

Submission by the United States of America at INC-3
Contact Group 1
Part I.2 and Part II.1-13 of the Zero-Draft Text of the Instrument

**Note: This submission represents initial views in response to the mandate of Contact Group 1 and call for submissions. Some paragraphs marked alt. or delete continue to be under consideration.*

Part I.2: Objective

Option 2

1alt. The objective of this Convention is to protect human health and the environment from plastic pollution.

Part II.1: Primary plastic polymers

[new] Option 4 (replaces options 1-3 and common provisions)

1. Each Party shall, based on scientific evidence, take measures to reduce demand for primary plastic polymers that present a demonstrated risk of concern to human health or the environment and to promote sustainable production and consumption of plastic throughout its lifecycle.
2. Each Party shall establish science- and risk-based public procurement policies or guidelines to reduce waste and adverse environmental impacts related to procured plastic products, including requirements related to the procurement of items produced with recovered materials.

Part II.2: Chemicals and polymers of concern

Option 3

- 1alt. Each Party shall, consistent with its regulatory frameworks and processes, and based on scientific evidence, take appropriate measures to identify and control chemicals, groups of chemicals and polymers that present a demonstrated risk of concern to human health or the environment at any stage of the product life cycle, including consideration of risks relevant to their environmentally sound management, reusability, and recyclability.
2. [new] Each Party shall take measures, consistent with its regulatory frameworks and processes and based on scientific evidence, to prioritize and evaluate, as appropriate, polymers and chemicals used in plastic production that may present a risk of concern to human health or the environment; and
3. [new] Each Party shall take measures, consistent with its regulatory frameworks and processes, and based on scientific evidence, to test chemicals used or intended to be used in plastic production that may present a risk of concern to human health or the environment.

Part II.3: Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

a. Problematic and avoidable plastic products, including short-lived and single-use plastic products

Option 2

1alt. Each Party shall take measures, consistent with national laws, to reduce, as appropriate, the use of problematic and avoidable plastic products, including short-lived and single-use plastic products in its territory.

1bis. [new] Each Party should identify at the national level a list of problematic and avoidable plastic products.

b. Intentionally added microplastics

Option 2

1alt. Each Party shall take measures, as appropriate and consistent with its national laws, to control the use or manufacture of products containing intentionally added microplastics. Such measures could include a Party taking actions to address their production, use in manufacturing, sale, distribution, import or export.

2. [delete]

Part II.4: Exemptions available to a Party upon request

[too early for discussion]

Part II.5: Product design, composition, and performance

[header alt] a. Product performance

1alt: Each Party shall take measures to promote product performance to enhance the circularity of plastic products, including packaging, and improve the composition of plastics and plastic products, with a view to:

a alt. Reducing demand for primary plastic polymers, plastics and plastic products;

b alt. Increasing the durability, reusability, refillability, repairability and refurbishability of plastics and plastic products, as relevant,

b bis. [new] Improving the capacity of plastics and plastic products to be repurposed, recycled and disposed of in an environmentally sound manner upon becoming waste; and

c alt. Minimizing environmental and safety impacts of plastics and plastic products, including intentionally added microplastics.

Option 2

2alt. Each Party shall consider including the following actions as part of its measures laid out in paragraph 1:

a alt. Adopting public procurement policies or guidelines for plastic products to enhance circularity of plastic products,

b alt. Promoting the use of environmental performance standards for plastic products,

b bis. [new] Supporting efforts to establish or augment voluntary certification schemes for environmentally preferable products or packaging to encourage sustainable choices,

3alt. Parties should take into account relevant international standards and guidelines, including any relevant sector- or product-specific standards and guidelines.

Provision common for Options above

4alt. Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines, including on a sectoral basis as relevant, to reduce the use of plastics in products across the value chain, including in product packaging, and improve the design of plastic products to increase their durability, reusability, refillability, repairability or refurbishability, their capacity to be repurposed, recycled and disposed of in an environmentally sound manner upon becoming waste; and minimize the environmental and safety impacts of plastics and plastic products.

b. Reduce, reuse, refill and repair of plastics and plastic products

Option 2

1alt. Each Party shall take measures to promote the reduction, reuse, refill, repair, repurposing and refurbishment, as relevant, of plastic products.

2alt. Each Party should, as appropriate, adopt targets in the implementation of this Article.

Provision common for Options above

3. [delete]

c. Use of recycled plastic contents

Option 2

1alt. Each Party should take measures to increase the share of secondary plastic that is used in plastic products to achieve minimum percentages consistent with national laws of post-consumer recycled plastic contents.

Provision common for Options above

2alt. Each Party shall take measures, as appropriate to promote design, composition and performance of products that enable maximum recycled plastic content in the broadest number of applications possible in order to replace primary plastic in products, while addressing any safety concerns related to the recycled plastic content. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurement, or incentivizing changes in the supply chain and in consumer behaviour.

d. Alternative plastics and plastic products

Option 2

1alt. Parties should encourage the development and use of safe and sustainable alternative plastics and plastic products, including through regulatory measures and economic instrument.

2alt. Parties, in implementing the above provision, should endeavor to ensure that alternative plastics and plastic products are safe and sustainable, including their potential for environmental, economic, social and human health impacts, including food security.

Part II.6: Non-plastic substitutes

1alt. Each Party shall take measures to foster innovation and research, and incentivize and promote the development and use at scale of safe and sustainable non-plastic substitutes, taking into account their potential impact on environmental, economic, and social systems and human health, and considering possible unintended consequences and tradeoffs.

1bis. [new] Each Party shall take measures to assess the development and use of safe and sustainable non-plastic substitutes, taking into account the considerations described in paragraph 1.

1ter. [new] Each Party shall promote efforts to establish or augment voluntary certification schemes for sustainable products or packaging to encourage sustainable substitutes, with better overall impacts in areas listed in paragraph 1.

2alt. Parties are encouraged to use regulatory and economic instruments, public procurement and incentives to promote the development and use of safe, environmentally sound and sustainable non-plastic substitutes, taking into account the considerations described in paragraph 1 above.

Part II.7: Extended producer responsibility

Option 2

1alt. Each Party is encouraged to establish and implement Extended Producer Responsibility (EPR) systems within its jurisdiction, including to incentivize increased reuse, recyclability, promote higher recycling rates, and enhance the accountability of producers for environmentally sound management.

2alt. The *governing body* shall adopt guidance to inform the establishment of EPR systems and identify their key features to encourage their alignment, taking into account how EPR systems can support a just transition.

Part II.8: Emissions and releases of plastic throughout its life cycle

1alt. (still considering) Each Party shall take measures to prevent or reduce, with a view toward elimination, the release of plastic polymers, plastics and plastic products across their life cycle, to the environment.

1bis. [new] Each Party should endeavor to adopt, as appropriate, and maintain national laws, regulations, or policies to address, within its national jurisdiction, adverse impacts on the environment or potential risks to human health linked to or caused by plastic pollution, taking into consideration any disproportionate impacts on persons in vulnerable situations. Each Party should endeavor to implement and enforce the national laws, regulations, or policies it adopts or maintains in accordance with this provision.

1ter. [new] Each Party shall take actions to prevent fishing gear composed of plastic from becoming abandoned, lost, or otherwise discarded in the marine environment, taking into account, as appropriate, internationally agreed rules, standards and recommended practices and procedures.

2alt. (still considering) Each Party shall take measures to prevent or reduce, with a view toward elimination, releases of plastic pellets, flakes and powder from production, storage, handling and transport, taking into account, as appropriate, relevant efforts undertaken within the framework of international organizations such as the International Maritime Organization.

3. [delete]

4alt. (still considering) The governing body may adopt guidance, including, where relevant, sectoral guidelines, to facilitate implementation of this Article, including on sector-specific best available techniques and best environmental practices on preventing emissions and releases of plastic into the environment.

5alt. (still considering) Each Party shall promote scientific and technical innovation to prevent the release of plastic into waterways and the marine environment.

Part II.9: Waste Management

a. Waste management [delete header]

Option 2

1alt. Each Party shall take measures to ensure environmentally sound management of plastic waste.

2alt. The *governing body* shall adopt and subsequently update as needed, guidelines on environmentally sound management of plastic waste, taking into account the waste hierarchy and other relevant international guidelines and guidance, developed under the Basel Convention and other international agreements.

Provisions common for Options above

[4][3]alt. (still considering) Each Party shall take measures to prevent open dumping and open burning of plastic waste.

[5][4]alt. Each Party shall take measures to prevent littering of plastic waste.

[6][5]alt. Parties are encouraged to take additional measures to:

a alt. Promote investment and mobilization of resources from all sources for waste management systems and infrastructure, including through financial and technical support to subnational governments, that enables the environmentally sound management of plastic waste and enhances waste management capacity.

b. [delete]

c alt. Incentivize behavioural changes throughout the value chain and raise awareness about plastic waste prevention and minimization.

d. [new] Develop, identify, and/or strengthen markets for secondary plastics.

b. Fishing gear [delete header]

1alt. Each Party shall take actions to promote the collection and environmentally sound disposal or recycling of end-of-life fishing gear, including any recovered gear.

1bis. [new] Parties should take actions to promote investment, mobilize resources and facilitate knowledge exchange to enhance the recyclability and recycling rates of end-of-life and recovered fishing gear.

1ter. [new] Each Party should take actions to:

- a. promote education and raise awareness with fishing industries and practitioners on best practices and methods to reduce the risk of losing fishing gear and other plastics during fishing operations, and for the environmentally sound disposal of end-of-life gear; and

- b. promote collaboration between Parties and relevant industry sectors and stakeholders, including fisheries, port reception facilities, waste management, and recycling.

2alt. Parties shall promote cooperation, coordination, and exchange of information, including the sharing of best practices, as appropriate, on enhancing the environmentally sound collection, disposal, and recycling of fishing gear, including with relevant initiatives and organizations.

Part II.10: Trade in listed chemicals, polymers and products, and in plastic waste

[too early for discussion]

Part II.11: Existing plastic pollution, including in the marine environment

1alt. Parties are encouraged to:

- a alt. assess, identify, and prioritize accumulation zones and hotspots:

- i. [unchanged]

- ii alt. where quantities and types of plastic pollution pose a threat to species or habitats;

- b alt. take mitigation and removal actions, including clean-up activities for the accumulation zones and hotspots identified, and manage and dispose of removed plastic pollution in an environmentally sound manner; and

- c alt. promote engagement of the local population, civil society, and citizens in environmentally sound removal activities.

2alt. Each Party should make publicly available information on common plastic pollution types and trends, as well as on the practices and behaviours that lead to plastic pollution.

3. [delete]

4alt. The *governing body** should adopt guidance, as appropriate, to facilitate implementation of this Article.

Part II.12: Just transition

1 alt. In the implementation of this *instrument**, each Party shall promote an equitable and inclusive transition for affected populations, with particular consideration for workers and persons in vulnerable situations, within its national jurisdiction. This may include:

a alt. Designating a national coordinating mechanism for engagement and collaboration with relevant stakeholders, including public authorities, non-governmental organizations and affected populations;

b alt. Enabling policies to improve income, opportunities and livelihoods for affected workers and communities, including workforce training, development and social programmes, considering their needs and priorities;

c. [unchanged]

d. [unchanged]

e alt. Improving working conditions for workers in the waste management sector;

f alt. Integrating workers in informal and cooperative settings into the plastics value chain;

g alt. Encouraging a portion of the fees collected through EPR schemes to be used to improve infrastructure, livelihoods and opportunities for, and develop the skills of, workers in the waste sector, including waste workers in informal and cooperative settings.

2. [delete]

3. [new] Each Party should support policies to improve income, opportunities, and livelihoods for affected workers and communities in the transition to more circular economies for plastics, considering the needs and priorities of affected workers and communities.

4. [new] Within its jurisdiction, each Party shall encourage the consideration of socio-economic factors in determining the location, design, and construction of solid waste management facilities that manage plastic waste, with an aim of avoiding disproportionate and adverse impacts on persons in vulnerable situations.

5. [new] Each Party shall, in accordance with its domestic procedures, provide opportunities for members of the public to provide input on government plastic waste management decisions or measures.

Part II.13: Transparency, tracking, monitoring and labelling

1. [unchanged] Each Party shall:

a alt. require, where feasible, producers and importers to provide harmonized information on the chemical composition of plastics and plastic products;

b alt. take appropriate measures to improve the traceability of chemicals, polymers and the plastic contents of products throughout the life cycle of plastics and plastic products for the purposes of their environmentally sound use, recycling and disposal, taking into account, as appropriate, any guidance adopted by the *governing body**; and

c alt. encourage marking and labelling practices for plastic products to promote the circularity of plastics, enable informed decision-making, and facilitate reuse, repair, refurbishment and recycling of plastics.

2alt. Each Party shall monitor, track and publish and update, in a transparent manner relevant and readily available information on the types and volumes of its production, imports and exports of chemicals and polymers used in the production of plastics, and regulated plastic products, consistent with its national laws.

3alt. Each Party shall report the information collected pursuant to paragraph 2 in a standardized format, where possible, to the *governing body**.