

Proposed response template on written submissions prior to INC-3 (part b)

Potential Areas Identified by the Contact Groups

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups¹, to inform the work of INC-3.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

All written submissions must be sent to unep-incplastic.secretariat@un.org. The submissions received will be made available on the INC webpage.

Please note that not all fields in the template need to be answered in the submission.

Deadline for submissions:

- I. By **15 August 2023** for written submissions from **observer** organizations.
- II. By **15 September 2023** for written submissions from **Members** of the Committee.

¹ Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.

TEMPLATE FOR SUBMISSIONS

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	BAN Toxics
Contact person and contact information for the submission	Jashaf Shamir A. Lorenzo jlorenzo@bantoxics.org
Date of submission	August 11, 2023

Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)

Potential areas for intersessional work

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity
2. Information on criteria, also considering different applications and sectoral requirements, including:
 - a. Chemical substances of concern in plastics,
 - b. Problematic and avoidable plastic polymers and products and related applications
 - c. Design e.g. for circularity, reuse
 - d. Substitutes and alternatives to plastic polymers and products
3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products
4. Potential sources of release of microplastics (applications and sectors).

(Please note: A longer list is included in the co-facilitators report on discussions in contact group 1². Submissions may also include input on any of the items in that longer list, such as, amongst others, the development of criteria to prioritise problematic and avoidable plastics; the development of targets for the reduction, reuse and repair of problematic and avoidable plastic products; or the guidelines on EPR)

² The report can be accessed here: <https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf>.

Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]
2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]
3. To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered
4. To consider how other MEAs provide for monitoring, and suggest best practice
5. To consider options to define 'technology transfer on mutually agreed terms
6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
7. To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))
8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member
9. To identify capacity building and training needs for each Member.

This section outlines BAN Toxics' inputs for the potential areas of intersessional work identified by Contact Groups during INC-2.

General Perspectives

BAN Toxics believes that a sustainable and toxics-free future is a plastics-free future. The inputs outlined by our organization are reflective of our advocacy and our vision which includes calls for a Treaty that:

- Prioritizes the reduction of plastic use and production by identifying realistic and science-informed schedules for **plastic production freeze and phasedown** in respect of sustainable planetary boundaries and the protection of human health and the environment,
- Pushes for sustainable shifts in industry perspectives and practices through the removal of incentives and subsidies for plastic producers, manufacturers, and distributors and imposing appropriate fees and restrictions on industries,
- Prioritizes the identification of sustainable alternatives to plastics in the interest of protection human health and the environment. In this context, this refers to plastics or chemicals in plastics that are known carcinogens, endocrine disruptors, and related substances that are known to be persistent, bioaccumulative, and toxic in the environment.

Specific Inputs on Contact Group 1

- On definitions of, e.g., plastics, microplastics, circularity:
 - o Discussions on **plastics** should include in its scope chemicals and classes of chemicals that are associated with plastics production. This may include plastic ingredients, processing

aids, other toxic additives, and chemicals produced unintentionally during the plastics life cycle

- **Circularity** in the context of plastics should be defined as possible only when toxic chemicals that are linked with adverse impacts to health and the environment are reduced to safe levels either through reduction, elimination, or the identification of sustainable alternatives. This distinction allows for a truly safe and circular reuse or recycling process and allows decisionmakers to focus on the full lifecycle of plastics rather than just improving waste management capacities and technologies.
- On criteria, also considering different applications and sectoral requirements:
 - For in-depth information on criteria, BAN Toxics recommends that submissions from networks such as the International Pollutants Elimination Network (IPEN) and the Global Alliance for Incinerator Alternatives (GAIA) are considered and reviewed.
 - BAN Toxics does not believe that INC members should engage in intersessional work on developing a list of plastics, chemicals, and polymers of concern due to the high degree of scientific expertise the work requires. However, we recommend that a chemical mapping process be undertaken to identify chemicals of concerns as well as relevant regulations in countries and regions. The purpose of the chemical mapping activity is to compile an initial list of chemicals, groups of chemicals, and potential actions and programs to control and regulate plastics. In some ways, this process is similar to the conduct of the Minamata Initial Assessment which requires parties to conduct national assessments of products of concern before ratification.
 - Echoing our input on circularity, **design, e.g., for circularity and reuse** should focus on design criteria that are guided by principles of maximizing efficient use of resources, minimizing waste generation by increasing product life span, ensuring that products are free from toxic chemicals, and eliminating problematic plastics that are linked with adverse impacts to human health and the environment. This definition is consistent with minimum sustainable design criteria such as toxic-free reusable products, processes as well as mechanisms and infrastructure needed for effective and safe reuse.
 - Availability of toxic data should inform its use, e.g., no data no market.
 - Traceability and transparency principles should be integrated in all aspects of the plastics lifecycle, focusing on making information on chemicals and plastics available and present throughout the plastics lifecycles. Furthermore, the related input on capacity-building and training for Member States (CG2) should focus on building capacities to inform the public regarding the risks associated with certain chemicals in everyday plastics products. This allows both consumers and government stakeholders to make informed decisions regarding the products they use and produce.

Specific Inputs on Contact Group 2

- Potential role, responsibilities, composition of a science and technical body
 - The science and technical body should be free from conflict of interest and influence from plastics stakeholders, instead focusing on scientific and evidence-based work that can

inform policy formulation. The body should ensure coordination with other relevant scientific bodies to ensure efficiency of work and to reduce duplicity of activities and efforts, when possible.

- Potential financing mechanism
 - Echoing the calls from allied networks and NGOs, BAN Toxics proposes that a dedicated plastics multilateral fund with support from Member States. This ensures efficiency of finance management and use and is reflective of the need to recognize pollution as a planetary crisis that warrants a dedicated mechanism.
- Current funding and finance available (to address plastic pollution) and determine the need for financial support for each member
 - An efficient and effective implementation of activities required to implement the Treaty should be supported by adequate funding. This includes activities such as capacity-building, monitoring, reporting, and stakeholder participation.
- Capacity-building and training needs for each Member
 - Related to the above point on funding mechanisms, capacity-building should refer to increased familiarity of Member States with plastics-associated risks and effective policy mechanisms, as well as potential national and local programs that work towards to encourage the shift to safer alternatives and work towards global objectives of reduction and elimination of plastics. Framing the plastics lifecycle as problematic due to the associated risks to human health and the environment during its various stages (from upstream to downstream) is imperative, to avoid policy and program initiatives that are focused on late stages such as waste management rather than pressing issues such as reduction of production and improving product design, for example.