



for a toxics-free future

# IPEN QUICK VIEWS: UNEA 5.2

February 2022

The following IPEN Quick Views cover the priority areas that will be part of the agenda of the hybrid session of the United Nations Environmental Assembly (UNEA). The first part of this meeting was held virtually in [February 2021](#). The overall theme of UNEA-5 is “Strengthening Actions for Nature to Achieve the Sustainable Development Goals”. UNEA 5.2 will take place between the 28<sup>th</sup> of February and 2<sup>nd</sup> of March 2022. It will be preceded by a meeting of the Open-Ended Committee of Permanent Representatives (OECPR). The role of the Committee of Permanent Representatives is to prepare the meetings of UNEA and review the implementation of its decisions.

At UNEA 5.2, draft resolutions will be divided into **5 thematic areas (clusters)**:

1. Plastics
2. Nature-based solutions and biodiversity
3. Chemicals
4. Green recovery and circular economy
5. Organizational and administrative matters

## PLASTICS

Under the plastic pollution thematic area, the main focus will be on discussing a mandate to start negotiation of a treaty on plastic. If agreed, the mandate would convene an Intergovernmental Negotiating Committee (INC). Under this thematic area there are 3 documents that will be discussed:

- [“Draft resolution on an internationally legally binding instrument on plastic pollution,”](#) proposed by Rwanda and Peru and supported by over 50 countries, which addresses the lifecycle of plastic and calls for plastic production reduction and addressing chemical additives;
- [“Draft Resolution on an international legally binding instrument on marine plastic pollution,”](#) proposed by Japan, which narrowly focuses on marine litter and waste management;
- A draft resolution proposed by India calling for a [“Framework for addressing plastic product pollution including single-use plastic product pol-](#)

[lution”](#). This resolution doesn’t propose to start negotiations for a treaty but to reduce plastic use on the national level, adopt extended producer responsibility (EPR) programs, and design plastics for their recyclability.

[A comparison between the Japan and Rwanda/Peru resolutions prepared by CIEL and EIA](#) highlights the difference between these two resolutions. Also, the two resolutions have been merged by the co-facilitators of cluster 1.

- For the mandate to include toxic chemicals and toxic impacts of plastics throughout their lifecycle, chemicals must be addressed, as considered by the Rwanda-Peru resolution under Paragraph 2(c) (design of plastics and use of additives) and partially by Paragraph 2(b) (sustainable production and consumption).
- To be meaningful, the mandate for an INC should set the scene for a treaty that includes time-targeted, measurable, and binding commitments with effective enforcement mechanisms. Voluntary approaches must be rejected.
- IPEN supports a treaty that would ensure that hazardous chemicals are eliminated from plastics production, strictly defines essential uses of plastics, and allows to trace chemicals used in plastics.
- Although the mandate does not need to be prescriptive, any negotiating text must include in its scope the **health** impact of plastics, **controls for hazardous chemicals**, microplastics, and **transparency** on chemical ingredients (explicitly or implicitly).
- All UNEA resolutions on plastics since 2014 highlight the role of chemicals and microplastics when assessing the impacts of plastics on health and the environment.
- The concepts of a plastic circular economy and of sustainable plastics are dangerous concepts: it is crucial to recognize that plastics made with toxic chemicals cannot and should not be recycled into the economy.

- Moreover, plastics produced with fossil fuels (i.e., oil, gas, and coal) are destined to exacerbate climate change.
- A mandate that focuses on waste management or is narrowly framed around marine litter (like Japan's resolution) would not address the problem of plastic pollution because it will not include production, design of plastics, and use of toxic chemicals while focussing on ocean cleanups, recycling, and incineration.
- Japan's resolution is a narrow approach as it focuses on plastic waste management, with incentives towards technologies for plastic fuels and waste-to-energy processes (i.e., incineration), that would contradict the climate change targets to reduce emissions of greenhouse gases, and the Stockholm Convention aims to reduce dioxin emissions.
- Incineration, waste-to-energy, or plastic fuels are expensive technologies that fail to solve the problem caused by plastics, create hazards to public health and the environment, and put countries, cities, and communities in debt. They must be rejected.
- Several options to strengthen the science-policy interface has been presented in a [recent UNEP report](#). However, any new effort must be specifically **focused on chemicals** to be effective. This focus will help identify specific policies to prevent harm, as well as identify and hold producers of toxic chemicals accountable.
- Broadening the scope to include the more diffuse term "pollution" will inevitably limit the impact of such an effort since the sources, actions and related policies are much more diverse and complex (e.g., air pollution).
- The goal of a science-policy interface should be of **horizon scanning and providing early warnings**. It is therefore vital that such an effort does not delay any policy decision and becomes an excuse for inaction but be able to provide policy guidance based on precaution. It should therefore not be directly coupled to already existing legal instruments as it would risk undermining and delay the scientific assessments being carried out in the implementation of those instruments.
- Any science-policy effort must consider that most scientific publications on chemical hazards are not publicly available, and that knowledge must be broadly defined to include traditional knowledge and citizen science efforts.

## CHEMICALS

Under the chemicals thematic area there are 3 resolutions that will be discussed. In these quick views we focus on two resolutions: one on the Science-Policy interface of chemicals, waste, and pollution and the resolution on Sound Management of Chemicals and Waste.

### [Draft Resolution for a Science-Policy Panel to support action on chemicals, waste, and pollution \(new version of 11/02/2022\)](#)

- IPEN believes that sound, independent science should determine national, regional, and international policies on chemicals and waste, based on the precautionary principle, the industry duty to disclose information, and citizens' right to know.
- Funding is a key obstacle identified e.g. in the [SA-ICM evaluation](#) to moving forward towards sound management of chemicals and waste in Low- and Middle Income Countries (LMICs).
- Until the [chemical industry provides the funds](#) needed to comprehensively address the impacts of their products, it is vital that any new efforts are specifically targeted to have as much impact as possible using limited means.

### [Draft resolution on the Sound Management of Chemicals and Waste](#)

- IPEN strongly supports the human right to a safe, clean, healthy, and sustainable environment, and that strong, preventative action on chemicals and waste must be taken before they are allowed to impact human health and pollute the environment.
- **SAICM and ICCM5: support for a renewed SAICM beyond 2020:**
  - The negotiations of the new SAICM must be given enough time and opportunities for face-to-face negotiations to ensure an effective new instrument with broad buy-in from governments and stakeholders;
  - The new chemicals instrument must have a timeless vision and broad scope that encompasses the entire lifecycle of chemicals including wastes;
  - Continued work must be done to move forward on the overarching, enabling framework that can act as an umbrella for all chemicals-related agreements, with high-level support

- e.g., through a ministerial declaration that can subsequently be adopted by the UN General Assembly;
- Measurable contributions to the Sustainable Development Goals must be developed with the use of indicators and milestones;
- The new instrument must be open and inclusive and allow transparent participation by all stakeholders with a multi-sectoral approach;
- Cooperation between organizations in the IOMC, Inter-Organisation Program for the Sound Management of Chemicals, must be enhanced.
- **The Integrated Approach to Financing:**
  - New and additional, adequate, sustainable, and predictable funding must be made accessible to all relevant stakeholders to address chemicals and waste issues.
  - The Independent SAICM Evaluation reveals that governments clearly understand that operationalizing the ‘polluter pays’ principle means to “shift the external costs of production, use, and disposal of chemicals away from the public sector to the private sector.
  - Based on the UNEP evaluation of the integrated approach, the private sector engagement is lacking and should be further assessed to increase international funds for the sound management of chemicals.
  - The ‘polluter pays’ principle states that the polluter should bear the costs associated with pollution and its prevention and control. To operationalize the ‘polluter pays’ principle, the producers of chemicals should be regarded as the polluter.
  - There is urgent need to finance SAICM with a reliable flow of funding and that funding should be coming from the industry, that needs to be held accountable for the chemical pollution it causes.
- Industry must contribute directly to the sound management of chemicals and waste, e.g., through a small Coordinated fee on basic chemicals.
- **Special Programme: one-time extension of the duration of the Special Programme:**
  - The Special Programme excludes funding for civil society, despite acknowledgements in e.g. the SAICM evaluation that the impacts of civil society projects are high;
  - UNEA should support the renewal of the special programme and revise its terms of reference to open the instrument to the funding of civil society’s projects.
- **Issues of Concern identified in the UNEP report “An Assessment Report on Issues of Concern”**
  - While a new, ambitious instrument is being negotiated, increased efforts must be done to address the Issues of Concern (Chemicals in Products, EDCs, Environmentally Persistent Pharmaceutical Pollutants (EPPPs), Hazardous Substances in the Life Cycle of Electrical and Electronic Products (HSLEEP), Highly Hazardous Pesticides (HHPs), lead in paint, Nanomaterials and PFASs under the current SAICM framework;
  - A coordinated international response to prevent all sources of lead, cadmium, and arsenic exposure before they are allowed to impact human health and pollute the environment would be welcome. A special effort should be accelerated to utilize all existing instruments to eliminate lead paint, noting that this goal for 2020 has not yet been met.

