USCIB Written Submission prior to INC-3

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<th>Name of country (for Members of the committee)</th>
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<tr>
<td>Name of organization (for observers to the committee)</td>
<td>U.S. Council for International Business (USCIB)</td>
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USCIB and its members remain committed to the goal of eliminating plastic pollution from the environment, while supporting a circular economy for plastics.

USCIB has been deeply engaged in the process to develop an international legally binding instrument (ILBI) to end plastic pollution since the beginning, as a participant at the resumed fifth session of the UN Environment Assembly (UNEA 5.2) where the landmark resolution (UNEA Res. 5/14) was agreed. Since then, USCIB and its members have participated in the ad hoc OEWG in Dakar, Senegal; INC-1 in Punta del Este, Uruguay, and INC-2 in Paris, France.

USCIB welcomes the opportunity to submit input and is appreciative to the INC Secretariat and its diligent work to promote an inclusive stakeholder process. It is critical to ensure that all voices are heard and considered - especially the voice of the global business community as it represents deep technical expertise and a unique understanding of real-world implementation. The INC Secretariat’s call for submissions from Observers and Committee Members ahead of INC-3 further represents a key part of ensuring a fully inclusive and transparent process for all.

The United States Council for International Business (USCIB) is a U.S. business association founded in 1945 and is recognized as a trusted and constructive global voice for U.S. business. USCIB consists of a multi-sectoral membership spanning some 300 multinational companies, law firms and industry associations. USCIB’s members represent every sector of the U.S. economy, with operations in every region of the world, generating 5 trillion USD in annual revenues and employing over 11 million people worldwide. USCIB holds official observer status to the United Nations Economic and Social Council (ECOSOC), the United Nations Environment Programme (UNEP), the United Nations Convention on Biological Diversity (UN CBD), and the United Nations Framework Convention on Climate Change (UNFCCC).

USCIB’s advocacy spans a broad range of policy issues, leveraging the technical expertise and innovation unique to U.S. business, and through its role as the U.S. affiliate of key global business organizations: the International Chamber of Commerce (ICC), Business at OECD (BIAC), and the International Organization of Employers (IOE). Through these organizations’ official consultative status in major intergovernmental fora, USCIB represents U.S. business positions to the U.S. government, the UN system, the OECD, and the International Labor Organization (ILO), among others.
Elements not discussed at INC-2 (part a)

1. 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?

The Options paper proposes potential scope related aspects for inclusion in the instrument as:

(a) The legally binding instrument is expected to cover the whole life cycle of plastics, from extraction to their production and design to their use, consumption and disposal, and address all sources of plastic pollution, covering materials, products, chemicals, additives and microplastics, recognizing the risk of plastic pollution to human health.

(b) The legally binding instrument is to cover plastic pollution, including in the marine environment, with plastic pollution understood to include microplastics, without being duplicative of other multilateral efforts.

(c) The instrument is a legally binding instrument that allows evolution and strengthening overtime.

Proposed scope:

The legally binding instrument is to cover plastic pollution, including in the marine environment, taking into account the whole life cycle of plastics, and address all sources of plastic pollution, without being duplicative of other multilateral efforts.

Explanatory Text:

With respect to proposed text (a), USCIB fully supports the scope of the International Legally Binding Instrument (ILBI) covering the whole life cycle of plastics in order to adequately address plastic pollution. However, proposal (b) is far clearer in how it begins directly defining the scope as “to cover plastic pollution”, as well as including that the ILBI should not be duplicative of other multilateral efforts.

The written scope of the instrument should remain broad and able to adapt to new information in the future. Listing each specific step of the plastic lifecycle, while helpful as an exercise, potentially limits new ideas or approaches, as well as solutions, from being considered. For example, the above proposed text (a) does not make any mention of existing plastic pollution in the environment that needs to be addressed.

To this end, USCIB recommends that the proposed scope not be overly prescriptive and allow for the greatest amount of flexibility and innovation in determining and implementing plastic pollution solutions.

Avoiding being duplicative of other multilateral efforts is critical to keeping the eventual ILBI centered on its target of eliminating plastic pollution in the environment, including in the marine environment, and it should be expressly included in the ILBI’s scope. Regarding the management of specific
chemicals, it should consider the ongoing work of the future arrangements of the Strategic Approach and the sound management of chemicals and waste beyond 2020 for consideration and adoption at the upcoming session of the International Conference on Chemicals Management (ICCM5) in September 2023. Additionally, it should consider the desired scope of the to-be-negotiated Science-Policy Panel to contribute further to the sound management of chemicals and waste and to prevent pollution. Regarding proposing international trade measures as a tool, it should consider the work of the Basel/Rotterdam/Stockholm conventions, particularly the Basel Convention Plastic Waste Amendments, as well as ongoing discussions at the WTO’s Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade. Regarding climate, biodiversity and food security (having been proposed as a potential principle), it should consider what has been agreed upon as the jurisdictions (and primary objectives) of the Paris Agreement and the Convention on Biological Diversity, respectively.

These are not all listed here to dissuade discussions on the most effective ways to eliminate plastic pollution, nor should the ILBI automatically avoid any of these topics simply because other multilateral efforts are engaging with them. Considering the “widest possible” range of potential solutions should not mean that the ILBI by necessity must have the “widest possible” scope. Just as a comprehensive approach that addresses the full life cycle of plastics will need to be matrixed and varied, so too will the various multilateral efforts to combat the triple planetary crisis of pollution, climate change, and biodiversity loss, need to be matrixed and complementary.

3. Additional considerations

Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).

Proposed inputs:

Allow for the strengthening of global partnerships between the public and private sectors through the specific definition of those institutional arrangements, subsidiary bodies, and means of scientific and technical cooperation and coordination, that will facilitate conditions for business to innovate and invest in solutions.

Explanatory Text:

UNEA resolution 5/14 outlines that the ILBI should “initiate a multi-stakeholder action agenda” and while the form of this is to be determined, it will be critical to strengthen global partnerships between the public and private sector in order to mobilize the ILBI’s implementation as well as to align those public and private financial flows that can incentivize market behavior and investments in circular and sustainable products.
The private sector will play a critical role in achieving the goals and objectives of the ILBI. Business can provide on-the-ground knowledge, experience, expertise, and act as both partners and solutions providers. Beyond the physical life cycle of plastic products themselves, industry can also bring to bear digital tools and innovations for monitoring metrics around supply chains, processes, materials and recyclability of products, and other digital tracking to these ends.

Different industries have different uses, different perspectives, and different degrees of visibility into the lifecycle of plastics. Any scientific body or formal process to access and operationalize private sector know-how should open to businesses of all sizes, throughout the plastics lifecycle, and reflect diverse geographic representation. If a consultative mechanism or scientific body is closed off to certain regions or sectors, it will inherently lack the best possible information, hampering its ability to achieve the best possible outcomes.

Additionally, when considering mechanisms for scientific and technical cooperation and coordination, any such mechanisms should be designed to: (1) take into account the diversity of national circumstances, (2) be neutral towards any technologies or industries when working towards developing and implementing means of advancing circular solutions eliminating plastic pollution, and (3) include consideration of the jobs and livelihoods contained with the plastics lifecycle in the global economy, including both the formal and informal waste sectors.

Technical input, data, science, and advice from industry will be necessary not just in the development of the ILBI, but in the success of the instrument as a living agreement moving towards the goal of eliminating global plastic pollution. Facilitating these contributions and public-private collaborations should remain a priority consideration.