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QUICK VIEWS ON THE RESUMED FIFTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC-5.2) TO DEVELOP AN INTERNATIONAL LEGALLY BINDING INSTRUMENT ON PLASTIC POLLUTION

Towards a Health-Protective and Effective Plastics Treaty

The Plastics Treaty fifth Intergovernmental Negotiating Committee (INC-5) negotiations were suspended in December 2024, ending with an updated structure for a treaty laid out in the Chair's draft **text** of December 1st.

Unfortunately, the current draft text from the Chair of the INC lacks provisions that are necessary to protect human health. Although significant progress has been made in the negotiations and several countries have committed to reducing plastic production and eliminating hazardous chemicals, the draft of the Plastics Treaty must be strengthened to effectively protect human health and the environment through legally binding obligations.

In finalizing the negotiations for the future Plastics Treaty, the INC should ensure that meaningful global controls support the Treaty's health-protective objectives and that the INC fulfills the UNEA mandate 5/14 by addressing the full life cycle of plastics.

Countries have the opportunity at INC-5.2 in Geneva this 5-14 August to establish the foundations for an ambitious instrument capable of meaningfully addressing the plastics pollution crisis. The Geneva session must fix process flaws, reinforce the role of civil society, and ensure the final Treaty includes strong, legally binding global control measures throughout the full life cycle of plastics.

Key Messages for INC-5.2 Delegates

Fixing the broken INC process and ensuring open access and participation:

- The INC must clarify the rules of procedure and should implement voting to prevent a few countries from obstructing progress.
- The process must ensure public participation, access to information, and access to justice. The Chair must ensure negotiations, including discussions about text options, are open to civil society groups. Proposed restrictions on participation should be justified in the plenary and, if deemed essential, should remain as limited as possible. Public interest organizations, Indigenous Peoples, community-based advocates, and others from low- and middle-income countries often represent those who are most directly harmed by the hazards of plastics and toxic plastic chemicals, thus their voices are critical for addressing these problems.

A meaningful health protective treaty text must:

- Protect human health through ambitious, legally binding global controls rather than voluntary or national measures that are ineffective in ending pollution.
- Strengthen provisions on products and chemicals, design, emissions, releases, leakages, and waste management to ensure the treaty includes mechanisms or procedures for reducing and eliminating toxic chemicals.
- Keep legally binding obligations and strengthen global actions by removing language that undermines global controls, such as “as appropriate” and “in accordance with its national circumstances.” The plastics crisis is global, so solutions must be global.
- Have an effective decision-making process allowing the Conference of the Parties to vote by majority when efforts to reach consensus have been exhausted.
- Establish an independent financial mechanism that institutes the polluter pays principle and provides new, additional, sustainable, and predictable financial and technical support, sourced from plastic-producing states that manufacture and export primary plastic polymers. Priority funding should be allocated for upstream control measures.
- Ensure public participation, access to information, access to remedies, and access to justice.

Article 3 on plastic products is crucial for protecting health. To guarantee that these provisions successfully safeguard human health, the INC must ensure that:

- The title of the article includes the word “chemicals” to reflect the scope of the provision. IPEN recommends the title: “Plastic Products and Chemicals.”
- There is a mechanism to prevent harmful (so-called “regrettable”) plastic chemical substitutions by adopting a grouping approach to chemical identification, assessment, and controls, including by eliminating groups of chemicals.
- The obligation currently in paragraph 8bis on transparency and traceability of known hazardous chemicals is retained to ensure the availability and traceability of chemicals present in individual plastic products.
- An initial list of chemical groups to be banned from use in plastic materials is provided, with a special focus on those not addressed by the Stockholm Convention (such as phthalates, bisphenols, lead, and cadmium compounds and other endocrine-disrupting chemicals, reproductive and developmental toxicants, and carcinogens).
- It establishes a scientific review committee that can provide recommendations to the COP to update the list of chemicals over time.

Further recommendations to strengthen the protection of human health and the protection of vulnerable groups in the chair’s draft

- **Article 1, Objective**: Protecting human health and the environment must be central to the objective of the treaty.
- **Article 5 on Plastic Product Design**: The Article must be strengthened to ensure that all hazardous chemicals are identified and progressively substituted with safer alternatives through improved product design.

- **Article 6, Supply [Sustainable Production]**: It is essential that the INC retains global, legally binding controls on supply and plastic production volumes and transparency requirements. Without regulatory interventions, plastic production is projected to increase dramatically, with increasing climate, environmental, human rights, and health problems. More plastic production means more pollution. To protect human health and the environment, the Plastics Treaty should strengthen Article 6 to establish a mechanism for the immediate reduction and limitation of plastic production. Scientific evidence demonstrates that we have exceeded the "**planetary boundaries**" for chemical and plastic 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 be less effective and significantly more expensive to implement.
- **Article 7 on Releases, Emissions, and Leakages**: The scope of Article 7 should be strengthened to encompass releases and **emissions** of hazardous chemicals and groups of chemicals, including heavy metals, throughout the full life cycle of plastics, including through plastic pollution release and transfer registers in line with the Kyiv Protocol on Pollutant Release and Transfer Registers (PRTR).
- **Article 8 on Plastic Waste Management**: Recycling should be encouraged only when plastics are free from hazardous chemicals. Furthermore, waste management practices such as burning, including pyrolysis (i.e., chemical recycling, which leads to the emission of hazardous chemicals), and the production of Refuse-Derived Fuel (RDF, used in cement kilns, power generation plants, and industrial boilers), plastics pellets, or briquettes should be prohibited. The reference to energy recovery of plastic waste should be eliminated.
- **Article 19 on Health**: An article on health must ensure that countries develop strategies and programs to prevent health impacts, including from plastic production processes and the use of plastic chemicals, to uphold the right to a clean, healthy, and sustainable environment, including a safe and healthy working environment, and apply a One Health approach as **recommended** by the WHO. Such provisions should ensure better monitoring of health impacts of plastics, for example through biomonitoring, and to increase the capacity in the health sector to understand the risks of exposure from plastic chemicals and plastic pollution.

Make the polluters pay (Article 11 – Financial Mechanism)

Plastic pollution is a global crisis driven by the unchecked overproduction of plastics and toxic plastic chemicals.

If no action is taken to reduce production, a recent **study** has shown that by 2050, plastics production will have more than doubled the emissions of CO2-equivalents compared to 2019. The petrochemical industry is looking at channeling more of their fossil fuels into the production of plastics and other chemicals, and by 2060 we may have **four times** as much plastic on the planet. Increased production will increase the release, leakage, and emissions, including toxic chemicals, throughout the entire life cycle of plastics.

The estimated internal revenue of the primary plastic market is between USD 600-700 billion **per year**. The externalized costs that society currently pays for are estimated in the range of USD 293-1500 billion per year. This means that communities are already bearing the costs of the plastic pollution crisis in terms of effects on ecosystems and human health.

The primary polluters are the plastics manufacturers and countries that export significant amounts of primary plastics and plastic products. The Plastics Treaty must incorporate the "polluter pays principle" to ensure that plastic manufacturing countries that are major net exporters of primary plastic polymers bear the full environmental and health costs of their activities. Industries in exporting countries profit from plastics exports without internalizing the liabilities associated with these materials, including health costs, environmental impacts, and end-of-life management.

To address this inequity and enable effective implementation, the treaty should:

- Establish a dedicated financial mechanism to fund upstream control measures and assist low- and middle-income countries in tackling plastic pollution through predictable, adequate, and additional funding.
- Ensure that funding is sourced from plastic-producing countries that are net exporters of primary plastic polymers and plastic products.
- Promote economic instruments that ensure plastic producers fund the implementation of control measures in the plastics treaty, including pollution fees and Extended Producer Responsibility schemes, to the extent that the economic instruments and fees internalize the social, environmental, and health costs of plastics' harmful impacts.

Resources

Follow IPEN's work on the **Plastics Treaty** and **INC-5.2** and see detailed recommendations from IPEN for improving the Chair's draft from INC 5.1 in the following documents:

- **IPEN's Plastics Treaty Scorecard**
- **IPEN's Views on the Chairs Text**
- **A briefing on the case for public participation in global environmental forums**

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