



Recommendations for the second session of the Intergovernmental Negotiating Committee on the UNEA Resolution 5/14 to End Plastic Pollution: Towards an International Legally Binding Instrument

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As ocean protection NGOs, we, members of the Surfrider Foundation global network have daily experience of plastic as the main source of waste impacting our Ocean, seas and blue spaces across the world – both visible (macro-plastics) and invisible (microplastics and nanoplastics). It is a major and growing source of pollution: the [OECD](#)¹ predicts that globally plastic releases to the environment are expected to double to 44 million tonnes (Mt) by 2060, while the amount accumulated in lakes, rivers and oceans will more than triple, with plastic waste rising from 353 Mt in 2019 to 1,014 Mt in 2060.

This pollution caused by plastic waste is only the tip of the iceberg. Plastic has multiple negative impacts on the environment and human health throughout its life cycle and value chain, from production to end of life. This observation is widely shared and supported by numerous scientific and institutional reports on the subject that have led to a response on the part of the international community. In February 2022, the United Nations Environment Assembly (UNEA) adopted a **framework for negotiating an international treaty to end plastic pollution**. This is a real opportunity for States to respond to the urgency of plastic pollution, with a binding legal framework and a holistic approach that addresses the entire plastic value chain, along with ambitious measures to reduce the production, consumption and use of plastics. This treaty requires commitments by all States and industry. It questions our economic model and, in view of the environmental, health and human impacts, invites us to work towards deplastification.

We join the members of the Break Free From Plastic coalition, including the Center for International and Environmental Law (CIEL) and the Environmental Investigation Agency (EIA), in making recommendations on this matter.

¹ Global Plastics Outlook, Policy Scenarios to 2060, OECD 2022



OBJECTIVE:

We call for the adoption of a treaty which **protects the environment and human health** from all **adverse effects and risks related to plastics** – including microplastics and nanoplastics – in a comprehensive **life cycle** approach based on the **precautionary principle**. In order to stop this pollution, it is essential to adopt **a holistic approach** by considering all the impacts and anticipating the risks to the environment and human health posed by the entire life cycle of plastics, from the extraction of fossil materials for their production to their end of life.

The treaty should respect our planetary boundaries and make sure our production and use of plastics do not exceed them. It must also be **consistent with other UN environmental commitments**, notably on climate (UNFCCC), biodiversity (CBD, Kunming), and the ocean (UNCLOS, BBNJ). According to the [latest Eunomia report²](#), the use of plastics should be reduced by 75% worldwide in order to comply with the Paris Agreement and limit global warming to 1.5°C. This reduction will have to be more significant in industrialised countries and requires a focus on the deplastification of key sectors of the economy. Reducing plastic production to levels compatible with a liveable planet is a major challenge that goes hand in hand with the goals of the Paris Agreement and forms a key element of it. This implies rethinking and reorganising the functioning of the economy to create international standards on sustainability and consumption, integrating non-toxic plastics into a circular economy and complying with the waste management hierarchy.

CORE OBLIGATIONS:

- ❖ **Adopt a common lexicon:** for a harmonised understanding of the issues, and a clear scope of application, States must agree on the definitions of the terms referred to in the treaty. For example, the definition of “plastic pollution” should include the environmental impacts – including on the ocean, human health and human rights – arising from the production, transport, use, reuse, recycling, management of plastics, litter and spills into our ocean. It should also clarify what is meant by “essential uses of plastics”, recycling, reuse among other concepts. The definitions already laid down in the EU legislation could be used as a basis.
- ❖ **Set a global plastic reduction target of 75% by 2050 in alignment with the Paris Agreement, with key legally binding pollution prevention measures** that apply to all State Parties. In addition, the Parties should **adopt national action plans with targets that are reviewed every 5 years**. They should include concrete measures to encourage enhanced preventive actions, such as phasing out reliance on fossil fuels for plastic production through the adoption of a moratorium on new or expanded petrochemical plastic-related facilities (including extraction facilities of fossil fuel for plastic production as well as plastic production plants). To get a fair repartition of the effort between sectors, the Parties should also agree on sectoral reduction targets, and set up sectoral deplastification pathways at national level.

² Is Net Zero Enough for the Material Production Sector?, Eunomia, 2022



- ❖ Align the **entire plastics value chain with respect for human rights and social and environmental justice** by minimising health and environmental impacts.
- ❖ **Adopt specific measures for the most problematic/harmful plastic items for which alternatives and solutions exist and/or are known and at each stage of the plastic value chain, around which the treaty is structured:**

Phase 1: extraction and chemical transformation of plastic raw materials

- **Prohibition and reduction of the most problematic plastics: particularly those that are toxic and non-recyclable.**

A list of criteria should be established identifying the most problematic plastics based on their impacts on health, the environment and environmental justice throughout their life cycle, including their technical and economic inability to be recycled. Based on these criteria, plastics will be divided into two categories: those to be eliminated from production, consumption and use; and those whose production, consumption and use must be reduced. State Parties will have to set ambitious reduction targets and adopt binding national measures to achieve the reduction and elimination of the plastic materials listed in the treaty.

- **Elimination of petrochemical subsidies for plastic feedstocks by 2030**

All Parties should be required to adopt legally binding measures in their national law to eliminate subsidies for the extraction, production and use of fossil fuels by 2030 with respect to: fossil fuels extracted onshore and offshore for plastic production; plastics production; fossil fuels used to power facilities producing plastic feedstocks, precursors, materials and products; petrochemical facilities producing plastic feedstocks and precursors; facilities producing plastics materials and products; plastic materials and products, export credits and/or guarantees for plastics materials and products.

- **Adoption of a moratorium on new or expanded petrochemical plastics-related facilities.**

This moratorium must be accompanied by binding rules for existing facilities to reduce and halt the impact of extraction of fossil fuels for plastic production, plastic production and processing, including those related to chronic plastic pollution generated by plastic pellets.

Phase 2: material/product manufacturing and consumption

- **Reduce the use of microplastics and their intentional release**

Phase out intentionally added microplastics by 2040: all Parties should prohibit the manufacture, import or export of microplastics intended to be intentionally added to products.

Prevent the intentional release of microplastics: all Parties should adopt measures to stop the intentional release of microplastics into the environment and ocean, including into the soil (i.e., fertilisers and pesticides, as well as offshore oil and gas chemicals containing microplastics) and into the air.



- **Prevent loss and leakage of all so-called non intentionally released microplastics including plastic pellets**

Prevent the spills of so called all non-intentionally released microplastics including those coming from plastic pellets: all Parties should adopt preventive measures to stop and reduce the spills of plastic pellets throughout the value chain including during the production, transport (land and sea), handling, storage and processing of these products. These should be considered as hazardous materials in view of their serious and irreversible damage to the environment and biodiversity and their impacts on the health of living organisms and our health.

- **Prevent packaging waste: moving away from single use and developing reuse**

Set a global target for the prevention of packaging waste and adopt a ceiling on the marketing of single-use packaging.

Impose levies/taxes on single-use packaging.

Limit the use of unnecessary single-use plastic packaging formats specific to certain applications (e.g., sachets, pouches, nets, sacks, trays, fruit and vegetable packaging, individual mini-portions used for HORECA products, as well as packaging for on-site food and beverage consumption).

Set a global reuse target of 50% by 2030 for all plastic packaging placed on the market, thus sending a strong signal to all market sectors to start the transition, as well as sectoral or specific targets by type of packaging.

- **Encourage the development of eco-design**

Define general parameters for the eco-design of plastic packaging and products, taking into account the restrictions on toxic and non-recyclable plastics, in order to minimise negative impacts on the environment and health, save natural resources and raw materials, encourage re-use (standardisation) and the extension of the life span, and optimise end-of-life management (encourage repair and limit landfilling and incineration, ensure recyclability).

- **Supervise the development of alternatives to prevent new pollution**

Define criteria to ensure the use of alternative feedstocks and plastic-free substitute products that do not have a negative impact on biodiversity, ecosystems, especially aquatic ecosystems, land and water use, and the human rights of front-line communities, and that generate the least amount of greenhouse gas emissions. In this regard, the Parties should adopt a precautionary approach to the development of “biodegradable, biobased, and/or compostable” plastics³ which have significant negative impacts as mentioned above and are proven not to be an adequate solution to the plastic crisis we face. Conversely, the Parties must promote the development of zero waste, non-toxic and reusable alternatives.

³ [Communication, EU policy framework on biobased, biodegradable and compostable plastics, 2022](#)



- **Ban the single-use plastics most commonly found in the environment and for which zero waste and reusable alternatives exist and adopt a reduction target for all single-use plastic items.**

This reduction target must be accompanied by measures in terms of extended producer responsibility (EPR), labelling, awareness-raising, etc. Inspired by the measures already taken⁴ at European Union level against pollution by single-use plastics including : straws, tableware (cutlery, plates), cotton buds, plastic bags including the lightest, cigarette butts and tobacco-related single-use plastic products, wipes, beverage cups, food and beverage containers, packets and wrappers, balloon sticks and balloons, and sanitary items.

Phase 3: end of life/waste management/waste leakage prevention

- **Fully respect the waste management hierarchy and give priority to the most virtuous options of the hierarchy, namely prevention, preparation for reuse and reuse and refill, followed by recycling**
- **Enable the development of reuse systems**

The Parties must take the necessary steps to allow the development of reuse systems and incentives for the return of packaging with the standardisation of reusable and non-toxic containers and packaging and the pooling of facilities and collection points.

- **Strengthen the application of the “polluter pays” principle and develop extended producer responsibility (EPR) systems.**

EPR systems should include full cost coverage (including collection, transport, treatment, clean-up, awareness raising and reporting), and eco-modulation linked to the achievement of reduction and reuse targets notably through ecodesign, and it should support the phase-out of single-use plastics. EPR should apply to any type of plastic product or packaging: tobacco products including cigarette butts, fishing gear, packaging, textiles, sanitary ware, furniture, electronic devices, etc.

- **Strengthen the deployment of infrastructures to collect and recycle plastics**

As the growth of plastics exceeds the capacity to process them, the Parties must strengthen environmentally and economically sustainable infrastructures to collect and recycle plastics, within the context of future plastics production and use scenarios. For example, investment in new recycling channels should not include single-use plastics and toxic plastics, which are destined to be disposed of.

- **Prevent land/water/Ocean and sea pollution**

The Parties must adopt measures relating to prevention, monitoring compliance with norms and sanctions in order to reduce the impact on the environment and local populations, especially coastal populations, preserve biodiversity hot spots, and reduce the impacts on all aquatic life and all those who depend on it. The link with other international organisations must be established here, such as the International Maritime Organisation, especially on plastic pollution generated by the loss of containers at sea and should translate into sound commitments made at their level, too.

⁴ [Directive \(EU\) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment](#)



MEANS OF IMPLEMENTATION:

Monitoring and implementation measures

- **Require a transparent and accessible reporting on plastic production and use**

States must adopt the measures necessary for the annual generation, collection and reporting of data on plastics, including information on plastics production locations and volumes, imports/exports, production and consumption of plastics earmarked for elimination because they are too hazardous and those earmarked for reduction as well as on plastic litter monitored and collected along beaches, in the urban and natural environment. The costs of collecting these data must be borne by the private actors involved through the implementation of extended producer responsibility systems (see above paragraph on the subject) and these data should be closely monitored independently of the authorities.

States should also require from companies the annual disclosure of a full plastic assessment including all plastics (virgin, recycled, bioplastics) used by companies in their activities and value chain.

- **Introduce mandatory and transparent reporting of actions carried out within the framework of the treaty**

States should proceed to define global indicators for the monitoring and implementation of the global targets and the review of the targets every 5 years (notably in relation to plastic production and use, recycling and reuse); and report on activities undertaken to meet the targets, notably their national action plans.

- **Adopt a non-Party compliance clause**

Adoption of provisions that impose trade restrictions on non-Parties that do not comply with the requirements of the treaty (modelled on the Montreal Protocol), notably relating to trade in plastic feedstocks, single-use plastic products and packaging, and products containing intentionally added microplastics, to encourage compliance.

Financing mechanisms

- **Adopt a financial mechanism for the implementation of the treaty and a coordinated mechanism of fees to be levied on the production of plastics (and/or on certain plastic products)**

Such a coordinated fee would be aligned with the “polluter pays” principle and paid into a “Plastic Pollution Trust Fund” to provide financial assistance for the implementation of the treaty which will require significant resources to support the Parties. A globally coordinated fee would have the following advantages: generating sufficient and sustainable revenues; eliminating piecemeal national approaches with the risk of “unfair competition”; and eliminating the burden of establishing national cost recovery mechanisms.

This type of approach has already been adopted by several stakeholders, including the OECD, which is proposing a tax on virgin plastic; UN Habitat which is proposing a tax on plastic pollution; UNEP with a tax on plastic as part of the Strategic Approach to International Chemicals Management (SAICM) under



which The Africa Group has proposed a tax on chemicals to combat pollution; and Germany, which recently announced that it would impose a pollution fee on producers of certain plastics.

Capacity building

- **Establish a scientific support committee, develop technical cooperation and technology transfer**

Parties should have the support of a scientific committee to provide access to the necessary information (waste database, environmental and health impacts of plastic throughout the value chain) for the adoption of informed precautionary and preventive measures to end plastic pollution. In order to facilitate the implementation of actions, the Parties must enable technical cooperation and technology transfer to combat plastic pollution and drive societal change.

Finally, our organisations join the Break Free From Plastic movement, of which we are members, in expressing deep concern about the presence of **large industrial polluters** in the negotiation process. **We call on UNEP to exclude these large groups from the negotiations on plastics.** This was the case in the negotiations on the Framework Convention on Tobacco Control, leading to a stronger and more effective treaty. Conversely, it is important that more space and voice be given to civil society, scientific experts and groups who are among the main victims and the first to be impacted by plastics globally.

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