



for a toxics-free future

NOVEMBER 2024

IPEN QUICK VIEWS ON THE FIFTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE TO DEVELOP AN INTERNATIONAL LEGALLY BINDING INSTRUMENT ON PLASTIC POLLUTION

The Plastics Treaty INC-4 negotiations ended with a 77-page long [compilation draft](#). However, the scenario note foresees that a non-paper by the INC Chair will be presented as an alternative text to be used as a starting point for the negotiations at INC-5, if the committee agrees.

In finalizing the negotiations for the future Plastics Treaty, the INC should ensure that the health-protective objectives of the Treaty are supported by meaningful global controls and that the INC fulfills the UNEA mandate 5/14 by addressing the full life cycle of plastics. To do so, it is important that the INC ensures that:

- **Control measures are global** and not based on individual national commitments. We are facing a global plastics crisis, so the solution needs to be global. An approach based on national rules would make the Treaty largely ineffective and create major trade hurdles, while global measures would create a level playing field for all economic actors.
- The Treaty is guided by the **precautionary principle** when dealing with scientific uncertainty. Regulating groups of chemicals expedites protective measures and reduces risks of hazardous (so-called regrettable) substitutions.
- The Treaty includes global mechanisms to **reduce production of plastics**.
- **Plastic chemicals are regulated throughout their full life cycles** and across sectors. Regulating chemicals only in products would severely limit the protection of workers and vulnerable populations.
- **There is sufficient and predictable funding**. The creation of a financial mechanism that also includes a dedicated multilateral fund that allows for additional, sufficient, and predictable funding and includes mechanisms that apply the polluter pays principle will be critical for the effective implementation of control measures.
- **The Treaty includes strong monitoring and reporting provisions**. Reporting is an important measure for effectiveness evaluation and it is necessary to have a clear understanding of plastic pollution trends that include indicators of human health protection, such as biomonitoring of plastic chemicals, microplastics, and nanoplastics.

The Treaty text should also ensure that the future COP can make decisions through majority voting when consensus cannot be reached. Without this option, the COP could fall back to the least ambitious approach or decisions could be blocked by a small group of countries. There have previously been similar situations that have severely hampered the effectiveness of, for example, the Rotterdam Convention and the United Nations Framework Convention on Climate Change.



WHY PARTICIPATION OF CIVIL SOCIETY IS CRITICAL

The Treaty negotiations have been accompanied by repeated limitations to participation of civil society and rightsholders. During the intersessional period, both official and unofficial work were carried out behind closed doors.

Participation of civil society is key for the realization of the human right to a clean, healthy and sustainable environment. Both the Aarhus and Escazú Conventions provide international obligations for their Parties to ensure public *participation* in the negotiation and implementation of international agreements.

IPEN and other public interest civil society organizations are experts in the field and bring a broad range of evidence, scientific assessments, and innovative solutions that otherwise would not be included in the deliberations. This includes experts from low- and middle-income countries, who often bring unique research and perspectives from communities most affected by plastics. Without the participation of those who are most harmed by plastic pollution, the deliberations are likely to be inadequate and may compromise the outcome of the Treaty.

The INC should ensure open, transparent, and participatory processes and that all meetings and implementing processes of the future Treaty guarantee the full participation of civil society and rightsholders. IPEN also urges Members to ensure that future work under the Treaty, the INC, and any subsidiary bodies includes the possibility for observers and rightsholders to participate. All limitations to public participation should be well justified and interpreted strictly.

ESSENTIAL ELEMENTS FOR A HEALTH-PROTECTIVE PLASTICS TREATY

The [compilation of draft text](#) resulting from INC-4 contains several provisions relevant to health and could contribute to achieving the essential elements of the Treaty, many of which are also reflected in the Chair's non-paper. Central to the objectives of the Treaty, the health approach needs to receive stronger attention in the formulation of both control and implementation measures to ensure that populations most at risk, such as women, children and youth, and Indigenous Peoples, are protected throughout the plastics life cycle.

Whether the INC chooses to negotiate based on the Chair's non-paper or the compilation draft text, the following elements will be essential to ensure the protection of human health under the Treaty:

OBJECTIVE: The INC should retain reference to the protection of human health and the environment and maintain that the objective of the instrument is to protect human health and the environment.



PRINCIPLES: The Treaty provisions should operationalize principles in the control and implementation measures that will enable a health-protective Treaty, such as the promotion of the right to a clean, healthy and sustainable environment, the precautionary principle, the right to the highest attainable standard of health, protection of human rights, the right to access information and to participate in environmental decision-making, the prevention of conflicts of interest, and just transition and decent work for all workers, including informal workers.

CONTROL MEASURES:

- **SUPPLY (PLASTICS PRODUCTION, INCLUDING PRECURSORS):** Without regulatory interventions, plastic production is projected to increase dramatically, resulting in increasing climate, pollution, and health problems. More production means more pollution. To protect human health and the environment, the Plastics Treaty should include mechanisms to limit/reduce the production of plastics. Scientific evidence shows that we have exceeded the “[planetary boundaries](#)” for chemical and plastics pollution, meaning that production and emissions threaten the stability of the entire global ecosystem. Without a mechanism to reduce overall plastic production, any other provisions of the Treaty would become significantly more expensive to implement and less effective.
- **CHEMICALS OF CONCERN:** The Treaty needs to include control measures that allow for the regulation and elimination of toxic chemicals in plastics throughout the full life cycle of plastics and across all sectors, not just “in plastic products.” (see the IPEN brief, “[A Small Slice of the Toxic Pie](#)”). Criteria for regulating plastic chemicals should determine whether they
 - are plastic chemicals (including chemicals and classes of chemicals associated with plastics, either as plastic ingredients (including monomers, polymers, and additives), processing aids, NIAS, or chemicals unintentionally produced during the plastics life cycle);
 - have available hazard data; and
 - have known or potential adverse effects on human health, the environment, or increase barriers to circularity.

INITIAL LIST OF CHEMICAL GROUPS

Regarding which chemicals may be suitable to evaluate for an initial list, we note that during INC-4, two groups of countries, [EU](#) and [Norway, and the Cook Islands and Rwanda](#), made submissions on groups of chemicals to consider. The suggested chemical groups include:

- Phthalates
- Bisphenols
- Alkylphenols
- Flame retardants
- Metals and Metal compounds
- UV stabilizers
- PFAS

Scientific evidence supports the inclusion of these groups and demonstrates that they are plastic chemicals with known adverse effects on human health and the environment (e.g., [BRS 2023](#), [Plastics, EDCs and Health](#), [Troubling Toxics](#), and [PlastChem](#)). IPEN therefore supports this list of chemical groups as a good starting point for a discussion around initial lists.

Upon fulfilling the criteria, the chemicals should be addressed under suitable control mechanisms including the possibility for elimination and safe substitution, and restrictions of imports and exports of products containing them. The regulation of chemicals should follow the precautionary principle, allow for grouping of chemicals of concern, and include a mechanism to update the list of chemicals of concern as new scientific evidence emerges, including through establishing procedures to amend future annexes to the Treaty.

- **TRANSPARENCY AND TRACEABILITY:** Information on all chemicals used in plastics production and as plastic ingredients should be publicly available and communicated throughout the value chain, including to retailers, waste managers, recyclers, and consumers, through globally standardized labeling and global databases. Transparency allows for quick identification of hazardous chemicals, encourages substitution with safer alternatives, and is a requirement for safe working conditions at every stage of the life cycle. This requirement helps fulfill the **public's right to know**.
- **EMISSIONS AND RELEASES:** Closely related to transparency is the obligation to minimize and monitor emissions and releases of chemicals and particles that may have adverse impacts on human health. This provision should be designed to prevent all emissions (not limited only to plastic emissions) arising from the production, use, and disposal of plastics. Public data on emissions and releases of pollutants supports the realization of the public's right to know.
- **EXISTING PLASTIC POLLUTION:** When considering existing plastic pollution, the Treaty should prioritize the identification and remediation of hotspots, including at production and waste disposal facilities that threaten human health and ecosystems.
- **PLASTIC WASTES, INCLUDING TRANSBOUNDARY MOVEMENT OF PLASTIC WASTES:** The Treaty should ensure the environmentally sound management of waste (ESM) with consideration of the health of the surrounding communities and avoid measures that harm human health and the environment, such as incineration or chemical recycling. The Treaty should ensure that plastics containing toxic chemicals are not recycled and are instead destroyed through non-combustion technologies. The Treaty should foster international collaboration and coherence with the Basel Convention to avoid duplication of work.