

16 October 2024

H.E. Ambassador Luis Vayas Valdivieso, Chair of the INC
Ms. Jyoti Mathur-Filipp, Executive Secretary of the INC Secretariat UN Environment Programme
P.O. Box 30552, 00100
Nairobi, Kenya

Open response to the INC Chair's second iteration of non-paper

Dear Ambassador Vayas Valdivieso, dear Executive Secretary Mathur-Filipp,

The Scientists' Coalition for an Effective Plastics Treaty are grateful to receive the non-paper intended to build a common understanding of how the treaty text can be agreed upon at INC-5. We welcome the Chair's approach to simplify the structure and content of the text. We wish to take this opportunity to highlight several key elements that, from a scientific perspective, are either currently missing from the non-paper or that require further clarification to ensure accuracy and avoid ambiguity.

As we enter what we hope will be the final round of treaty negotiations, the Scientists' Coalition urge the Chair to schedule discussions on the content of the preamble as soon as possible as this will provide the scope and principles needed to guide and facilitate further discussions on the substance of the treaty.

To maximize synergy and effectiveness among measures and to minimize the risk of unintended consequences, **the rights to human health and a clean, healthy, and sustainable environment** should be regarded as key mutually reinforcing objectives of the treaty.

The structure and content of the non-paper and the future treaty should accurately reflect the following science-based definitions of 'plastics' and 'full life cycle' noting that these **definitions are not limited to plastics 'products'**:

Plastics consist of synthetic or semi-synthetic polymers and other chemicals, including additives, starting substances, processing aids and non-intentionally added substances (NIAS). *Primary Plastic Polymers (PPPs)* are 'plastic materials made of synthetic and semi-synthetic polymers that are used for the first time to create plastic products in any form. This includes all thermoplastic, thermoset, elastomer, and composite resins made from both bio- and fossil-based feedstocks.

The *full life cycle of plastics* starts at the extraction of resources, including fossil fuels and biomass, for plastics feedstocks and ends with remediation, including in some instances the remediation of contaminated environments.

We are pleased to see several references to **transparency** in the non-paper. Transparency, traceability, and trackability criteria will be key to the setting and meeting of reduction targets, simplification, harmonized standards, timebound exemptions, accountability, compliance, and enforcement throughout the full life cycle of plastics.

We refer to recommendations from the International Panel on Chemical Pollution (IPCP) and the World Health Organisation (WHO) advocating the COP's establishment of a **science-policy interface (SPI)**.

Addressing **Conflicts of Interest has been identified as central** in establishing legitimacy, credibility, and independence of an SPI and its work. For example, the IPCP considers that "past or present employment by, or consulting for, the chemical or plastics industry and related organizations constitutes a Conflict of Interest", and WHO (Article 5.3 of the Framework Convention on Tobacco Control) states that "Parties shall act to protect policies from commercial and other vested interests". We wish to reinforce the view that participation of experts with a Conflict of Interest needs to be mitigated in the SPI to the COP. We also wish to re-emphasize that the SPI will benefit from the expertise of those most impacted by plastics pollution including waste pickers, front line and fence line workers and communities, and Indigenous representatives. **Prevention and precautionary principles** together with regular review according to **scientific evidence** provided by the SPI will be essential elements of a successful treaty.

Based on these precedents, effectiveness of the treaty is reliant upon the COP establishing a dedicated SPI to develop (inter alia):

- *essential use, hazard-based safety, and sustainability criteria* for plastic chemicals, materials and products and the assessment of non-plastic substitutes.
- approaches to group chemicals of concern as well as plastic products;
- *initial lists* of groups of chemicals and products of concern for the annexes of the treaty;
- procedures for *reviewing and amending annex lists*;
- recommendations to the COP for amending those annexes;
- *guidelines* to facilitate national implementation; and
- *assessments* for exemption requests.

Although '**sustainable levels of production**' have not been scientifically determined, the scientific need for *primary plastic production reduction* is clearly demonstrated and along with the need for time-bound global and national targets to end plastics pollution.

Effective prevention of **emissions and releases** within the treaty would need to include plastics as scientifically defined above, including plastic chemicals and non-intentional releases of micro- and nanoplastics (MNPs) as well as development of technologies supportive of the full life cycle of plastics.

Effective **plastics waste management** provisions within the treaty would benefit from including trade of plastics waste between OECD and non-OECD countries to address gaps and weaknesses in the Basel Convention, including the lack of provisions for both plastic chemicals and MNPs.

To be effective, provisions in the treaty related to **plastics pollution** would require global cooperation to identify and regulate *production sources* of problematic and avoidable (hazardous and non-essential) plastics, point sources of high emissions and releases, and exporters of hazardous and non-essential plastics (not only plastic waste) including from high-income countries to lower-income countries. In addition, **existing plastics pollution** may require evaluation and application of remediation efforts to restore contaminated environments.

The evidence shows that achieving a **just transition** requires safeguarding human rights of impacted communities, including those without access to waste management, and peoples such as waste pickers, front line and fence line communities, Indigenous peoples, and Small Island Developing States (SIDS). A just transition cannot be achieved if living and working conditions and environments are hazardous.

Critically, the evidence shows that a just transition requires those most impacted by pollution to have a voice in the design, planning, and implementation of responses. A successful treaty would include obligations to all parties, considering the principle of Common But Differentiated Responsibilities. A dedicated **financial mechanism, technical cooperation, capacity building, and cooperative and trade-related provisions** are also needed to ensure all parties can meet meeting obligations to the treaty. Time-bound **exemptions** based on essential use, as assessed by the dedicated SPI, and with financial support from a **dedicated financial subsidiary body** of the treaty are of key importance.

Considering **reporting**, the treaty would benefit from detailed harmonized criteria that include measurable indicators needed for 'plastics' (including plastics chemicals; not only products) to enable accountability, compliance, and enforcement throughout the full life cycle.

Excellencies, we assure you of our continued dedication to providing constructive, independent, scientifically robust evidence as a basis for the future treaty, and we remain available should you seek any advice in this regard.

Sincerely, the coordination team of the Scientists' Coalition for an Effective Plastics Treaty



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