calls for the elimination of plastic production, an unlikely scenario in any imaginable amount of time, no matter how desirable).

Reducing the actionable efforts to these seven prioritized steps starts to add clarity and simplicity to the understanding of the need and the possibilities.

**Research, Education, and Communications Campaigns**

Much research will be needed to achieve success. The research will need communicated to educate a global community of governments, businesses, and individuals about the best practices, new technologies, and other information certain to emerge. Some will be funded by stakeholder industries, others by government and philanthropy, but all can be worked on supportively as the seven actionable items above are mobilized.

- Fostering design for circularity (this work is desperately needed if there is to be any degree of success to circularity – and with recycling percentage globally at less than 9%, there is a long way to go.).
- Encouraging reduction, reuse, and repair of plastic products and packaging (all good stuff).
- Promoting the use of safe, sustainable alternatives and substitutes (more good stuff).
- Facilitating a just transition, including an inclusive transition of the informal waste sector (this will require education, but will also be helped by the mechanical mechanisms above which would address plastic polluted areas and people impacted by poor waste management.).
At OpenOceans Global, we understand that others might not see the priorities as we see them, but we provide this view to suggest a framework of simplification to better focus this important international work.

**Where does plastic have the most impact?**

Identify where human health and the natural environment are most affected by plastic production and waste to define geographic priorities. As desirable as it might be, the plastic pollution crisis can’t be universally addressed at the same time. No matter what country, the people affected by plastic in that country think their version of plastic pollution reality is representative of the worst. All plastic pollution is bad, but if your version of that reality is a few pieces of plastic on the beach left by yesterday’s beach-goers and mine is ankle deep plastic washing up in waves, then there is disparity. Finding the geographic regions where the problem is the worst, mapping and visualizing those areas, and devoting resources to those areas will lead to the best results. The example we use at OpenOceans Global is the difference between the United States and the Philippines. Less than 1% of plastic reaching the ocean comes from the shores of the U.S. The most reputable data we have found indicates that between 15% and 36% of all ocean plastic comes from the Philippines. A concerted global effort to help the Philippines become a zero-ocean plastic country would not only eliminate as much as one third of all ocean plastic, but it would teach transferrable lessons about how to achieve the same results in other countries. This geographic prioritization could lead to tremendous results.

**Where can the most agreement be found?**

Find the implementation mechanisms that can be most agreed upon to help with prioritization. Another important approach, mentioned briefly above, is to find important implementation mechanisms where agreement can be found. Creating an atmosphere of goodwill and common goals can go a long way to enhance discussions where agreement is more difficult to achieve.

**Ignore blame and seek solutions.**

In the example above, we mentioned the Philippines, one of the most plastic-polluting countries on the planet. However, we didn’t disparage the Philippines, we merely noted that this is a country where success could be gained if we all worked together with the Philippines government and the country’s people to achieve a common goal of a zero ocean-plastic Philippines.