

## TEMPLATE FOR SUBMISSIONS

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### I. Substantive elements

#### 1. Objective(s)

*a) What objective(s) could be set out in the instrument?*

Global plastic production and consumption has grown exponentially since the 1950s with global plastics production projected to reach roughly 450 million tons by 2025. Left unabated, it is estimated that annual production will reach 1.2 billion tons by 2060<sup>1</sup>. As plastic production increases, plastic debris continues to accumulate in our ocean at a steady and deadly rate, with an estimated 11 million tons of plastics entering the ocean every year from land-based sources alone. The mismanagement of plastic waste has led to contamination of the entire marine environment, from shores to the deepest ocean sediments, where plastics account for at least 85% of total marine waste<sup>2</sup>. Ocean Conservancy data shows that nearly 70% of the most common plastic debris collected every year in our International Coastal Cleanup® is not recyclable.

Plastic production is also associated with the use of chemical additives, many of which are of concern for human and environmental health, including those listed as hazardous under the Stockholm Convention and in national legislation. Furthermore, the plastic pollution crisis is closely tied to the climate crisis, as plastic contributes emissions throughout its lifecycle.

Plastics are a major and growing driver of fossil-fuel demand and greenhouse-gas (GHG) emissions. Made from and powered by fossil fuels, the plastics industry uses as much oil as global aviation<sup>3</sup>, and produces 3-4% of global greenhouse gas emissions<sup>4</sup>. If the industry's growth expectations play out, plastics will account for 20% of global oil use by 2050<sup>5</sup> — more on a per capita basis than for personal

<sup>1</sup> OECD, Global Plastics Outlook: Economic Drivers, Environmental Impacts and Policy Options (Paris, OECD Publishing, 2022).

<sup>2</sup> UNEP, Drowning in Plastics: Marine Litter and Plastic Waste Vital Graphics (Nairobi, 2021).

<sup>3</sup> World Economic Forum, Ellen MacArthur Foundation and McKinsey & Company (2016). The New plastics economy: rethinking the future of plastics. Cowes, UK: Ellen MacArthur Foundation. [www.ellenmacarthurfoundation.org/publications/the-new-plastics-economy-rethinking-the-future-of-plastics](http://www.ellenmacarthurfoundation.org/publications/the-new-plastics-economy-rethinking-the-future-of-plastics).

<sup>4</sup> Zheng, J., & Suh, S. (2019). Strategies to reduce the global carbon footprint of plastics. *Nature Climate Change*, 9(5), 374-378.

<sup>5</sup> World Economic Forum (2016).

transportation<sup>6</sup>. That's 6.5 gigatons of GHG emissions annually by 2050, a nearly 300% increase over 2015 levels<sup>7</sup>.

Proposed Objective: We support an international instrument that eliminates or significantly reduces the most common<sup>8</sup> and/or harmful forms of plastics polluting communities and the ocean for the purpose of protecting the environment, people, and human health, and ultimately end plastic pollution.

## 2. Core obligations, control measures and voluntary approaches

a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

### 1. Eliminate problematic and unnecessary plastic items, including hazardous additives.

To reduce plastic emissions into the ocean back to 2016-levels (8 million metric tons annually), countries need to reduce plastic usage (source reduction) by 25-40% depending on income-level.<sup>9</sup> Among other mechanisms to accomplish this, we support considering:

Source reducing single-use plastics: California, whose GDP represents the fifth largest economy in the world, passed legislation in 2022 that will require a 25% reduction in the use of all single-use plastic packaging and foodware in the state by 2032.<sup>10</sup> Ocean Conservancy scientists estimate this policy will result in the elimination of 23 million tons of single-use plastics, equivalent to 115 million tons of CO<sub>2</sub>e emissions avoided over 10 years. This type of bold and ambitious policy is compatible with a growing population and economy,<sup>11</sup> a healthy ocean, and a livable climate.

Elimination of problematic and unnecessary plastics and chemicals of concern: Over 30 countries around the world have taken steps to reduce or eliminate problematic and unnecessary plastics such as expanded polystyrene (EPS), plastic carry out bags, and plastic straws and utensils. These efforts are supported by broad industry coalitions such as the Plastics Pact Network that has agreed on country-level lists of problematic plastic materials and chemicals of concern to eliminate from packaging in<sup>12</sup>.

Replacing virgin resin with recycled content: A tax on the purchase of virgin plastic feedstock and plastic-containing products for manufacturers of plastic packaging could be considered, to provide an incentive for businesses to use less virgin plastic. Alternatively, recycled content requirements for certain plastic products can reduce demand for virgin plastic resin, ensure stable demand for recycled content, and facilitate enhanced investment in collection and recycling infrastructure.<sup>13</sup>

<sup>6</sup> IEA (2018). [The Future of Petrochemicals](#), IEA, Paris.

<sup>7</sup> Zheng, J., & Suh, S. (2019). Strategies to reduce the global carbon footprint of plastics. *Nature Climate Change*, 9(5), 374-378.

<sup>8</sup> The top 10-15 plastic packaging and products found littering beaches, waterways and the ocean every year during the International Coastal Cleanup.

<sup>9</sup> Borrelle, Stephanie B., et al. "Predicted growth in plastic waste exceeds efforts to mitigate plastic pollution." *Science* (2020): 1515-1518.

<sup>10</sup> Ocean Conservancy, [California Senate Bill 54: A Win for Our Ocean](#).

<sup>11</sup> The Pew Charitable Trusts and SYSTEMIQ, *Breaking the Plastic Wave: A Comprehensive Assessment of Pathways towards Stopping Ocean Plastic Pollution: Summary Report* (2020).

<sup>12</sup> Ocean Conservancy, [The U.S. Plastic Pact's List of Problematic Items to be Eliminated](#).

<sup>13</sup> Ocean Conservancy and RRS, [Recommendations for Recycled Content Requirements for Plastic Goods and Packaging](#) (2022).

## **2. Ensure that plastic products are designed to be circular**

Upstream design is critical to facilitate collection, sorting, reuse, and circularity is central to this effort, as well as ensure plastic products and their additives do not contaminate the recycling waste streams. Among others, negotiators could consider:

### Prioritize designs and systems for reuse and refill:

Systems that enable long-term reuse and refill (along with recycling and repair) of products as opposed to simply improving single-use products are the most effective way to move towards a circular economy.

Improve transparency and information-sharing for problematic plastics, including for chemicals of concern associated with plastics: Consistent and transparent recyclability labelling, such as the use of specific symbols and colors for different types of plastic, can enhance efficiency in the collection and sorting markets.<sup>14</sup> Clear labelling enables enhanced quality and quantity of recycling in addition to driving investment and incentives for increased circularity as businesses and producers adapt to conform.

Implement extended producer responsibility (EPR) schemes and other financial mechanisms to ensure better upstream design: According to studies<sup>15,16</sup>, the most effective EPR systems couple upstream design requirements with cost-sharing to increase collection and incentivize better management of plastic waste. Recent examples, including California's SB 54 showcase the ability to couple traditional EPR with upstream design requirements (all single-use packaging of all materials must be entirely recyclable or compostable by 2032)<sup>17</sup>. Deposit return schemes are another effective mechanism to facilitate standardized designs and labeling to increase collection and recycling (e.g., Ecuador's highly effective system<sup>18</sup>).

**3. Close the loop of plastics in the economy by ensuring that plastic products are reused, recycled, or composted in an environmentally responsible manner.** We believe this is the key to transition to a circular economy. In addition, safe disposal is still needed for non-circular plastic products, and existing pollution is a key concern that may need specific remediation activities, particularly in the marine environment. Among others, we support:

Empowering the informal plastics waste sector: At least 15 million people work in informal solid waste collection globally and are responsible for nearly 60% of all plastics collected and recycled. Their input should be sought out in any waste management policy development process. Moreover, supporting informal sector waste collectors or "waste pickers" has a massive impact across multiple SDGs, including good-health and well-being (SDG2), gender equality (SDG5), sustainable cities and communities (SDG11), climate action (SDG13), partnerships for the goals (SDG17).

Ensure waste-to-energy and waste-to-fuel technologies are not considered recycling: The current chemical recycling technologies that convert plastics to energy or fuel should not be considered

<sup>14</sup> Oregon Truth In Labeling Task Force, [Truth In Labeling Final Report and Recommendations](#) (2022).

<sup>15</sup> Emma Watkins and others, [EPR in the EU Plastics Strategy and the Circular Economy: A Focus on Plastic Packaging](#) (Brussels, Institute for European Environmental Policy, 2017).

<sup>16</sup> Ocean Conservancy, [Plastic Policy Playbook: Strategies for a Plastic-Free Ocean](#) (2019).

<sup>17</sup> Senate Bill-54 (Allen), 2021-2022, ["Solid waste: reporting, packaging, and plastic food service ware"](#).

<sup>18</sup> Emma Watkins and others, "Policy approaches to incentivize sustainable plastic design", OECD Environment Working Papers, No. 149 (Paris, OECD Publishing, 2019).

recycling. We believe that we should not allow provisions for these technologies to be included in the agreement.

Prevent the export of waste to countries with insufficient capacity to manage that waste.

Capture leaked plastics to improve environmental conditions and monitor circular interventions:

Volunteers in the International Coastal Cleanup have collected hundreds of millions of pounds of plastic and other waste in global cleanups. In addition to having an immediate, positive impact on the health of the ocean and the communities that depend on it, these efforts provide critically important data that can drive policy interventions and monitor the impacts of those actions.

#### **4. Inclusion of ALDFG**

Recent studies indicate that ghost fishing gear makes up 46-70% of all floating macroplastics in the ocean gyres by weight. A study on the Great Pacific Garbage Patch (North Pacific Gyre) showed that 64% of its marine debris was made of fishing gear, with modelling suggesting that an estimated 46% of marine debris throughout in the GPGP is likely to be fishing gear/fishing related (Lebreton et al., 2018) ALDFG density on coastlines may be correlated with fishing activity intensity in the area, as was found in one UK study (Wright et al. 2021). Fishing gear is made from durable plastics, and is the deadliest form of plastic pollution<sup>19</sup>. Ghost gear is four times more likely to harm marine life through entanglement than all other forms of marine debris combined, which has staggering implications for food security, fisheries sustainability and ultimately, the bottom line of the fishing industry.

#### **5. Consideration of Microplastics**

We propose that addressing microplastics be considered a priority in the agreement. The most pervasive, mobile, and easily distributed type of plastic pollution, microplastics (plastics less than 5mm in size) are known to be ingested by humans through food, drinks, and inhaled from air. These microplastics act as vectors for incorporated and sorbed chemicals, potentially harmful metals, and microorganisms to the food chain. To address this issue, we propose source reduction strategies centered on primary microplastic production (plastics made to be less than 5mm), enhanced regulatory frameworks for known sources of microplastics (e.g., pellets from production facilities, microfibers from washing machines, tire wear in stormwater, agriculture, paint), in addition to the plastic reduction strategies mentioned above that will help decrease the generation of secondary microplastics (plastics that become less than 5mm due to physical deterioration).

#### **Control Measures:**

We support implementing measures throughout the entire lifecycle of plastic, specifically addressing production, design, trade, consumption, and waste management.

Upstream measures cover areas from the extraction of raw materials (from crude oil, natural gas or recycled and renewable feedstock), processing (refining, cracking, polymerization), to trade. Among others, we support considering:

- Taxes, tariffs, and other financial mechanisms to decrease the production of virgin plastics (including the removal of fossil fuel subsidies) and increase the availability of reuse and other circular alternatives.

<sup>19</sup> Wilcox, C., Mallos, N.J., Leonard, G. H., Rodriguez, A., & Hardesty, B. D. Using expert elicitation to estimate the impacts of plastic pollution on marine wildlife. *Marine Policy* 65, 107–114 (2016).

- Develop global standards, metrics, design, technical requirements (including minimum recycled content requirements), and labelling in plastics, and the chemicals used in plastics.
- Ban or restrict problematic single-use plastic products, including certain chemicals and additives based on toxicity, pollution risk, and the availability of circular alternatives.

Midstream activities include the design, manufacture, packaging, distribution, use, reuse, and trade. Here, we support considering:

- Taxes, tariffs, and other financial mechanisms levied against midstream activities to decrease the use of virgin plastic or single-use plastics and increase the availability of reuse and other circular alternatives.
- Extended producer responsibility schemes for packaging and other key sectors, including fishing gear, including eco-modulated fees to incentivize improved upstream design and targets for source reduction and reusable and refillable packaging.
- Transparent and standardized labeling, including of chemicals used in plastics
- Public sector intervention through the adoption of criteria for sustainable institutional procurement.

Downstream measures involve end-of-life management of plastics. For collection, sorting, recycling, final disposal, and trade, we support considering:

- Taxes on landfill, incineration, and/or chemical recycling/waste-to-energy to incentivize reduction and recycling, with funds invested in recycling systems, including the informal sector.
- Standards and requirements to ensure that traded waste can be recycled at its destination.

#### **Voluntary approaches:**

We believe that voluntary approaches should be used to supplement core obligations and control measures, allowing for a higher level of ambition that would enhance the effectiveness of meeting the objectives of the instrument.

- Develop national or subnational action plans that consider local realities and context to implement the core obligations of the agreement.
- Education, communication, and public awareness campaigns to encourage the adoption of pro-environment behavior in communities.
- Develop complementary regulatory measures to global binding provisions that relate and reinforce these global rules.

## **II. Implementation elements**

### **1. Implementation measures**

- a) How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

***a) How to ensure implementation of the instrument at the national level (e.g., role of national action plans to help meet the objectives and obligations of the instrument?)***

Adapted to national or subnational circumstances, the design of NAPs should leave room for some flexibility towards achieving and tracking the global goals. Considerations when developing NAPS include:

**Progression:** enables NAPs to function as “living documents” that reflect the highest possible ambition by requiring progression over time, ensuring that targets and measures set by countries are incremental.

**Transparency:** ensures that reporting of information is clear, understandable, public, and verifiable.

**Measurability:** the use of quantified and quantifiable national targets is important. The instrument’s strategic goals could provide a common framework for setting measurable targets to ensure convergence between plans, thus helping track global progress.

**Long-term financial stability:** This could include assistance in developing regulatory and market-based instruments for generating a stable and long-term source of domestic funding for the sustainable management of plastics across their life cycle.

**Strengthening of institutional capacity:** This includes knowledge, financial, and human resources to assess the potential outcomes of various policy options, to develop adequate targets and policies.

***b) How to ensure effectiveness of the instrument and have efficient national reporting?***

To assess the effectiveness, we believe that it is critical to include a requirement that structures, standardizes, and mandates a formal baseline assessment that yields data against which the efficacy of the instrument can be measured. Finally, it could also include a provision for gathering and sharing information about parties’ activities and/or environmental science relating to the agreement, such as a clearinghouse mechanism, to promote and facilitate peer-review, technical, and scientific cooperation within and between countries.

***c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).***

We suggest including provisions to promote research and financial incentives for the development of sustainable, affordable, innovative, and cost-efficient approaches towards the objectives of the instrument.

On research, ample agreements in multilateral contexts serve as examples that can inspire or be framed for this process, such as Stockholm Convention, art. 11; United Nations Convention on the Law of the Sea, part XIII; International Convention for the Prevention of Pollution from Ships, art. 17 (d); Minamata Convention, art. 19; and Paris Agreement, art. 7 (7) (c).

## **2. Means of Implementation**

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

***a) What measures will be required to support the implementation of the instrument?***

Finance, capacity building, and technology transfer will be crucial to implementation, and priority should be placed on ensuring the instrument achieves its objectives for countries of the Global South and countries in transition.

In addition to funding arrangements already present and developed for other multilateral agreements, some of the baseline issues identified in the 2020 Inventory<sup>20,21</sup> could be explored to provide the framework for the agreement. These could include:

**Attraction for private investment:** In some countries, given the lack of viable business models and prohibitively high risks for private investors, an increased effort on public private initiatives to catalyze private investment to address plastic pollution could be a positive first step to incentivize the mobilization of private resources, besides traditional investment incentives. Also, implement extended producer responsibility (EPR) schemes and other financial mechanisms that can provide sustainable financing options.

**Access to multilateral funding arrangements for national governments in coordination between both multilateral and bilateral funds:** For these types of funding, bankable and scalable projects are needed to access it, and the required skills may not be present to develop these. Therefore, it is important to address these gaps and work cross-sector among the means of implementation, including capacity building, to develop pipelines of eligible projects for future requests. Because of the inherent challenges, it is important to maintain coordination among both bilateral and multilateral donors and funders, including increased alignment between international financing, and administration and national priorities, strategic planning, and budget procedures.

**Resourcing a strategic approach to preventing plastic pollution:** We propose a strategic approach that secures funds from sectors performing the worst or those with significant, single-use plastic footprints and allocates those resources to upstream, circular initiatives and/or distributes those resources to developing countries to assist with waste management and remediation efforts.

The agreement should be developed in a just, transparent, and inclusive manner and explicitly focus on equity, gender, and justice concerns in actions to address plastic pollution.

### III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education, and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

We propose and believe that one of the priorities to be considered in the agreement should be the treatment of **abandoned, lost, or otherwise discarded fishing gear (ALDFG), commonly known as ghost gear**. This is the deadliest form of marine plastic pollution<sup>22</sup> and one of the topics where a hybrid binding and non-binding approach, or binding control measures and voluntary elements in national action plans, could be harmonized to be an effective solution.

<sup>20</sup> These issues were documented through stakeholder interviews and consultation processes through the process to produce the 2020 Inventory (UNEP/AHEG/2022/4/3).

<sup>21</sup> [Data housed in the Global Partnership for Marine Litter Platform.](#)

<sup>22</sup> Wilcox, C., Mallos, N.J., Leonard, G. H., Rodriguez, A., & Hardesty, B. D. Using expert elicitation to estimate the impacts of plastic pollution on marine wildlife. *Marine Policy* 65, 107–114 (2016).

- The current reference in the text ‘pollution in the marine environment’ presents the opportunity for this topic to be considered by negotiators and we would like to see a more explicit reference as the process continues.
- There is no global overarching regulatory framework in place at present for ghost gear. It is addressed piecemeal by IMO, UNEP and FAO and is ineffective, with most of the measures only being partially mandatory or purely voluntary in nature or not having a global reach, and not properly resourced for successful implementation. This is a once in a generation opportunity to address this topic holistically.
- The [Global Ghost Gear Initiative’s Best Practice Framework for the Management of Fishing Gear](#) points towards a number of measures that should become binding in nature and measures that are more suitable for inclusion in national action plans such as retrieval and buy-back programs.

Other considerations of the relevance for why and how to consider ghost gear as part of the plastic pollution in the marine environment are:

- Some fish stocks experience up to a 5- 30% decline in some fish stocks due to ghost gear actively ghost fishing<sup>2324</sup>; with one study estimating that 90% of species caught in lost gear were of commercial value<sup>25</sup>.
- Broadly, three types of action can be taken against ghost gear: prevention, mitigation, and remediation or removal. A combination of all three should be included in any global approach to tackle the issue, filtering down to regional, national, and local appropriate action.
- Currently ghost gear significantly hinders progress towards the UN SDG 14, to conserve and sustainably use the oceans, seas, and marine resources for sustainable development, specifically adding to two of the five severe threats to our oceans identified: plastic pollution and fisheries collapse.
- The successful management of ghost gear contributes to other SDGs: addressing the adverse impacts of ghost fishing on potential catch, contributes to people’s livelihoods (SDG 1: No poverty) and food security (SDG 2: Zero hunger). From a supply chain perspective, implementing good practices, circular economy principles, and innovative gear design to mitigate the impact of fishing gear when it gets abandoned, lost, or discarded will continue to support both SDG 12 (Responsible Consumption and Production) and SDG 9 (Innovation and Infrastructure).

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<sup>23</sup> [NOAA Marine Debris Program. 2015 Report on the impacts of “ghost fishing” via derelict fishing gear](#)

<sup>24</sup> Scheld, A.M., Bilkovic, D.M., and Havens, K.J. (2016) The Dilemma of Derelict Gear. Scientific Reports<sup>6</sup>, Article Number 19671

<sup>25</sup> H. Al Masroori, H. Al Oufi, J. McIlwain, and E. McLean, “Catches of Lost Fish Traps (ghost fishing) from Fishing Grounds near Muscat, Sultanate of Oman,” Fisheries Research, Vol. 69, No. 3, 2004