

HOW THE RESOLUTION “END PLASTIC POLLUTION: TOWARDS AN INTERNATIONAL LEGALLY BINDING INSTRUMENT” RELATES TO CHEMICALS AND HEALTH

In March 2022, the United Nations Environment Assembly (UNEA) [approved a broad mandate](#) to start talks on an international treaty to address the growing threats from plastic pollution. The scope of the Plastics Treaty is intended to include all impacts from plastics throughout their lifecycle, including effects from the toxic chemicals in plastics on human health and the environment. The future treaty will be a key legally binding agreement moving the world towards a toxic free future.

In IPEN’s analysis, based on the mandate, the final agreement must address the health impacts of plastics and their chemicals in four ways:

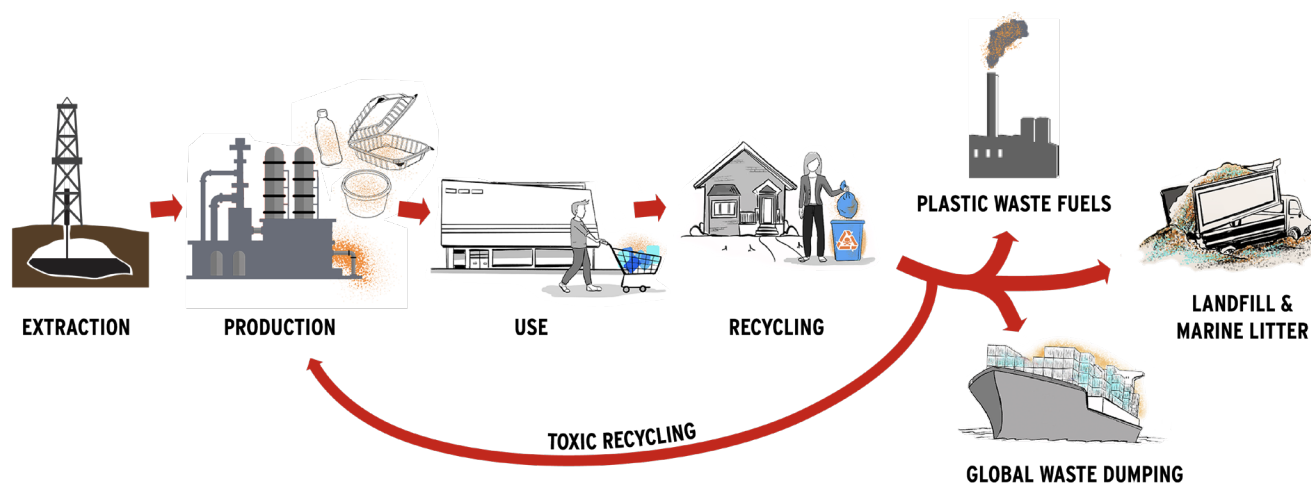
Lifecycle approach: the use, release of and harms from toxic chemicals from plastics must be addressed at a minimum through the production, design, consumption, and waste management phases.

Design and circular economy: Chemicals in plastics make them unsustainable and unfit materials for a circular economy. As the mandate underlies the importance of promoting sustainable design, the treaty must ensure that hazardous chemicals are eliminated from plastic production and that plastics with hazardous chemicals are not recycled.

Health and Multilateral Environmental Agreements:

The resolution notes the importance of preventing threats to human health and the environment from toxic plastics and calls for coordination with the Basel, Rotterdam and Stockholm Conventions and the Strategic Approach to International Chemicals Management (SAICM). The treaty must address the health and environmental impacts due to exposure to hazardous chemicals and toxic emissions throughout the plastics lifecycle.

Microplastics: As the resolution recognizes microplastics as included in plastic pollution, the chemical health and environmental hazards from microplastics must also be addressed, including their potential to be vectors for chemical contamination.



The fifth United Nations Environmental Assembly (UNEA5) decided that negotiations will be starting in 2022 for a legally binding agreement on plastic pollution. The International Negotiation Committee (INC) will have a broad mandate to address plastic pollution in all its aspects and impacting all environments. While the terms *chemicals*, *additives*, *hazard*, or *toxic* do not appear in the final text, the chemical content, and the toxic impacts of plastics on human health and on the environment are clearly included in the mandate. The future treaty will be a key instrument in advancing the world towards a toxic-free future.

LIFECYCLE APPROACH

The resolution recognizes that plastic pollution needs to be tackled through a full lifecycle approach and the operative part of the resolution specifically requires that the legally binding instrument to be developed should have a comprehensive approach that addresses the full lifecycle of plastics. This means that the use and release of harmful substances will be addressed at all phases of the lifecycle of plastics. As a minimum the toxic impacts of plastics during production, design, consumption, and waste management will be addressed in the treaty negotiations.

DESIGN AND CIRCULAR ECONOMY

The resolution underlines the importance of promoting sustainable design of products and materials so that they can be reused, remanufactured, or recycled and therefore retained in the economy for as long as possible. It specifically refers to the objective to “promote sustainable production and consumption of plastics, including, among others, product design, and environmentally sound waste management, including through resource efficiency and circular economy approaches”. Plastic design, their sustainable production and consumption means that the role of chemicals will have to be addressed. [Circular economy principles](#) acknowledge that plastics should be free of hazardous chemicals and [proposed sustainability principles](#) for plastics suggest that the use of hazardous substances is minimized. The treaty will have to ensure that hazardous chemicals are eliminated

from plastic production and that plastics contaminated with hazardous chemicals cannot be recycled.

HEALTH AND MEAs

The resolution acknowledges the importance of preventing plastic pollution and its related risks to human health and adverse effects on human well-being and the environment. The resolution underlines that these objectives need to be achieved through cooperation and coordination with other instruments including the Basel, Rotterdam and Stockholm Conventions and the Strategic Approach to International Chemicals Management (SAICM). This means that future work needs to address the health impacts of plastics, including the impacts due to exposure to hazardous chemicals and toxic emissions throughout the lifecycle. This will provide space for accelerating the implementation of an international agreement that could help prevent the health impacts of plastics and of plastic waste contaminated with toxic chemicals.

MICROPLASTICS

The resolution recognizes that plastic pollution includes microplastics. This means that it is acknowledged that the issue of plastic pollution is broader than its physical impacts due to plastic litter and the issue of microplastics will also have to be tackled, including the chemicals dimension of it. The resolution also refers to the need for a science-to-policy mechanism to better understand the impacts of plastic pollution, which will be a tool to include the yet unrecognized chemical impacts of plastics and microplastics. Additionally, UNEA [Resolution 2/11](#) already stated that “more research is needed on marine plastic debris and microplastics, including associated chemicals, and especially on environmental and social impacts – including on human health – and on pathways, fluxes and fate, including fragmentation and degradation rates, in all marine compartments and especially in water bodies and sediment deposits of the coastal and open ocean, as well as on impacts on fisheries, aquaculture and economy”. This means that the Treaty could recognize the emerging risks of microplastics, including their potential to be vectors for chemical contaminants.

Draft resolution

End plastic pollution: Towards an international legally binding instrument

The United Nations Environment Assembly,

Noting with concern that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development,

Recognizing that plastic pollution includes microplastics,

Further noting with concern the specific impacts of plastic pollution on the marine environment,

Further noting that plastic pollution, in marine and other environments, can be of a transboundary nature and needs to be tackled, together with its impacts through a full lifecycle approach taking into account national circumstances and capabilities,

Reaffirming United Nations General Assembly resolution 70/1 of 25 September 2015, by which the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development,

Reaffirming also the principles of the Rio Declaration on environment and development adopted in Rio de Janeiro in 1992,

Stressing the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of plastic pollution on the environment, and promote effective and progressive actions at the local, regional and global level, recognizing the important role of plastics for society,

Recalling United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9 and affirming the urgent need to strengthen global coordination, cooperation and governance to take immediate actions towards the long-term elimination of plastic pollution, in marine and other environments, and of avoiding detriment from plastic pollution to ecosystems and the human activities dependent on them,

Recognizing the wide range of approaches, sustainable alternatives and technologies to address the full life-cycle of plastics further highlighting the need for enhanced international collaboration to facilitate access to technology, capacity building and scientific and technical cooperation and underlining that there is no single approach,

Underlining the importance of promoting sustainable design of products and materials so that they can be reused, re-manufactured or recycled and therefore retained in the economy for as long as possible along with the resources they are made of, as well as minimizing the generation of waste, which can significantly contribute to sustainable production and consumption of plastics,

Welcoming efforts made by governments and international organizations, in particular through national, regional and international action plans, initiatives and instruments, including relevant multilateral agreements, such as G7 and G20 initiatives including the action plans of 2015 and 2017 addressing marine litter, Osaka Blue Ocean Vision, G20 Implementation Framework, Ocean Plastics Charter, the ASEAN Framework of Action on Marine Debris and the Bangkok Declaration on Combating Marine Debris, the APEC Roadmap on Marine Debris and to reduce plastic and

microplastic pollution, the AOSIS Leaders Declaration of 2021, and St Johns Declaration of Caricom, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the outcome of the Ministerial Conference on Marine Litter and Plastic Pollution in 2021, and recognizing the need for complementary actions and a coherent and coordinated long-term global vision,

Noting with appreciation the significant work of the Global Partnership on Marine Litter and actions to tackle marine litter and plastic pollution supported and implemented by the United Nations Environment Programme, and taking into account the chair's summary of the *ad hoc* open-ended expert group on marine litter and microplastics, which presents potential options for continued work for consideration by UNEA- 5,

Reaffirming the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, while respecting their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment, including the 1973 International Convention for the Prevention of Pollution from Ships and its 1978 Protocol, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade, the United Nations Convention on the Law of the Sea, the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters and its 1996 Protocol, the Strategic Approach to International Chemicals Management, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, as well as among international organizations, regional instruments and programmes and recognizing efforts led by non- governmental organizations and the private sector,

Further recognizing that each country is best positioned to understand its own national circumstances, including its stakeholder activities, related to addressing plastic pollution, including in the marine environment,

Recognizing the significant contribution made by workers under informal and cooperative settings to collecting, sorting and recycling plastics in many countries,

Underlining that further international action is needed by developing an international legally binding instrument on plastic pollution, including in the marine environment,

1. *Requests* the Executive Director to convene an intergovernmental negotiating committee, commencing its work during the second half of 2022, with the ambition of completing its work by the end of 2024;
2. *Acknowledges* that some legal obligations arising out of a new international legally binding instrument will require capacity building and technical and financial assistance in order to be effectively implemented by developing countries and countries with economies in transition;
3. *Decides* that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment henceforth referred to as the instrument, which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the full lifecycle of plastic, taking into account among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, including provisions:
 - (a) To specify the objectives of the instrument;
 - (b) To promote sustainable production and consumption of plastics, including, among others, product design, and environmentally sound waste management, including through resource efficiency and circular economy approaches;
 - (c) To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution;
 - (d) To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument;
 - (e) To promote national action plans to work towards the prevention, reduction and elimination of plastic pollution, and to support regional and international cooperation;

- (f) To specify national reporting, as appropriate;
 - (g) To periodically assess the progress of implementation of the instrument;
 - (h) To periodically assess the effectiveness of the instrument in achieving its objectives;
 - (i) To provide scientific and socio-economic assessments related to plastic pollution;
 - (j) To increase knowledge through awareness-raising, education and information exchange;
 - (k) To promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoiding duplication, and promoting complementarity of action;
 - (l) To encourage action by all stakeholders, including the private sector, and to promote cooperation at the global, regional, national and local levels;
 - (m) To initiate a multi-stakeholder action agenda;
 - (n) To specify arrangements for capacity-building and technical assistance, technology transfer on mutually agreed terms, and financial assistance, recognizing that the effective implementation of some legal obligations under the instrument is dependent on the availability of capacity building and technical and adequate financial assistance;
 - (o) To promote research and development of sustainable, affordable, innovative and cost-efficient approaches;
 - (p) To address compliance;
4. *Also decides* that the intergovernmental negotiating committee, in its deliberations on the instrument, consider the following:
- (a) Obligations, measures, and voluntary approaches in supporting the achievements of the objectives of the instrument;
 - (b) The need for a financial mechanism to support the implementation of the instrument, including the option of a dedicated multilateral fund;
 - (c) Flexibility that some provisions could allow countries discretion in implementation of their commitments taking into account the national circumstances;
 - (d) The best available science, traditional knowledge, knowledge of indigenous peoples and local knowledge systems;
 - (e) Lessons learned and best practices, including those from informal and cooperative settings;
 - (f) The possibility of a mechanism to provide policy relevant scientific and socio-economic information and assessment related to plastic pollution;
 - (g) Efficient organization and streamlined secretariat arrangements;
 - (h) Consider any other aspects that the intergovernmental negotiating committee may consider relevant;
5. *Requests* the Executive Director to convene an *ad hoc* open-ended working group to hold one meeting during the first half of 2022 to prepare for the work of the intergovernmental negotiating committee in particular to discuss the timetable and organization of work of the intergovernmental negotiating committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of the present resolution;

6. *Stresses* the need to ensure the widest possible and effective participation in the *ad hoc* open-ended working group meeting and the intergovernmental negotiating committee;
7. *Requests* the Executive Director as a priority action to provide the necessary support to developing countries and countries with economies in transition to allow for effective participation in the work of the *ad hoc* open-ended working group meeting and the intergovernmental negotiating committee;
8. *Also requests* the Executive Director to ensure the necessary support of the UNEP Secretariat to the intergovernmental negotiating committee and the *ad hoc* open-ended working group;
9. *Decides* that participation in the *ad hoc* open-ended working group and the intergovernmental negotiating committee should be open to all Member States of the United Nations and Members of its specialized agencies, to regional economic integration organizations, as well as relevant stakeholders, consistent with applicable United Nations rules;
10. *Invites* governments and other stakeholders in a position to do so to provide extra budgetary resources to help to support the implementation of the present resolution;
11. *Requests* the Executive Director to facilitate the participation of and close cooperation and coordination with relevant regional and international instruments and initiatives and all relevant stakeholders in the context of the mandate of the intergovernmental negotiating committee;
12. *Also requests* the Executive Director to convene a diplomatic conference of plenipotentiaries upon completion of negotiations in the intergovernmental negotiating committee, for the purpose of adopting and opening for signature the instrument;
13. *Further requests* the Executive Director to report on progress on the work of the intergovernmental negotiating committee to the 6th session of UNEA;
14. *Requests* the Executive Director to continue to support and advance the work of the Global Partnership on Marine Litter, while strengthening scientific, technical and technological knowledge with regard to plastic pollution, including in the marine environment, *inter alia*, on methodologies for monitoring, and sharing available scientific and other relevant data and information;
15. *Calls upon* all Member States to continue and step up activities and adopt voluntary measures to combat plastic pollution, including measures related to sustainable consumption and production, which may include circular economy approaches, and developing and implementing national action plans, while fostering international action and initiatives under respective national regulatory frameworks, and also on a voluntary basis to provide statistical information on environmentally sound management of plastic waste, as appropriate, taking into account their national circumstances;
16. *Requests* the Executive Director, subject to the availability of financial resources, to convene a forum in conjunction with the first session of the intergovernmental negotiating committee, building upon existing initiatives, where appropriate, that is open to all stakeholders to exchange information and activities related to plastic pollution.



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