



for a toxics-free future

April 2024

IPEN QUICK VIEWS

FOURTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC-4) TO DEVELOP AN INTERNATIONAL LEGALLY BINDING INSTRUMENT ON PLASTIC POLLUTION

BACKGROUND

During the INC-4 in Ottawa, delegates will be considering the [revised draft text](#) as a basis for continuing the discussion and negotiations on how to shape the future Plastics Treaty.

Going into the detailed negotiations on text, it is important that the INC negotiates a Plastics Treaty that contains strong, legally binding control provisions to protect human health and the environment. To do so, it is important that the INC:

1. Fulfills the 2022 UNEA Mandate in resolution 5/14 by addressing the full life cycle of plastics, including through measures to control and monitor plastic production volumes.
2. Avoids false solutions, such as mechanical and chemical recycling.
3. Prioritizes solutions that prevent adverse impacts on human health and the environment, including through the elimination of toxic chemicals and increased transparency and traceability throughout the full life cycle.
4. Ensures that there are systems for financing and control measures to allow for implementation of the Treaty by mandating the creation of a multilateral fund that has sufficient and predictable funding and implements the polluter pays principle.

REVISED ZERO DRAFT

At INC-4, Member States will use [the revised zero draft](#)¹ as a basis for negotiations. The draft is divided into six parts (which we here refer to by the following headers) plus placeholders for annexes.

[Part I. Introductory Elements](#)
[Part II. Substantive Provisions](#)
[Part III. Means of Implementation](#)
[Part IV. Implementation Measures](#)
[Part V. Institutional Arrangements](#)
[Part VI. Final Provisions](#)
[Annexes](#)

The revised zero draft text currently reflects all the views that have been shared by Member States; therefore, when being negotiated, it will change in both

content and structure. Below, you can find comments on text that is important to retain for each section, as well as notes on items that should be added to ensure the protection of human health and the environment from the toxic impacts of plastics throughout their full life cycle. The outline follows the structure and numbering of the revised zero draft.

PART I - INTRODUCTORY ELEMENTS

This part contains draft text for introductory elements: the preamble, objective, principles, and scope. It also contains placeholders for definitions.

¹ UNEP/PP/INC.4/3

Preamble

The preamble of an international instrument helps to set the context of the instrument. It should contain the reason why the instrument is needed and reference other relevant instruments. It can also refer to principles and approaches that help interpret the operative provisions (control measures) of the text.

The revised zero draft should:

- Strengthen the reference and commitment to respecting, promoting, and considering obligations States have in relation to human rights. This should include the human right to health and the human right to a clean, healthy, and sustainable environment which includes the right to information, participation in decision making, and access to remedy.
- Recall the fundamental principles on a safe and healthy working environment, including relevant standards by the International Labour Organization (ILO).

Objective

The objective of the instrument will be crucial in guiding its interpretation. The revised draft contains two options for the objective of the Treaty, both of which contain several brackets. It is important that the INC retains reference to human health and the environment and the reference to a comprehensive approach across the full life cycle of plastics.

The objective should also include a reference to the precautionary principle, as is the case in the Stockholm Convention, as the precautionary principle should be an important factor in guiding the decisions by the INC and the governing body of the Treaty.

Principles

Principles need to incorporate the Rio Principles, as noted in the UNEA Resolution 5/14. Principles should also implement the right to a healthy environment, protect other relevant human rights, and aim to promote the protection of workers by upholding the Fundamental Principles and Rights at Work.

Lastly, countries should agree on the principles and approaches that they have agreed upon in the context of the recently adopted [Global Framework on Chemicals](#)², which include knowledge and information, transparency, human rights, groups in vulnerable situations, gender equality, preventive approaches, just transition, and collaboration and participation.

Scope

In the revised zero draft there are several alternatives for the scope. It is, however, important to note that the scope of the Treaty is already defined in UNEA Resolution 5/14 as encompassing the full life cycle of plastics and as such does not require further discussion, which is also reflected under several of the options listed in the revised draft. The scope will be further defined through the control measures in the Treaty, which should include controls on chemicals at all relevant stages of the life cycle.

PART II - SUBSTANTIVE PROVISIONS

This part contains substantive provisions on control measures. To fulfill the mandate in Resolution 5/14, control measures need to address the full life cycle of plastics. The possible control measures are currently divided into 13 provisions that each contain a subset of options, including a zero option of removing the provision. The provisions are:

1. Primary plastic polymers
2. Chemicals and polymers of concern
3. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics/3 bis. Micro- and nanoplastics
4. Exemptions available to a party upon request/4 bis. Dedicated programmes of work
5. Product design, composition and performance
6. Non-plastic substitutes
7. Extended producer responsibility
8. Emissions and releases of plastic throughout its life cycle
9. Waste management

2 UNEP (2023) UNEP Welcomes new Global Framework on Chemicals

10. Trade [in listed chemicals [, polymers] and products, and in plastic waste][related measures]
11. Existing plastic pollution, including in the marine environment
12. Just transition
13. Transparency, tracking, monitoring and labeling/13.bis Overarching provision related to Part II

To protect human health and the environment from plastic pollution, work needs to start upstream. The current production levels and the undisclosed and unregulated use of plastic chemicals that are toxic causes widespread harm to human health and the environment and further exacerbates the triple planetary crisis.

It is therefore important that the INC:

- Negotiate control measures on managing and reducing overall plastic production volumes.
- Retain the provisions on chemicals of concern in the Treaty and related provisions on emissions, trade, and transparency.
- Retain an annex containing an initial list and criteria for chemicals of concern. This could then be updated by the governing body of the Treaty, as this will keep the future Plastics Treaty flexible for evolving scientific knowledge and needs.

See below for specific comments on the different control measures.

1. Primary plastic polymers

This provision contains options for how to manage production volumes of plastics. The volumes of plastics that are produced today are recognized to harm human health and the environment. They contribute to increased climate change and lead to high emissions of micro- and nanoplastics. Producing large amounts of plastics also means releasing more toxic chemicals throughout the life cycle of plastics. Without regulatory interventions, plastic production is set to increase, resulting in increasing climate, pollution,

and health problems³. To protect human health and the environment, the INC should retain this provision and negotiate control measures to manage production volumes.

The provision should reference both primary and secondary polymers (virgin and recycled plastics) since both cause harm and the overall volume of plastic produced needs to decrease. It is also important that circular economy approaches are combined with a reduction in the production of plastics.

2. Chemicals and polymers of concern

This provision requires Parties not to allow, to eliminate, minimize, or regulate (depending on which of the options is being considered) the use of the plastic chemicals, groups of chemicals, and polymers that would be included in a future Annex.

Since plastics are chemicals, this provision is important to retain. Plastic chemicals include monomers, polymers, additives, and non-intentionally added substances, many of which are toxic. Thousands of plastic chemicals have been identified as toxic (“chemicals of concern”) due to their harmful effects on human health or the environment, and of the **over 16,000** plastic chemicals⁴, fewer than 1% (**128**) are regulated in existing global multilateral environmental agreements (MEAs) throughout their full life cycle.⁵

The provision contains five options with text that contains multiple brackets. To protect human health from the harmful effects of chemicals of concern, it is important that the INC retains language including:

- **Global, legally binding controls:** Plastics move across boundaries due to trade and as litter, carrying toxic chemicals with them. The toxic impacts of plastics cannot be prevented with only national control measures.
- **Groups of chemicals:** Scientific evidence and recommendations from past experiences demonstrate the importance of developing controls for whole classes or related groups of chemicals

³ Bergmann, M. et al. (2022). A global plastic treaty must cap production. *Science*, 376(6592), 469-470.

⁴ Wagner, M. et al. (2024) State of the science on plastic chemicals - Identifying and addressing chemicals and polymers of concern, NTNU OPEN

⁵ BRS (2023). Global governance of plastics and associated chemicals. Secretariat of the Basel, Rotterdam and Stockholm Conventions, United Nations Environment Programme, Geneva. Karen Raubenheimer, Niko Urho.

rather than approaches that take decades to control chemicals one by one.^{6,7} There are precedents under the Stockholm Convention where, for example, polychlorinated biphenyls, short-chained chlorinated paraffins, and perfluorohexane sulfonic acid (PFHxS), its salts, and PFHxS-related compounds were listed as groups of chemicals.

- **Explicit reference to both “use” and “presence” of chemicals in plastics** to ensure the inclusion of non-intentionally added substances (e.g., chemicals that form during degradation of other plastic chemicals and chemicals in recycled plastics).
- **Explicit references to different types of plastic chemicals⁸** including monomers, polymers, processing agents/aids, additives, and non-intentionally added substances.
- **An Annex** to ensure that the future instrument is flexible, which will keep the future Plastics Treaty flexible for evolving scientific knowledge and needs. It will be essential that the Annex contains suitable criteria⁹ to determine which chemicals to eliminate and phase out and to develop an initial list of chemicals and polymers.

Other things that are important to consider under this provision are:

- The provision should include a **“no data, no market” provision**, meaning that only chemicals that have been tested for their safety and have publicly available toxicity data should be allowed in plastics and allowed to be traded between Parties and non-Parties.
- Today, no chemicals used in plastics can be classified as safe.¹⁰ **A positive or permissible list**

of chemicals would not provide a sufficient level of protection for several reasons,¹² including that chemicals that have been identified as of “low concern” in recent inventories are identified as such not because they are safe but because they lack hazard data. For a majority (97%) of the chemicals identified as of “low concern” in recent inventories, the level of research is not reported.¹¹ For chemicals of high concern, all chemicals were reported as having “high levels” of toxicity data.

- **The monomers and polymers that make up the backbone of plastics are also chemicals.** Monomers and polymers of concern should therefore also be addressed under the provision since some polymers:
 - are toxic;¹²
 - can leach monomers that are toxic; for example, **styrene**,¹³ a known carcinogen, can leach from polystyrene; and
 - can lead to the formation of toxic byproducts at certain stages of their life cycle; for example, when PVC is burned, it leads to the **formation of dioxins**.¹⁴

Additionally, many plastic polymers are associated with other concerns beyond chemical toxicity, such as:

- Persistence – plastic polymers are often associated with a long persistence, which **alone is a cause for concern**.¹⁵
- Particle toxicity – where the particles can cause blockages. Plastic particles have, for example, been linked to increased risk of **cardiac arrest**.¹⁶

6 United Nations Environment Programme and Secretariat of the Basel, Rotterdam and Stockholm Conventions (2023). Chemicals in plastics: a technical report. Geneva

7 BRS (2023). Global governance of plastics and associated chemicals. Secretariat of the Basel, Rotterdam and Stockholm Conventions, United Nations Environment Programme, Geneva. Karen Raubenheimer, Niko Urho

8 IPEN (2024) Frequently Asked Questions on Chemicals and Plastics.

9 IPEN (2023) Troubling Toxics. Eliminating Harmful Plastic Chemicals Through the Plastics Treaty.

10 Wagner, M. et al. (2024) State of the science on plastic chemicals - Identifying and addressing chemicals and polymers of concern, NTNU OPEN

11 United Nations Environment Programme and Secretariat of the Basel, Rotterdam and Stockholm Conventions (2023). Chemicals in plastics: a technical report. Geneva. Supporting information.

12 Groh et al. (2023) Assessing and managing environmental hazards of polymers: historical development, science advances and policy options. Environmental science: Processes and Impact.

13 NIH Styrene Cas No. 100-42-5

14 Zhang et al. (2015) Dioxins and Polyvinylchloride in fires. Waste Management & Research, 33(7), 630-643.

15 Cousins et al. (2019) Why is high persistence alone a major cause of concern?. Environmental Science: Processes & Impacts, 21(5), 781-792.

16 Marfella, R. et al. (2024). Microplastics and nanoplastics in atheromas and cardiovascular events. New England Journal of Medicine, 390(10), 900-910.



- Formation of very persistent greenhouse gases at certain stages of their life cycle – for example during burning of [fluoropolymers](#).¹⁷

The INC should mandate intersessional work to develop a list of criteria and a first list of chemicals and chemical groups, including monomers, polymers, additives, and NIAS, to be regulated under the Treaty, building off existing work from UNEP, the BRS Conventions, and independent scientists as well as existing in-country experiences in regulating plastic chemicals. For details on criteria and provisions that may be suitable to include, [see IPEN’s Troubling Toxics Brief](#)¹⁸.

3. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics/3 bis. Micro- and nanoplastics

This provision aims at prohibiting production, sale, distribution, import, or export of “problematic” plastic

products, including short-lived and single-use plastic products, listed in an Annex.

The provision contains several options with bracketed text, including one option of separating out the text on intentionally added microplastics (3.bis). We note that to protect human health from the harmful effects of chemicals of concern, it is important that the INC retains language referencing:

- import and export.
- both unintentionally released microplastics and intentionally added microplastics.

Other things that are important to consider under this provision include:

- that plastic products containing toxic chemicals (including recycled plastics) are also considered for listing under this Annex.

¹⁷ Huber et al. (2009) Emissions from incineration of fluoropolymer materials. NILU

¹⁸ IPEN (2023) Troubling Toxics. Eliminating Harmful Plastic Chemicals Through the Plastics Treaty.

4. Exemptions available to a party upon request

This provision is focused on exemptions. It currently contains multiple brackets that may specify whether this text will be on exemptions overall or only for problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics.

It should also be noted that the draft annexes contain text for the potential inclusion of exemptions/exclusions/allowed uses for listed products and chemicals. Any provisions on exemptions would, however, require the establishment of strict provisions ensuring that there are no loopholes and that exemptions don't harm innovation towards toxics-free and safer plastics. Therefore, if any provisions on exemptions are considered here, under the respective control measures, or in the Annex, important aspects are:

- Proposed exemptions should undergo a review process where exemptions granted should only be for narrow, time-limited, clearly defined applications that are necessary for the functioning of society.
- Plastic products, polymers and chemicals for which an exemption is registered should only be used for domestic purposes or traded only among countries that have been granted such exemptions.
- Industry should be required to provide data with full justification, proof of inability to substitute, and a time frame for removal from the market.
- No exemptions for production and/or use should be granted for more than five years.
- A register of exemptions should be established by the secretariat and made accessible to the public.
- An explicit decision should be adopted by the future governing body to schedule an evaluation process of the need to extend any of the granted exemptions beyond five years.

4 bis. Dedicated programmes of work

The text on dedicated programmes of work is a new suggested provision. Like the provision on exemptions, it might also be more suitable to integrate this

provision under other provisions or to have an institutional arrangement that allows for the creation of dedicated working groups as needed through future COP decisions. However, if a provision on dedicated programmes of work is included, it would be important to ensure that it takes a more holistic approach to identifying relevant sectors. Currently, only four sectors are included under this provision, and it would be important to include other relevant sectors such as electronics, construction, and transport.

5. Product design, composition and performance

In the draft text, this provision aims at improving the design of plastic products, including packaging, and improving the composition of plastics and plastic products. The goal is reducing the demand for plastics while increasing their safety, durability, reusability, refillability, repairability, and refurbishability and their capacity to be repurposed, recycled, and disposed of in a safe and environmentally sound manner when the plastics become wastes.

For this provision, it is crucial that durability and repairability are also considered as important design criteria. Further:

- Only plastics that are free of toxic chemicals should be considered for reuse, refilling, repurposing, and recycling. Delegates should include under this control measure a prohibition on all forms of recycling plastics containing hazardous chemicals, similar to the Stockholm Convention's prohibition on the recycling of waste containing Persistent Organic Pollutants.¹⁹
- Alternative plastics, including bioplastics, should have the same safety standards as conventional plastics.
- Transparency requirements such as labels, reporting, and product passports should be included to ensure that the plastic industry is accountable for complying with these provisions and for their claims about their products (e.g., recycled content, circularity, etc.).

19 Article 6(d)(iii) of the Stockholm Convention on Persistent Organic Pollutants (POPS)

Recycling of plastics has failed for decades. Plastics are inherently inefficient as throughout their life cycle they create uncontrolled and untraceable releases of toxic chemicals, since toxic chemicals are used in plastics with little to no control, transparency, or traceability. Mandating higher levels of recycled content in plastics would result in increased exposure to and emissions of toxic chemicals in plastics, as numerous studies have shown that recycled plastics contain and release hazardous chemicals. In fact, many toxic chemicals, including already globally banned ones, have been shown to be present in [recycled plastics](#).²⁰ Safe and environmentally sound recycled plastics should be defined by the absence of hazardous chemicals and by the ability to track the chemical content of the plastics used to produce them

6. *Non-plastic substitutes*

This provision aims at promoting innovation in non-plastic substitutes. The provision contains six options with bracketed text. The last option references the possibility of merging provision six with provision five on product design. Regardless of whether it is a stand-alone provision or included under other control measures, the INC should ensure that innovation does not lead to the substitution of plastic products by non-plastic products that may be equally detrimental to human health and the environment (such as using PFAS-containing paper packaging to substitute for plastic packaging). Under the second paragraph, the reference to “safe” should be complemented or substituted by “free of hazardous chemicals” or similar text.

7. *Extended producer responsibility*

As they stand now, the provisions on Extended Producers Responsibility (EPR) aim at increasing recycling rates. Collection and sorting of plastic waste will remain important. However, IPEN does not support the focus on increasing recycling rates since the recycling of plastics has [inherent challenges](#)²¹ and has been shown to lead to increased circulation of toxic chemicals, emissions of microplastics, and exposure of waste workers and communities near recycling sites to hazardous substances. The goal of EPR in the Trea-

ty should instead be to ensure that the cost of future plastic pollution, including microplastics and toxic chemicals as well as remediation of legacy pollution, is borne by the economic operators that cause pollution, i.e., producers of plastics and plastic chemicals, thereby implementing the polluter-pays principle.

Members of the INC should be wary of establishing and implementing EPR schemes, which can be burdensome and have only had limited success in increasing collection and recycling rates in very specific sectors. Further, existing EPR policies do not extend the producers’ responsibility beyond national borders, which will be crucial in the context of a Plastics Treaty.

Should the INC decide to move forward with developing global EPR systems, it is important that the INC consider the limitations of existing EPR schemes. IPEN supports focusing instead on ensuring that the treaty sets stringent targets on plastic production reduction and the elimination of toxic plastic chemicals rather than mandating how those objectives should be achieved.

Moreover, EPR does not typically extend the responsibility of producers beyond national borders; therefore, it is important that the EPR under the Plastics Treaty specifically address products that are traded internationally. Thus, any EPR schemes should include traceability mechanisms to ensure that information related to products are transmitted in the value chain beyond national borders.

8. *Emissions and releases of plastic throughout its life cycle*

This provision aims at preventing and eliminating the emissions and releases of plastics throughout their life cycle. It currently has five text options with brackets and sub-options. For this provision, it is important that:

- It includes all types of emissions and releases throughout the full life cycle, including releases of toxic chemicals and microplastics.

20 Brosché et al. (2021) Widespread chemical contamination of recycled plastic pellets globally. IPEN

21 IPEN (2024) Frequently Asked Questions on Plastics and Chemicals

- The INC retains text referencing an Annex, to be developed, to ensure that the provision remains flexible for future innovation and needs.

9. Waste management

The focus of this provision is to ensure that plastic waste is managed in a safe and environmentally sound manner throughout its different stages, taking into account the waste hierarchy. In line with the waste hierarchy, IPEN recommends that the focus of the provisions on waste management should be the reduction of plastic waste generation through production reduction as well as addressing legacy plastic pollution.

Furthermore, it is important to ensure that this provision does not cause lock-ins on technologies that lead to emissions and further spread of toxic chemicals, or weaken provisions laid down under other agreements such as the Stockholm and Basel Conventions. Delegates should include under this control measure a prohibition on all forms of reuse and recycling of plastics that contain hazardous chemicals, similar to the Stockholm Convention's prohibition on recycling wastes that contain Persistent Organic Pollutants.²² These provisions should ensure that plastics containing toxic chemicals are not legally exported, particularly to low- and middle-income countries. To prevent the production and releases of toxic emissions from plastics waste management, policies should prevent the following dangerous practices: open burning, incineration, co-firing in coal-fired power plants and waste-to-energy processes, co-processing in cement kilns, and chemical recycling.

10. Trade [in listed chemicals[, polymers] and products, and in plastic waste][related measures]

This provision aims at prohibiting the transboundary movement of regulated chemicals, including polymers, products, and plastic wastes.

This provision has been divided into two options, one with detailed sub-options and one that only references the Marrakesh Agreement Establishing the World Trade Organization. For the implementation of the Treaty, it is important to strictly regulate transboundary movement and ensure transparency, so the first option with a detailed provision is more suitable.

The first option contains several sub-options and is divided into one section on “Trade in listed chemicals, polymers and products” and one section on “Transboundary movement of [non-hazardous] plastic waste.”

For the first section, there are three sub-options. IPEN believes that it is important to retain text on requesting an export permit, a prior informed consent procedure, and transparency requirements throughout the full life cycle of trade, providing information on the types, volumes, and destination of the export of chemicals, polymers, products, and wastes.

Additionally, it will be important to retain text on non-Party provisions, since this will be necessary to ensure compliance with the treaty provisions in the Treaty. Non-Party trade provisions ensure that what is applied between Parties is also applied in their relationship with non-Parties. This provision is also a key element to support signature and ratification by more countries leading to a more efficient Treaty.

22 Article 6(d)(iii) of the Stockholm Convention on Persistent Organic Pollutants (POPS)

IPEN has a 25-year track record of contributing to the development of global treaties to protect public health and the environment. Our members across more than 125 countries are uniquely positioned to effectively leverage our experience, technical expertise, and scientific integrity to push for a meaningful treaty to end the health threats posed by toxic plastics.

11. Existing plastic pollution, including in the marine environment

Delegates should include a mechanism to mobilize and collect funds to address legacy pollution, such as a “Plastic Pollution Legacy Fund” made up of contributions from sectors that produced the materials that comprise legacy pollution. The Plastics Treaty can build on the example of the Stockholm Convention’s approach to addressing obsolete pesticide stockpiles which engages the relevant sectors in activities to remediate pesticide-contaminated sites and hotspots.²³ Techniques to address plastic waste-contaminated sites must follow Best Available Techniques (BAT) and Best Environmental Practices (BEP) such as non-combustion technologies.

12. Just transition

These provisions are aimed at promoting and facilitating “...a fair, equitable, and inclusive transition for affected populations...”, with special consideration for women and vulnerable groups, including children and youth, and Indigenous Peoples in the implementation of the Treaty. These groups would be better referred to as “groups in vulnerable and marginalized situations,” following the example of the Special Rapporteur on the right to health.²⁴

Workers may be especially impacted by activities under the new Treaty. IPEN believes that, in facilitating a just transition, it is important to ensure the protection of all workers (from both the informal and formal sectors), including applying work-related standards that ensure the fundamental right to a safe and healthy working environment as recognized by [Resolution ILC.110](#).²⁵ Workers can be impacted by plastics throughout the full life cycle, including waste, for example, by exposure to toxic chemicals, microplastics, dust, and noise during processing.

Approaches safeguarding workers’ health and rights should ensure that workers are provided full information about the chemical composition of the plastics and products they may be exposed to and providing appropriate protective measures following the [ILO](#)

[Occupational and Safety and Health Conventions](#)²⁶ and the Hierarchy of Controls. This prioritizes prevention through elimination, substitution and minimization, and as a final option, personal protective equipment.

13. Transparency, tracking, monitoring and labelling/13.bis Overarching provision related to Part II

This provision on transparency and traceability will be crucial to allow for implementation of the Treaty. The current lack of transparency, traceability, and available data means that there are no plastics that can be considered “safe,” since it is not possible to know when plastics contain toxic chemicals. These gaps are also key obstacles toward a safer, circular economy and have contributed to the current situation where recycled plastics spread toxic chemicals in an uncontrollable way, endangering consumers and workers throughout the plastic life cycle.

PART III - MEANS OF IMPLEMENTATION

This part of the revised zero draft covers means of implementation, including financing and capacity building.

1. Financing [mechanism [and resources]]

IPEN believes it is important to establish a dedicated plastics multilateral fund or funds through the new instrument, with Member States and other funding sources contributing funds for supporting the treaty implementation.

Although pollution is recognized as a planetary crisis, it does not have its own funding to implement the necessary control measures. The chemicals and waste management cluster is already severely underfunded, and despite a substantial Global Environment Facility (GEF) replenishment for the period 2022–2026, funding is insufficient to cover the implementation of existing MEAs.

23 E.g.: [The Africa Stockpile Project, Eliminating Africa’s 50 000 tonnes obsolete pesticide stockpile](#)

24 OHCHR Non-discrimination: groups in vulnerable situations.

25 ILO (2022) ILC.110/Resolution I

26 ILO (2023) The Fundamental Conventions on Occupational Safety and Health.

To ensure that the implementation of the Plastics Treaty is adequately funded, the creation of a multilateral fund that has sufficient, predictable, and sustainable funding will be crucial. These enabling activities would require financial support for, for example, strengthening capacity and awareness raising. These activities, once carried out, will decrease expenditures previously required to treat diseases linked to toxic chemical exposures due to plastic production, use, and destruction.

Further, the Treaty should ensure that plastics producers bear the environmental and health costs of their activities through the implementation of the polluter pays principle. This should apply both to legacy pollution and to costs for future damage caused by plastics. The expanded zero draft includes an option for a global plastic pollution fee, to be paid by plastic polymer producers within its jurisdiction, to implement the polluter pays principle. The Treaty should ensure that the funds collected through the fee are used for the implementation of the Treaty.

IPEN believes countries should dedicate efforts between INC-4 and INC-5 to agree on how to operationalize the polluter pays principle and mobilize sufficient, transparent, sustainable, accessible, and predictable funding for the implementation of the Treaty.

2. Capacity-building, technical assistance and technology transfer

In addition to adequate funding, timely and appropriate capacity-building and technical assistance to developing country Parties, in particular Parties that are least developed countries or small island developing States should be provided. Relating to technology transfers, the Treaty should ensure diffusion of and access to up-to-date environmentally sound technologies to developing country Parties. However, technology transfers should always be in line with the objectives of the Treaty and should not permit technologies that harm human health and the environment, such as waste-to-energy processes and chemical recycling.

PART IV - IMPLEMENTATION MEASURES

This part of the revised zero draft consists of implementation measures, including implementation, compliance, reporting, and monitoring.

1. National [Action][Implementation]Plans

National plans should ensure that countries achieve compliance with control measures established under the Treaty, prioritizing the reduction of plastic production and use, the uses and emissions of chemicals of concern and the sound management of existing stockpiles and legacy pollution. National plans, such as National Action Plans (NAPs) and National Implementation Plans (NIPs) are concepts that can be used interchangeably; however, NIPs are typically more precise in detailing the implementation of obligations related to an MEA, so IPEN recommends prioritizing the inclusion of NIPs in the Plastics Treaty as they will clearly outline how each Party is going to achieve compliance with the control measures established in the Treaty. To facilitate the creation of NIPs, low- and middle-income countries should receive appropriate funding for their completion. Also, all efforts related to compliance with the instruments including reporting, effectiveness evaluation, and monitoring need to be properly funded.

Provisions on NAPs and NIPs, including their monitoring and evaluation, should ensure appropriate participation and access to information from various stakeholders, including consultations with populations at risk (youth, Indigenous Peoples, women, farmers, and local communities, among others).

3. Reporting

Reporting is an important measure for tracking progress and having a clear understanding of plastic pollution trends. While reporting is an important tool, it should not be too burdensome for Parties, and it should be streamlined with reporting obligations from other MEAs. Where feasible, reporting should be integrated into the national surveillance reporting or notification systems in the relevant ministries. The Treaty should require that the reporting includes:

- Volumes of plastics produced by types and uses;
- Volumes and types of chemicals manufactured, imported, and exported that are used for plastics production, including their functions;
- Plastic materials and products manufactured, imported, and exported;
- Plastic waste generated, imported, and exported and the destination of plastic waste, including landfilling, recycling, and export; and
- Emissions of plastics throughout their lifecycle, including through plastic pollution release and transfer registers in line with the Kyiv Protocol on Pollutant Release and Transfer Registers.

5. International cooperation

To ensure increased environmental and health protection, the Treaty should ensure international cooperation and exchange of information, specifically on hazard and risk data from polymers and chemicals. Confidential business information should not be a barrier to providing data on the hazards of chemicals and their presence in articles and products.

8. Bis Health aspects

This provision is newly added, but health aspects are fully part of the Treaty objectives; thus, they should not be separated but should be addressed throughout other provisions on control measures. An article on health aspects that focuses on exchange of information and educational and health care programs could be additional and cannot replace urgent measures needed to protect human health throughout the treaty. These measures should be incorporated into other articles of the Treaty (international cooperation, exchange of information, and others). This provision should then ensure the monitoring of the provisions aiming at preventing emissions of hazardous chemicals included in Part II of the draft text.

PART V - INSTITUTIONAL ARRANGEMENTS

This part of the revised zero draft goes through the structure of the future governing body as well as subsidiary bodies under the Treaty. It will be important that robust conflict of interest policies are in place for all engaging in subsidiary bodies, committees, and as partners. All bodies created by the instrument should

ensure the broadest dissemination and access to relevant documents as well as guarantee public participation of all relevant stakeholders.

PART VI - FINAL PROVISIONS

This part serves as a placeholder for final provisions to be developed by a legal drafting committee. It is important to ensure that mechanisms related to future decisions about the Plastics Treaty are adopted through a majority vote. If consensus will be the default voting mechanism under the treaty, it will give a de facto veto power to countries that oppose meaningful progress.

POSSIBLE ANNEXES TO THE INSTRUMENT

Several Annexes will be necessary to complement the control measures under the Treaty. IPEN believes that it is important to foresee an Annex that includes a list of chemicals of concern to be regulated and that criteria are also developed to determine which chemicals fall under this list.

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