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Position Paper

Three priorities for an international legally binding instrument on plastic pollution, including in the marine environment

Written submission for INC-2

January 6, 2023

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About Reloop

Reloop works at the centre of policy-making with governments, industry stakeholders and NGOs. Our vision and mission are ambitious and focused on building a world free of waste, where our natural resources remain resources. Reloop's policy positions and recommendations are always based on data-driven research, real world case studies and experience, best-in-class principles, and the collective expertise of our team.

Guiding Principles

Reloop welcomes UNEA's landmark resolution to open negotiations for an international legally binding agreement to end plastic pollution, and the establishment of the Intergovernmental Negotiating Committee (INC) to develop this historic agreement. We appreciate the opportunity to provide input to the second session of the INC.

The instrument on plastic pollution provides a crucial opportunity to take substantive action in support of the UNHRC's recognition of the human right to a safe, clean, healthy and sustainable environment. The unsustainable use of natural resources, and the unsound management of waste resulting in the pollution of our land, air and water are interfering with our ability to enjoy a clean and healthy environment. In this context, the instrument on plastic pollution is a first step towards enshrining a human right to environmentally sound resource and waste management.

A systems-based approach with both top-down and bottom-up mechanisms to tackle plastic pollution at all stages of the supply chain is essential. Core pre-requisites to this are controlling plastic leakage, during production, and in particular ensuring plastic waste can be, and is in practice, safely captured and managed at end of life. Whilst measures to reduce our overall consumption of plastic will also be an indispensable part of this instrument, Reloop will prioritise binding mechanisms that encourage the collection, recovery and recirculation of plastic materials and that are based on sound, scientific evidence. This, in turn, will both reduce our reliance on virgin plastics and the impacts of plastic pollution.

To maximise the global impact of these measures the instrument must ultimately aim for universal standards. Different national circumstances would primarily be reflected in specific exceptions, or differential timelines for implementation. This ensures that efforts can be ramped up over time, rather than setting wholly different expectations for different countries. Mechanisms such as financial or technological transfer to facilitate change in countries facing greater economic or capacity challenges, might however be considered essential elements of a binding instrument response to enable high universal standards to be met.

With these principles in mind, Reloop has identified the following three priority elements for this legally binding agreement.

1. A meaningful set of targets

Binding targets to be met by national governments will be central to this instrument as an effective policy tool to achieve a certain level of improvement within a clear timeframe. Additionally we propose that targets are subject to regular review and revision so that ambition can be raised over time where appropriate (e.g. where technological change makes substitution easier). Nothing about a target driven approach should prevent adoption of complete bans on certain processes or products either up front, or at a point in future where this becomes technically feasible.

Targets must be set intelligently, reflecting on one hand, the nature of the problem, and, on the other, the objectives of the Parties to the instrument. This can imply a trade-off between what is desirable (e.g., increased use of recycled plastics), and what is feasible given legal and technical constraints (e.g., national prohibitions on the use of recycled plastics in food contact articles).

In the context of the plastic sector, which encompasses varied materials, applications and end of life pathways, a blanket target to "reduce plastic leakage into the environment by xx% by 2040" is not likely to be either meaningful or readily measurable. This "one size fits all" approach is sub-optimal at best, directing action towards the "low hanging fruit" rather than tackling the most problematic plastics. At worst, such targets could be damaging, set so broadly that they are rendered impossible to monitor and enforce, and ending up subject to greenwashing. **Granular targets that are focused on specific types, categories, or applications of plastics are therefore preferable, and likely to have greater impact**.

The **objectives of binding targets must be clear, with proven approaches to measurement and pathways to achievement**. Whilst an ambitious target to reduce "plastic leakage" may therefore seem most relevant to the instrument's objectives, in practice this would be prohibitively difficult, if not impossible, to measure. Mandatory targets for the collection of certain types of plastic wastes could be a more implementable alternative here, with a similar outcome – the more plastic waste that is collected and responsibly managed at the end of life, the less is left to end up in our environment.

Target setters must also **consider the potential for unintended negative consequences, and co-benefits**. A plastic waste collection target is likely to result in improved availability and access to waste management systems more generally. However, plastic waste materials that are collected may subsequently still end up the environment if not properly transported and stored. The collection of plastic waste without a clear treatment option may also lead to dumping and burning,

with associated with microplastic leakage and toxic air pollution. Targets are therefore only one part of a wider policy framework that must work coherently to tackle all facets of a problem.

In addition to target-setting therefore, setting standards for waste collection systems, and targets specifically for recycling alongside collection of plastic wastes, could work hand in hand with collection targets to maximise positive outcomes.

An example of a meaningful target: A 90% collection target for single use beverage bottles is one example of a meaningful target, set with a clear, achievable objective and considering unintended consequences. The target is clearly focused on a one type of plastic waste which pollutes the environment. There are documented examples of measures that can achieve such high levels of collection (e.g., through deposit return systems (DRS)).

As discussed above, **successive targets can also be used as interim steps in a phase out of the use of the most problematic products and practices in cases where an immediate ban is not technically practical**. Immediate bans (which are in effect 100% reduction targets) would be most effective in rapidly tackling plastics that are unnecessary or for which clear alternatives are widely accessible (e.g. the approach followed in the European Union's Single Use Plastics Directive). However, targets should be preferred in cases where, due to technical or socio-economic concerns, polluting plastics need to be progressively eliminated. For example, consumption reduction targets could be established for certain plastic products, which cannot be eliminated or substituted immediately due to a lack of accessible alternatives. Similarly, the concentrations of certain chemicals and substances in plastics could be reduced, and finally eliminated, by setting increasing targets over time. Phase out timelines might be agreed up front, but scope to review and accelerate ambition periodically should also be part of instrument regime design.

2. A common language and data systems

To ensure that understanding and objectives are aligned across all Parties**, a globally harmonized taxonomy and system of data governance must underpin the process of negotiating, implementing, and monitoring the instrument**.

This includes **consistent definitions and descriptions** of the different types and categories of plastics, as well as relevant materials, products and processes in the plastic lifecycle. This will set the groundwork for a **robust, harmonised system for monitoring progress**, including data reporting obligations, measurement methods, and standardization at a relatively granular level. Experience shows that building state capacity in these areas is also likely to make national actions to manage the problematic elements of plastic production, consumption, and waste more likely. Underpinning these requirements must be **a high degree of transparency, to ensure accountability, easy comparison of performance, and escalation in cases of non-compliance**. Knowledge sharing would also be facilitated and may prove key to enabling rapid changes in

practice. Without harmonization of reporting, and publicly available data, we risk the response to this instrument becoming inconsistent and incoherent, and ultimately impossible to monitor for any meaningful progress.

A requirement for regular data monitoring may seem ambitious, particularly since the baseline for current global performance in plastic pollution and waste management is uncertain. However, this should not become a pretext for delay – the data we do have is sufficient to justify urgent action on a range of plastic pollution challenges. Rather, this should encourage us to further our knowledge so that we can make smarter and bolder decisions in the future.

This also reinforces the need for efforts to tackle plastic pollution at a global level to be reviewed and ramped up over time, as improved evidence of the scale of the problem and the impacts of any measures becomes available. This may include evidence of areas where interventions are quicker or more effective than previously anticipated. Where universal agreement on control measures at certain stages of the supply chain cannot be achieved at present, agreement to at least monitor the situation and report back is often a good starting point. **A dynamic binding instrument regime that can generate the information we need to respond to the multifaceted nature of the problem is a necessity**.

Of equal importance is capacity building and technical assistance to ensure that the technology, knowledge and skills needed to gather, verify and report data are available to all. This may include direct support to states that are ill-equipped to comply with all requirements initially. A mechanism whereby data can be reported, verified and interrogated in a publicly accessible platform with a high degree of transparency is also critical. This could take the form of global datasets maintained on a platform housed by the UN or one of its agencies and managed in a systematic way.

Finally, the benefits of common language and data gathering in enhancing our common understanding of the nature, extent and growth of the plastic pollution problem and in strengthening the debate on potential solutions should not be discounted. It is likely that to accurately report on plastic waste, at least some other waste information would need to be shared (e.g. on mixed waste streams). This potential for improved access to data on other waste streams presents an additional opportunity that should not be missed.

3. A reliable framework for extended producer responsibility

The success of the instrument will rely on concerted and aligned efforts on the part of national governments, civil society and industry. **Particularly in the context of plastic pollution, the polluter pays principle must lie at the very heart of the control measures set out in this instrument** – those who produce pollution should bear the costs of managing it. **Mandating extended producer responsibility (EPR) schemes**, whereby producers are made financially responsible for managing the impacts of their products at the end of life is one way to ensure this happens.

This is also part of the solution to the question of financing that has created significant disagreement in other international environmental treaties, since **EPR systems can be designed to ensure that not only funds, but also investment and innovation flow in the right direction** (from plastic producers to waste managers) and towards the right objectives (reduced plastic pollution and heightened circularity). **In a global context, by including EPR as a core tenet, this instrument could also empower nations to regulate non-national actors**, for example, by imposing minimum standards through a supply chain approach.

At present, EPR is implemented in various ways all over the world, with some systems proving to be more effective than others. **A pre-requisite for a well-functioning EPR system is good data governance**, and it is likely that some capacity building and knowledge transfer will be required to enable his, as discussed above. Although EPR can be highly effective in achieving certain objectives, for certain types of products, it is not a panacea. As is the case with targets, EPR needs to be implemented within a wider policy framework to tackle the issue of plastic pollution. The instrument should therefore include **clear minimum requirements for EPR systems**, to guarantee a certain level of implementation whilst leaving room for national governments to do more depending on their individual contexts. Within this instrument, a requirement for EPR schemes to be set up in such a way that producers bear 100% of the costs of residual plastic waste management (including litter) is extremely relevant and merits further examination.

Conclusion

An effective instrument on plastic pollution will deliver significant impact across the plastic value chain. Given the pervasiveness of plastics in our everyday lives, the scale of the plastic pollution problem, and the regulatory complexity associated with the management of this material, ensuring such transformative change at a global scale will be a challenge, and require a broad spectrum of measures. In this paper, therefore, Reloop highlights three priority elements for an

instrument that build upon what we already know works, whilst recognising that change requires bold, cohesive action.

The resulting instrument would establish a policy framework to tackle plastic pollution within which a meaningful, progressive set of targets plays a central role, sustained through well-functioning EPR schemes, and monitored rigorously in a transparent, measurable system that is dynamic and advances over time.

Such a policy framework would have the potential to go much further than tackling plastic pollution alone, addressing the global issues associated with waste and pollution more widely and helping to tackle climate change through increased circularity in the use of not just plastics, but all materials. Reloop is hopeful that the committee will recognise and cease this opportunity and is pleased to participate in this process.