What the Ocean Needs from A Global Plastics Treaty

Objectives for INC4

Ocean Conservancy®

The ocean is a magical place, full of extraordinary biodiversity that enriches our lives and the planet. From enormous whales to fast swimming tuna to the alien-like creatures of the deep sea, the ocean captures our imagination. But that biodiversity is at risk: plastic pollution has become a massive threat to ocean health, overwhelming beaches, killing wildlife, and doing wholesale ecosystem damage around the world.

No part of the ocean has been left untouched by this devastating pollution, from the sea surface to the deepest parts of the sea floor, to Arctic Sea Ice, scientists have discovered plastic pollution nearly everywhere they've looked. While the ocean has been ground zero of this crisis, we now know that plastic pollution is everywhere – from the tops of mountains to inside the human body – and is affecting all of us.

The global plastics treaty represents a once-in-a-lifetime opportunity to solve one of the greatest environmental challenges of our time. As the ocean has borne the brunt of the impacts from plastic pollution, a treaty that protects the future of the ocean will protect the future health of all of us. Here we outline the options included in the revised zero draft text of the agreement needed to protect our ocean and the communities that depend on it.

Objective (Part I, 2)

The objective of this agreement should be to end plastic pollution. Ocean Conservancy supports "including in the marine environment" as currently written in the revised zero draft text. As the guiding purpose for the treaty, it is paramount that the objective includes language to address the full life cycle of plastics, as specified in UNEA resolution 5/14, as well as language to protect human health and the environment. This same or similar language should be included in the scope of the instrument.

Recommendation based on rZDT: Option 2

This option is the best-case scenario from the ones presented as it is the most ambitious and comprehensive across the full life cycle of plastics and explicitly states the objective of protecting human health and the environment from the adverse effects of plastic pollution, which is a crucial aspect of addressing plastic pollution comprehensively. It also specifically addresses:

1. Utilization of Plastic and Plastic Waste: It mentions the "utilization of plastic and plastic waste," indicating a focus not only on reducing pollution but also on managing plastic materials throughout their life cycle.
2. Remediation and Management: This option includes the term "remediation" in addition to "prevention" and "reduction," which is an essential component of addressing the full life cycle of plastics.
3. Consideration of National Priorities: It acknowledges the importance of considering national priorities in plastic pollution management, recognizing the diverse challenges and contexts faced by different countries.
4. Inclusion of Just Transition and Financial/Technical Support: It includes references to concepts such as poverty eradication, just transition, and the need for financial and technical support. These elements emphasize the importance of equity, social justice, and assistance mechanisms in achieving the objectives of the treaty.

Ultimately, Ocean Conservancy would support either option provided it contains language related to ending plastic pollution, full life cycle approach, and protections for human health and the environment.

Scope (Part I, 5)

This treaty should address the issue holistically by covering the full life cycle of plastic, including production, consumption, use, and disposal. It should also be comprehensive in covering all plastic materials and products, especially those that contribute to pollution such as single-use plastics, fishing and aquaculture gear made of plastic, and primary and secondary microplastics. Additional substances associated with the life cycle of plastics, such as chemical additives, air emissions (including greenhouse gasses and other harmful toxics) and water emissions resulting from plastic production, consumption, and disposal, should be addressed.

Recommendation based on rZDT: Option 5

This option is the best-case scenario as it is the most ambitious and comprehensive by specifically including:

1. **Comprehensive Coverage:** This option explicitly states that the instrument covers the full life cycle of plastics.
2. **Addressing All Sources of Pollution:** It mentions addressing all sources of plastic pollution, including microplastics, plastic-related chemicals, and all types of plastic materials and products, which will allow the treaty to tackle the issue from multiple angles.
3. **Recognition of Risks to Human Health and Environment:** It acknowledges the risks of plastic pollution to human health, the environment, climate change, and biodiversity, which means the treaty could prioritize measures to mitigate harm and protect both human and environmental health.
4. **Inclusion of Remediation and Environmental Impact:** It mentions remediation and addressing the environmental impact of plastics, indicating a commitment to both prevent future pollution and mitigate existing harm.

Guiding Principles

Among others, the following principles should guide Parties in their efforts to achieve the objective:

- **Inclusiveness, Just Transition, and Environmental Justice:** The treaty should address the cumulative and disproportionate impacts on vulnerable communities and ensure that these communities and the informal waste collecting sector are active and valued participants in the negotiation and implementation.
- **Best Available Science Combined with Local and Indigenous Knowledge**: The treaty should use scientific research and traditional knowledge to inform decision-making, policy development, and implementation of effective measures.
- **Precautionary/Prevention Approach:** The treaty should focus on preventative upstream action to prevent plastics from becoming pollution in the first place.

Reduction (Part II, 1 and 3a)

The science is clear: we cannot effectively combat ocean plastic pollution, and the climate crisis it's fueling, without addressing the amount of plastics we make and use in the first place. As we've learned from past treaties, to truly move the needle on this issue, we need binding, time-bound global targets for reduction. Leveraging the best available science, Ocean Conservancy experts determined that we need a minimum 50% reduction of single-use plastics globally by 2050, which would eliminate an estimated 2.6 billion metric tons of plastics and prevent the equivalent greenhouse gas emissions from taking every car on earth off the road for over a year and a half.[1] Single-use plastics, which account for roughly 40% of annual plastic production globally and 8 out of the 10 most commonly collected items worldwide as part of Ocean Conservancy's International Coastal Cleanup®,[2] should be the initial target for source reduction efforts.

Recommendation based on rZDT: Sub-Option 2

This option would establish a global reduction target for countries to work towards (to be laid out in an Annex), which is necessary to address this crisis. It importantly also includes:

1. **Evidence-Based Approach**: It specifies that reduction targets should be based on "scientific evidence," which is aligned with an evidence-based principle to inform decision making.

2. **Establishment of a Baseline:** The development of a baseline and regular reporting, which would be laid out in an Annex, is critical for measuring and achieving progress.
3. **Human and Environmental Health**: This option recognizes the motivation for reduction should be to reduce impacts to human health and the environment.

Chemicals of Concern (Part II, 2)

Beyond the physical presence of plastics as a pollutant, we must also address the less visible yet equally important aspect of the crisis—chemical additives associated with plastic production, use, and disposal. As there are over 13,000 chemicals associated with the plastics industry,[3] to tackle this issue, the agreement must take a class-based approach to addressing chemicals of concern.

Recommendation based on rZDT: Options 1 or 2

These options are the most ambitious measures to identify, phase down, and eliminate the most harmful chemicals currently in use. Importantly, both of these options include language surrounding "groups of chemicals," which supports a class-based approach to streamlining how we identify and manage chemicals. Transparency and reporting are crucial to understanding and regulating chemicals in plastics, which is why it is important for the language in the provisions common to both of these options that calls out the need for transparency, tracking, monitoring, and labeling to be included.

Microplastics (Part II, 3, 3bis, 4bis, 8)

Microplastics, plastics under five millimeters in size, are a particularly concerning type of plastic pollution as they are highly mobile, including in the food web and even in our own bodies, causing harm that is not yet fully understood. Microplastics are the most common form of ocean plastic pollution and are all but impossible to clean up once in the environment, which is why it is critical to prevent and remediate them before they enter the environment. Ocean Conservancy supports the inclusion of current text related to restrictions on intentionally added microplastics as well as the references throughout to the need for upstream redesign to reduce the generation of microplastics. However, further language is needed to address secondary microplastics - those microplastics that are a result of shedding or fragmenting of larger plastics (such as from tires, paint, packaging, and clothing, among others), which make up the majority of microplastic pollution in the ocean and other environments. The urgency of the micro- and nanoplastics crisis requires action today, which is why Ocean Conservancy has been championing policies that require pathway interventions to prevent these microplastics from entering the environment.

Recommendation based on rZDT: 3b, Options 1 or 4

These options are the most ambitious and comprehensive approaches to regulating and reducing the use of intentionally added microplastics. Ocean Conservancy would support Option 3bis which would update the section to "micro- and nanoplastics," which would broaden the section to address secondary microplastics and nanoplastics in addition to the existing language on intentionally added (primary) microplastics. This broader section could also be crafted to include language on microplastic emissions (currently in section 8), which would also strengthen provisions to address secondary microplastics. A dedicated program of work, as laid out under Option 4bis, could also enable a more comprehensive focus on primary and secondary microplastics provided microplastics remain addressed in other pertinent provisions.

Plastic Fishing and Aquaculture Gear (Part II, 4bis, 8, 9b, 11):

Pound for pound, abandoned, lost, or otherwise discarded fishing gear (ALDFG), also known as ghost gear, is the deadliest type of ocean plastic pollution,[4] which is why it is critical for this specific form of plastic to be addressed as part of the treaty. Ghost gear has caused a 5-30% decline in some fish stocks,[5] with one study estimating that 90% of species caught in ghost gear were of commercial value.[6] While no fisher wants to lose gear, we know it happens due to a variety of reasons such as inclement weather, gear conflict, snags, etc. The current international systems in place to manage this distinct source of pollution are fragmented, voluntary, and ultimately, inadequate. The current early-stage drafts for the treaty include measures to manage waste from fishing gear at the end of its life, but we know waste management alone is insufficient to address the harms from plastic fishing gear pollution. That's why we're advocating for specific provisions across the full life cycle of plastic fishing and aquaculture gear to be included in the ILBI to prevent the occurrence of ALDFG.

Recommendation based on rZDT: 4bis, 8bis Option 2

While these options present the strongest and most ambitious provisions because they cover the full life cycle of plastic fishing and aquaculture gear including gear design, gear marking, lost gear reporting, effective collection for end-of-life gear and, appropriate and just disposal and remediation practices - there is still room for improvement and strengthening of the language within the text. Importantly, these options specifically include aquaculture gear, in addition to fishing gear, which is critical given the growth of the aquaculture sector. Option 8bis also provides specific language for upstream redesign measures in addition to midstream and downstream measures. Regarding lost gear reporting, we recommend that real-time reporting is specifically called out in the text to allow efficient retrieval of lost gear at or as close to the time of its loss. While we support the inclusion of fisheries and aquaculture as a proposed dedicated program of work under 4bis, we maintain that provisions must be clearly defined, ambitious and address the full life cycle of plastic fishing and aquaculture gear to ensure a robust and unambiguous instrument. It is also crucial that the inclusion of dedicated provisions for plastic fishing and aquaculture gear, whether as a standalone article or included within an existing article (e.g., 8bis), is notwithstanding the inclusion of plastic fishing and aquaculture gear as a plastic commodity, under the other defined articles in Part II. Additionally, it is crucial that any and all provisions take into account a just transition in particular for artisanal, traditional and small-scale fishers as well as small island developing states and least developed countries that are disproportionately impacted by this distinct form of marine plastic pollution.

Redesign (Part II, 5, 7)

To truly address the plastic pollution crisis, we must redesign the plastics we do use to be compatible with local waste management systems in that they are designed to be actually reusable, recyclable, or compostable. Extended producer responsibility (EPR) policies are tried and tested upstream policies that have proven effective at holding producers of difficult to manage waste accountable for the full lifecycle of their products. Based on the polluter pays principle, PR policies shift the financial onus of collecting and recycling packaging from taxpayers and local governments to producers, which helps provide the sustained financing necessary to improve reuse and recycling systems. More broadly, EPR offers a pathway to regulate upstream product design and mandate or incentivize reduction if designed and implemented correctly.

Recommendation based on rZDT: 5a: Sub-Option 1, 5b: Option 5, 7: Option 2

These options are complementary and would help achieve the system redesign necessary to tackle the plastic pollution crisis by requiring plastics meet minimum design standards (Sub-Option 1) and by establishing time-bound reduction, reuse, refill and repair targets (Option 5). We would recommend that the minimum design standards incorporate reuse, recyclability, or compostability requirements to ensure that all plastic products put on

the market can be managed in locally available waste systems. We also recommend that the time-bound targets be informed by the best available science. We support Option 7 for extended producer responsibility to ensure that Parties have enough flexibility to design and operate an EPR program that meets their needs. We support the governing body establishing guidelines that would enable increased harmonization of EPR systems and encourage negotiators to include language from OP2 bis to ensure that the implementation of EPR contributes to a just transition.

Just transition (Part II, 12; Preamble)

To ensure a just transition for the countless workers, formal and informal, around the world impacted by plastic production, use, and disposal, a human rights and environmental justice approach must be incorporated in the treaty. Throughout the plastics lifecycle, from extraction of feedstocks to production, use, and disposal, workers are exposed to greater health burdens due to regular handling of plastics and other harmful waste products and often working in hazardous conditions. Many rely on the plastics sector for their livelihoods; thus, the treaty must include provisions such that those impacted have a financially secure path forward. A just transition includes foundational roles for these workers in the growing reuse, refill, and repair economy. Moreover, it is critical that this section of the treaty includes the expertise and direct consultation from members of these communities, including the informal waste collector/picker sector, who are responsible for the collection of ~60% of all plastics recycled globally.[7]

Recommendation based on rZDT: Option 1

This option is the most encompassing and specifically includes the following critical language:

1. **Fair, Equitable, and Inclusive Transition**: This language recognizes that plastics have a disproportionate impact on vulnerable communities throughout its lifecycle and ensures that these communities are active and valued participants in the implementation of the treaty.
2. **Broad Recognition of Impacted Communities**: This option specifically mentions Indigenous Peoples, local communities, waste pickers, other works in the plastics value chain, women, vulnerable groups, and children and youth as key stakeholders of need of consideration in the just transition.
3. **Labor Guidelines**: A just transition must include safe and valuable roles for workers throughout the plastic lifecycle and the incorporation of labor guidelines are critical in protecting workers.

It is also important that just transition remains in the preamble (if the preamble remains) which calls for the: "Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition."

Sources:
[1] Ocean Conservancy. 2023. Opportunities and Impacts of Single-Use Plastic Source Reduction in the Global Plastics Treaty.
[2] Ocean Conservancy, 2023. Charting a Course to Plastic Free Beaches.
[3] UN Environment Programme. 2023. Chemicals in Plastics: A Technical Report.
[4] Wilcox, C., et al. 2016. Using expert elicitation to estimate the impacts of plastic pollution on marine wildlife. *Marine Policy*.
[5] NOAA Marine Debris Program. 2015. Impacts of "Ghost Fishing" via Derelict Fishing Gear.
[6] Al-Masroori, H., et al. 2004. Catches of lost fish traps (ghost fishing) from fishing grounds near Muscat, Sultanate of Oman. *Fisheries Research*.
[7] Lau et al. 2020. Evaluating scenarios toward zero plastic pollution. *Science*.

For media inquiries, please contact:
Roya Fox at rfox@oceanconservancy.org

For additional information, please contact:
Felipe Victoria at fvictoria@oceanconservancy.org