

Chemicals Regulation in the Plastics Treaty

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Overview

- Road to a plastics treaty
- Chemicals in the negotiations so far
- Existing international Chemicals regulations
- Options to regulate chemicals in INC2
- Potential criteria and principles to inform regulating chemicals
- Barriers to regulating chemicals
- Considerations in regulating chemicals

UNEP/EA.5/Res.14

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**United Nations
Environment Assembly of the
United Nations Environment
Programme**

**United Nations Environment Assembly of the United
Nations Environment Programme**

Fifth session

Nairobi (hybrid), 22 and 23 February 2021
and 28 February–2 March 2022

**Resolution adopted by the United Nations Environment
Assembly on 2 March 2022**

5/14. 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,



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 underlines 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.



Health and Chemicals

- Initial focus of international work was marine litter
- Health is only mentioned in a paragraph in the preamble
- Chemicals are not mentioned at all
- Life-cycle approach, circular economy and microplastics

Top messages for the treaty

- **Plastics should be understood as materials that are complex mixture of chemicals mostly derived from oil and gas**
- **The health impacts of plastics should be addressed:** Marine litter is the visible impact of plastic pollution, while toxic chemicals show the invisible impact of plastic pollution
- **Toxic chemicals make plastics incompatible with a circular economy:** only plastics free from toxic chemicals should be reused and recycled



3 KEY PRINCIPLES FOR A PLASTICS TREATY

IPEN QUICK VIEWS FOR DAKAR OEWG MEETING

The United Nations Environment Assembly (UNEA) has called for this meeting of an ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee (INC) on a Plastics Treaty. UNEA resolution 5/14 specifies that the INC is to develop an international legally binding agreement based on a comprehensive approach that addresses the full lifecycle of plastic, and, among other provisions, calls for an agreement.

"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."

IPEN believes that an understanding of the following three principles will be foundational for a Plastics Treaty that addresses the human health and climate threats from plastics throughout their lifecycle, and for promoting alternatives that truly meet the needs of a circular economy.

PRINCIPLE 1: UNDERSTANDING PLASTICS AS CARBON AND CHEMICALS

Plastics are made from fossil fuels (oil and gas) with a mix of chemicals. Plastics consist of polymers (large number of similar chemical units bonded together) combined with other chemicals added for specific properties (e.g., to make plastics flexible, UV resistant, durable, fire resistant, etc.). More than 10,000 different chemicals are used in plastics. To solve the plastics problem we must address the lifecycle of plastics and avoid the industry's efforts to shift the responsibility downstream by focusing only on consumer products like single-use plastics. Instead, we must address all plastics and put the responsibility for reducing production on the source of the problem, the fossil fuel industry, not on consumers.

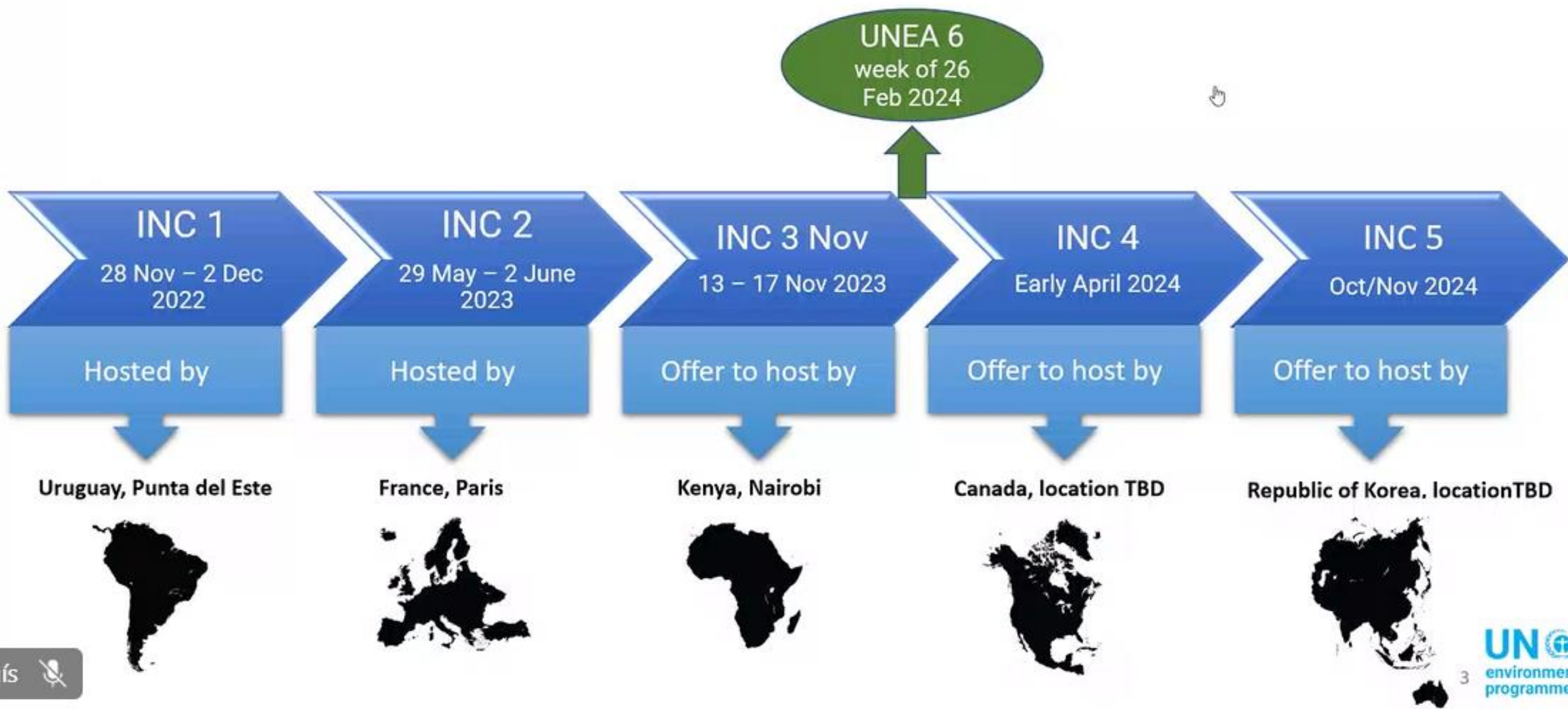
PRINCIPLE 2: ADDRESSING THE HARMFUL HEALTH EFFECTS FROM CHEMICALS IN PLASTICS

Plastic pollution is visible and well documented, but we often overlook the invisible chemicals in plastics that pose hazards to people and the environment. While we may not see them, studies show that chemicals from plastics are linked to serious health problems. Chemicals in plastics have been linked to cancer, brain damage, infertility, and other serious conditions. People are exposed to harmful chemicals from plastic production, transport, use and disposal – but since plastics are not labeled, we can't know who in them, making it impossible to avoid and safely manage these hazardous chemicals. When people and our communities, we lose the opportunity to live healthy, productive lives.



pour un avenir sans toxines

Timeline for the INC process



INC1 outcome

Health and chemicals were mentioned by over 60 countries statements on the treaty



IPEN PLASTICS TREATY PLATFORM PROTECTING HUMAN HEALTH AND THE ENVIRONMENT FROM TOXIC CHEMICALS

Plastics are materials made of complex mixtures of chemicals, often including chemicals that are known to be hazardous to human health and to ecosystems at the global level.

Babies are born already pre-polluted with toxic chemicals stemming from plastics. Highly persistent chemical pollutants associated with plastics production and use contaminate human bodies and the terrestrial and marine wildlife and food chains on which humans depend. In addition, plastic production and the decomposition of plastic materials in the environment both contribute to climate change.

The global threat of plastic and chemical production is extremely concerning, with plastic production set to increase by 400% by 2050 while the plastic additives market will expand in a similar way in the same period. Also, by 2050, petrochemical production, including plastics, is expected to drive a 50% increase in oil demand globally.

We need a global agreement to end plastic pollution that protects human health and future generations.

We welcome the 2012 UN Environment Assembly's resolution, which committed to the negotiation of a legally binding global treaty addressing the full life cycle of plastics. The goals of this treaty include the prevention, reduction, and elimination of plastic pollution, including marine plastic pollution among other sources and pathways of plastic pollution.

In order to successfully develop a meaningful treaty, the Intergovernmental Negotiation Committee (INC) process must ensure participation is open, inclusive, and transparent. While the INC should guarantee virtual access to all negotiating committees, it should recognize the importance of in-person participation of public interest organizations from all regions of the world, and ensure financial support to organizations from low- and middle-income countries.

IPEN's global network of organizations reaffirms its commitment to continue working jointly toward eliminating the toxic impacts of plastics on the health of citizens, workers, vulnerable populations and Indigenous Peoples, and the environment associated with hazardous chemicals in plastics. Removing the toxic impacts of toxic chemicals in plastics will require addressing all aspects of plastic production, use, transport, and disposal.

The health impacts of plastics are well documented. Most of the chemicals in the plastics production are known to cause a wide range of adverse health impacts. Some of the chemicals found in plastics are endocrine-disrupting chemicals, which can harm the hormonal system, resulting in infertility, cancers, and neurodevelopmental disorders. Existing international controls for plastic and plastic waste under the Stockholm and Basel Conventions are important but not sufficient. Unfortunately, many of these plastics release hazardous chemicals that can be transferred from mother to child during pregnancy, threatening the health of future generations.

We therefore urge governments and stakeholders to seize the opportunity of the Plastics Treaty negotiation process to achieve — by the year 2030 — a **full detoxification of plastic materials** so that toxic chemicals in plastics do not contaminate our food, bodies, water, soil, and air.

We call on governments to make the Plastics Treaty a tool for removing the adverse effects of plastics on the enjoyment of human rights, including the right to clean air, water, soil, and food, and the right to bear children, threatened by some plastics' ingredients' impacts on fertility. Vulnerable population workers, both in the formal and informal sectors, require special attention and should no longer suffer from the toxic impacts of plastic production, use, transport and disposal, in particular, due to their chemical content.

TO ACHIEVE THIS GOAL, THE PLASTIC TREATY MUST:

1. Have an overall objective to protect human health and the environment from all adverse impacts of plastics, including curbing toxic and climate pollutants, based on the precautionary principle, similarly to Article 1 of the Stockholm Convention.
2. Address all types of plastics, including thermoplastics, thermoset plastics, and thermoset elastomers and the associated chemicals used or generated throughout their life cycle, as well as all forms of plastic pollution, including from micro- and nanoplastics.



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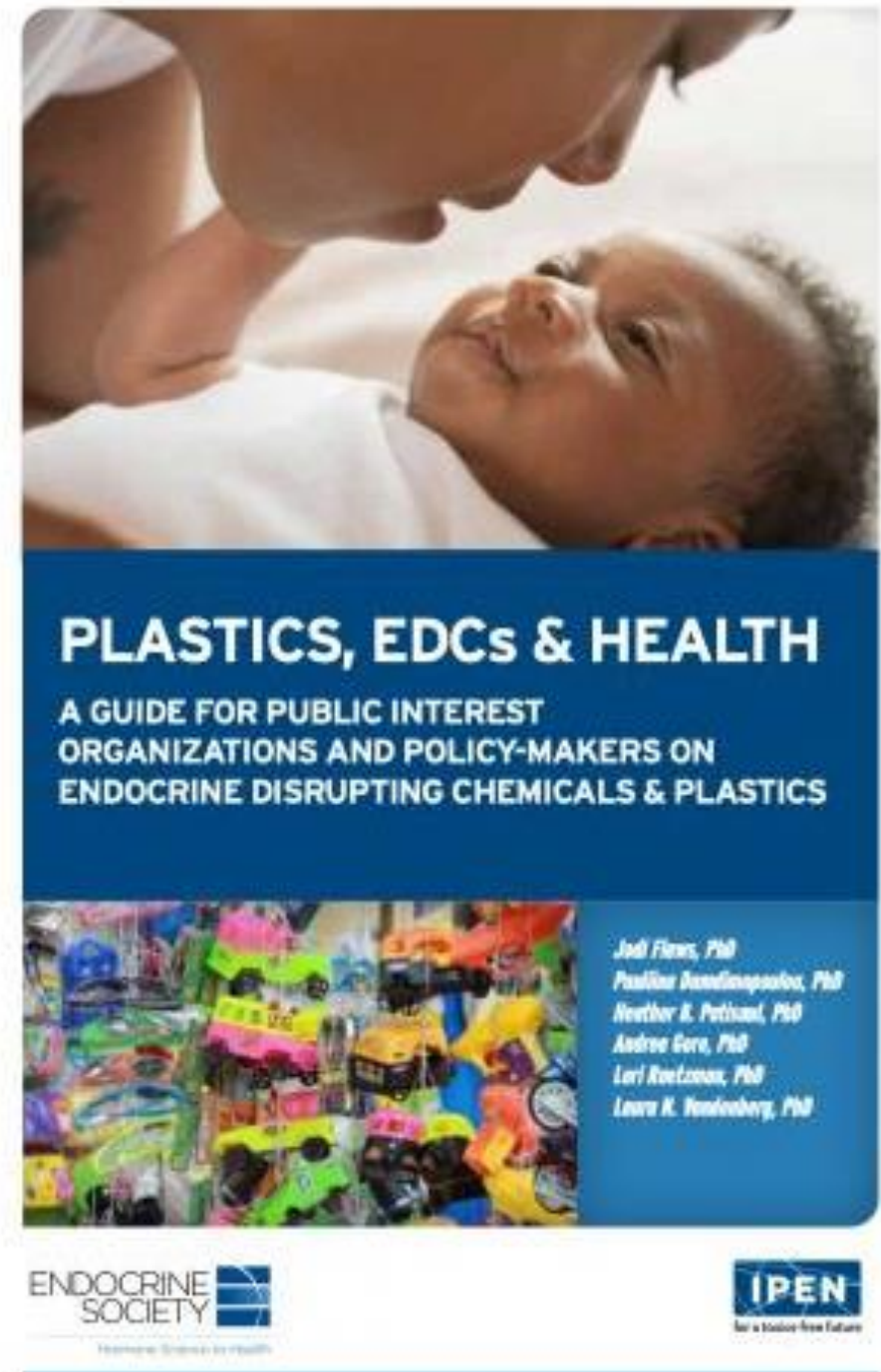
"Plastics are not anymore being seen as just a marine litter issue. People are discussing plastic as a material made of chemicals,"

Reuters, December 2, 2022



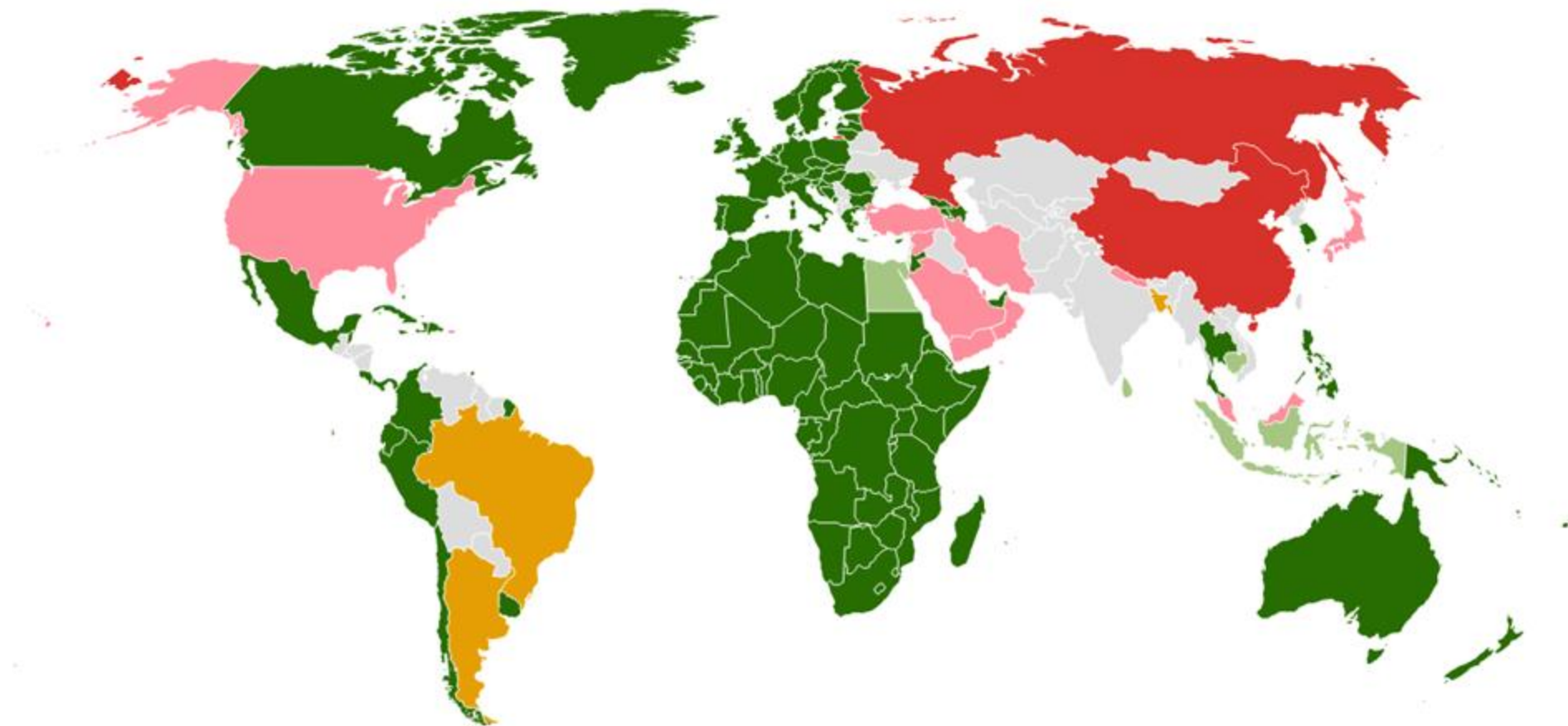
Towards INC2: momentum for controls of chemicals in plastics

- Country and stakeholders submissions
- Paper presenting elements for options of the treaty
- Report on Governance of Plastics and associated chemicals (BRS)



Supports Mandatory Restrictions on Chemicals

■ Explicitly calls for ■ References ■ Unclear ■ Does not call for ■ Specific mention against



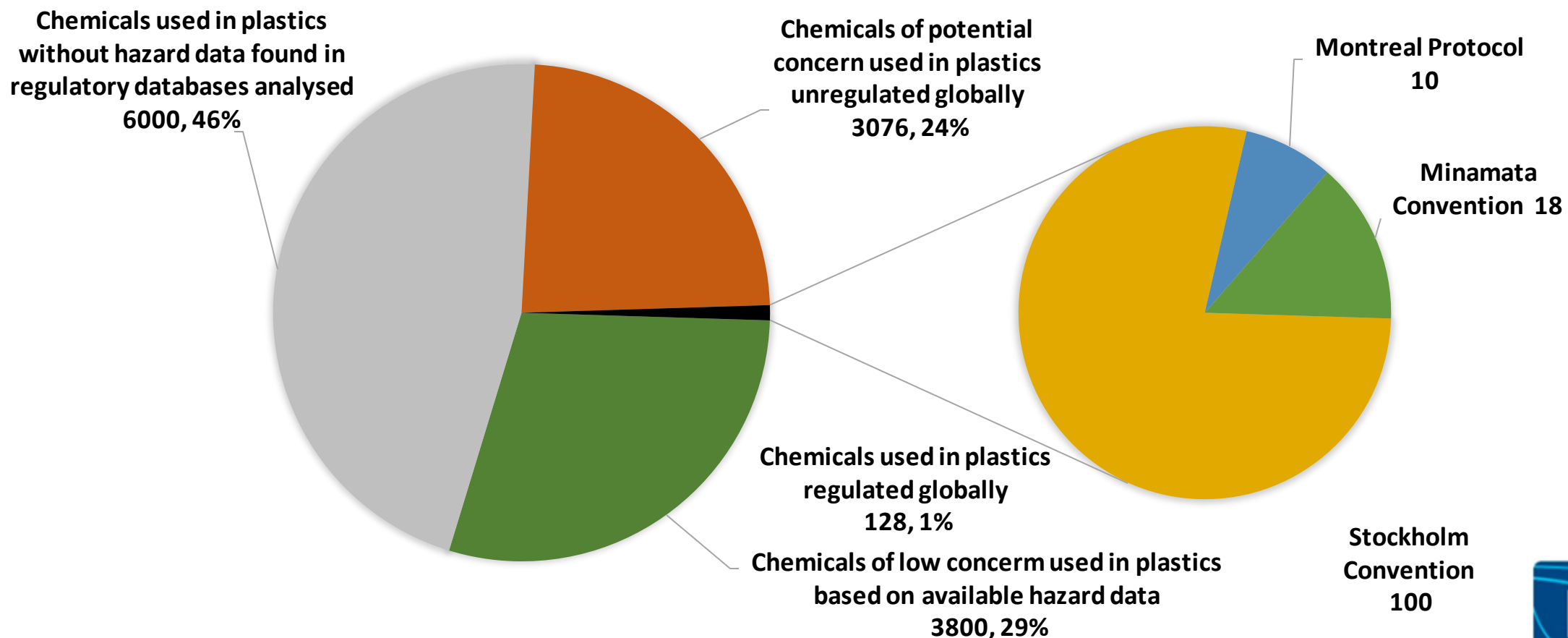
**This map does not reflect a political or legal position on borders*

Map: Created by Environmental Investigation Agency and the Center for International Environmental Law • Source: UNEP Pre-session Submissions • Created with Datawrapper



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Thousands of unregulated hazardous chemical in plastics



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Suggested Controls relevant to chemicals

Production

- phasing out and/or reducing the supply of, demand for and use of primary plastic polymers

Chemicals

- phasing out and/or reducing the supply of, demand for and use of primary plastic polymers

Microplastics

- reducing microplastics (intentional and unintentional)

Recycling

- strengthening waste management (recycling)

Design

- fostering design for circularity

Emissions

- eliminating the release and emission of plastics to water, soil and air

Health

- protecting human health from the adverse effects of plastic pollution



WIDESPREAD CHEMICAL CONTAMINATION OF RECYCLED PLASTIC PELLETS GLOBALLY

December 2021

Lead authors:

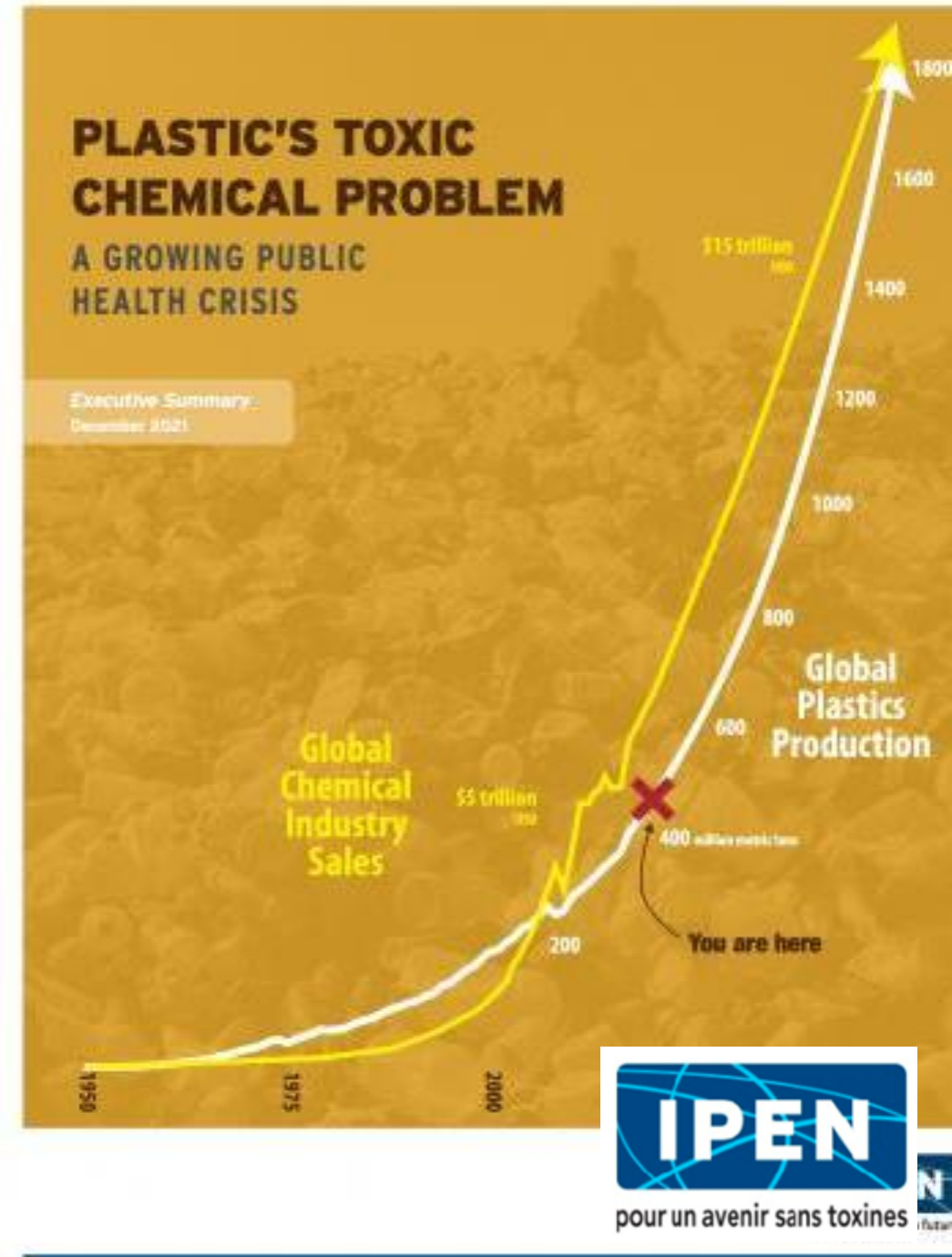
Sara Brosché, Ph.D.,
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Lee Bell, MSc.,
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Barriers to international chemicals regulation

- Countries with low/no ambition
- Speed of negotiation
- Chemicals with no toxicity data
- Confidentiality of data and data sharing
- Burden of proof
- Scientific panel
- Resources



Potential criteria for chemicals in the treaty/1

Chemicals associated with plastics either as plastics ingredients, NIAS (Non-intentionally added *substances*)

Chemicals for which there is no available toxicity data

Chemicals that are known to create toxic exposures for humans and or the environment during the sourcing, production, use, recycling or disposal of plastics

Chemicals that increase barriers to circularity of plastics

Chemicals for which there is evidence of adverse effects for human health or the environment or toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

Potential criteria for chemicals in the treaty/2

The adverse effects criteria
may include:

Further considerations

- “Hazard” based approach or risk based
- Positive list, negative list or a combination
- Transparency of chemical ingredients in plastics
- Grouping chemicals and regrettable substitution
- Toxicity data generation and data sharing
- Exemptions evaluation
- Trading with non-parties.

Thank you

