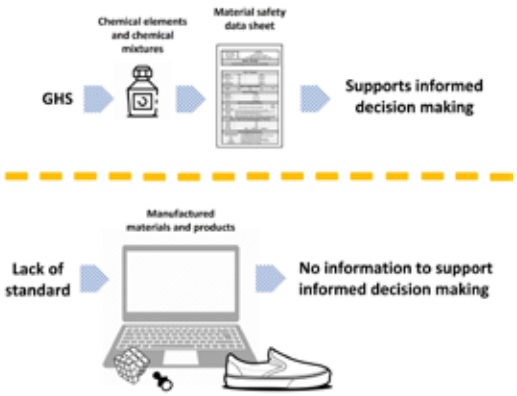
The missing piece

What you need to consider about transparency in the new plastic treaty

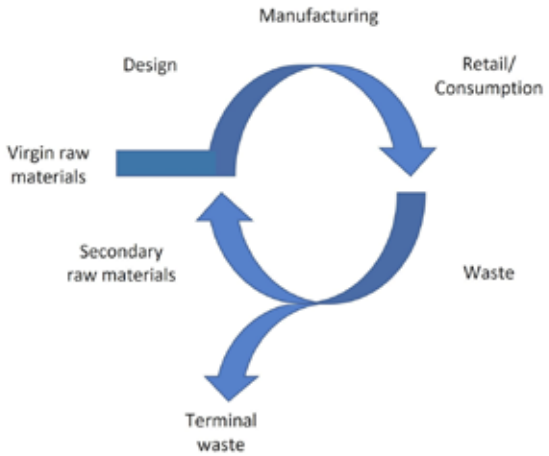
Lack of information on chemicals in materials and manufactured products undermines the right to know and informed decision making



For chemical elements and mixtures, the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) provides means for disclosing the identity of chemicals and hazard communication that supports informed decision making.

A corresponding harmonized system for disclosing chemicals in manufactured materials and products at the global level is missing.

Lack of information on chemicals in manufactured materials and products undermines the safety of circular economy



A circular economy can be safe to human health and the environment only if all stakeholders along the value chains can make informed decisions, based on information about the chemical composition of manufactured materials and products. Correct decisions can then be made for the design and manufacturing of products.

Importers, retailers, institutions involved in public procurements, and consumers can make informd decisions, and handle waste correctly.

Waste dealers, sorters and reyclers can make correct decisions to provide safe secondary raw materials.

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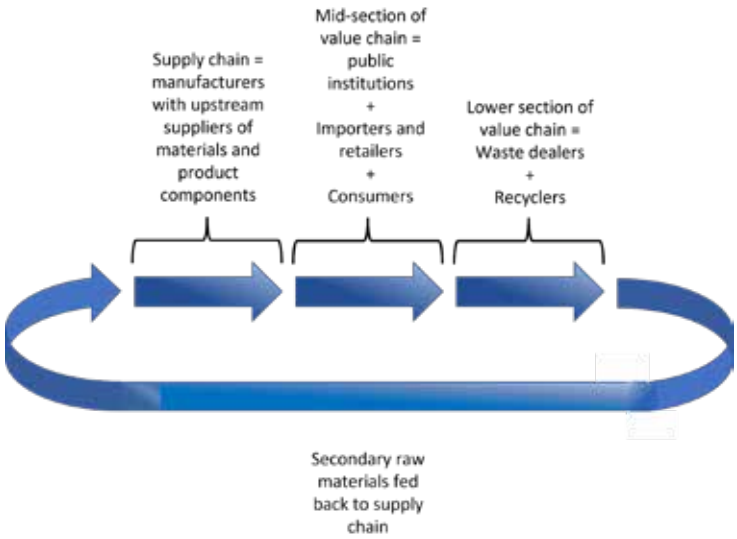
Full and selective information disclosure for chemicals in manufactured materials and products are complementary in a circular economy



Full transparency for the identity of chemicals in manufactured materials/products is especially important for the supply chain + waste dismantlers/waste sorters + recyclers + regulators

Transparency for the identity of chemicals of concern in manufactured materials/products is especially important for the value chain, including consumers, waste dismantlers/waste sorters, recyclers

Among the chemicals considered safe today, may be the chemicals of concern of tomorrow

All companies should strive for getting full control of the chemicals used in manufatured materials and product components in supply chains for their products. This is a proactive measure that will help them to respond quickly to new information on chemical hazards, and pinpoint where in supply chains changes are necessary.

Regulatory agencies need full information disclosure from companies to be able to assess how chemicals are spread within material and product value chains, and put in place apporopriate regulatory actions if hazard classifications for chemicals change.

Waste dismantlers, waste sorters and recyclers also need full information disclosure from companies, not only to deal with materials and product components with chemicals of concern correctly, but because harmless chemicals can interfere with recycling processes, and affect mechanical and other properties of the recycled materials.

It should be in the interest of industry to get useful and safe secondary raw materials back from the recyclers.

Different stakeholders have different information needs, but all need at the minimum information about the presence of chemicals of concern in manufactured materials and products

Stakeholders in the mid-section of material and product value chains at the minimum need information about the presence of chemicals of concern.

Information about the identity and presence of chemicals of concern in materials/products should be disclosed according to a globally harmonized format, to ensure that all stakeholders, irrespective of jurisdiction, at the minimum have access to the same information.

It will ensure that stakeholders of the mid-and lower section of value chains have access to information on chemicals of concern, in a globally harmonized format that complements full information disclosure.It is also a realistic approach to begin with, until full information disclosure can be secured to all stakeholders that need it.

What about protection of intellectual properties if information on chemical composition of manufactured materials and products is disclosed?

With full information disclosure of both identities and concentrations of chemicals, claims for intellectual properties could be warranted.

If only the identity of chemicals is disclosed, this should not be an issue. A competitor cannot easily copy or replicate a product with only information about identities.

This should be even less of an issue for the identities of chemicals of concern. Paragraph 22 of the Dubai Declaration stipulates that "In making information relating to the health and safety of humans and the environment should not be regarded as confidential".

Negative and positive lists of additives, processing chemicals and polymers are complementary in a circular economy

Negative List:

List of toxic additives, processing chemicals and polymers in plastics, including those already regulated

Postitive List:

List of approved additives, processing chemicals and polymers in plastics

- Necessary as long as hazardous chemicals and polymers cannot be completely phased out from the values chains of plastic production and manufactured products;
- Includes chemicals already regulated
- Can include group approach to hazardous chemicals and polymers that limits possibilities for regrettable substitution;
- Inspires innovation to restrict chemicals.

- Will limit the number of used chemicals and polymers in plastic production and product manufacturing that simplifies the work of manufacturers;
- Must be complimented with a negative list for toxic chemicals and polymers, including those with specific exemptions.

The presence of chemicals and polymers from both lists must be disclosed, to safeguard a resource efficient and safe circular economy

In a safe and resouce efficient circular economy, information disclosure with a binding transparency requirement is necessary for both negative and positive lists.

Because also allowed chemicals and polymers can interfere with recycling processes, and affect the properties of the recyclates used as secondary raw materials, plastic producers and manufacturers should disclose information about the chemical identities even for chemicals listed in positive lists and present in plastic materials.

Full information disclosure to waste dismantlers, waste sorters and recyclers should, thus, be ensured.

Regulatory agencies also need information about the presence of chemicals and polymers from positive lists, to be able to respond with appropriate regulatory actions if hazard classifications for chemicals and polymers previously considered safe change.

What chemicals should be included in a standard for selective information disclosure to all stakeholders in plastic value chains?

At a minimum chemicals of concern

Chemicals of concern, according to the UNEP Chemicals in Products Programme, have the following inherent hazard properties: persistent, bioaccumulative, and toxic; carcinogenic and mutagenic; reprotoxic; endocrine disrupters; toxic to the immune system; toxic to the nervous system; chemicals of equivalent concern

In addition, properties like mobility and interference with recycling processes may be considered.

What chemicals should be included in a standard for selective information disclosure to all stakeholders in plastic value chains?

As a start, the initial negative list of chemicals to disclose could be compiled from chemicals that were already identified with criteria corresponding to the UNEP Chemicals in Products Programme criteria for chemicals of concern.

This includes chemicals relevant to plastics , e.g., in global chemicals and waste treaties, regional progressive legislation, e.g. the European Union REACH Substances of Very High Concern, and chemicals from internationally recognized lists, e.g. the IARC list of carcinogens. Perhaps even plastic chemicals from the SIN list can be considered? The list would be updated, as the underlying lists are updated, and the parties negotiating the Plastic Treaty may also consider to establish a review committee for identification, evaluation and nomination of additional chemicals to the list.

This approach does not duplicate existing treaties, rather complements in addressing the lack of transparency requirements in them. For example with very few exemptions, chemicals regulated in the Stockholm Convention have no transparency requirements, and the Basel Convention does not contain sufficient provisions for characterizing plastic wastes.

More information about poymers in plastics materials are also necessary to support informed decisions for recycling

Many plastics are mixtures of polymers.

Recycling symbols do not provide information of mixtures of polymers; only the main polymer.The identities of all polymers should be disclosed.

Criteria for polymers of concern will have to be developed, or agreed upon based on existing criteria, as the UNEP Chemicals in Products Programme may not be sufficient for polymers.

Traceability for individual materials/productsis only possible with a transparency system/standard

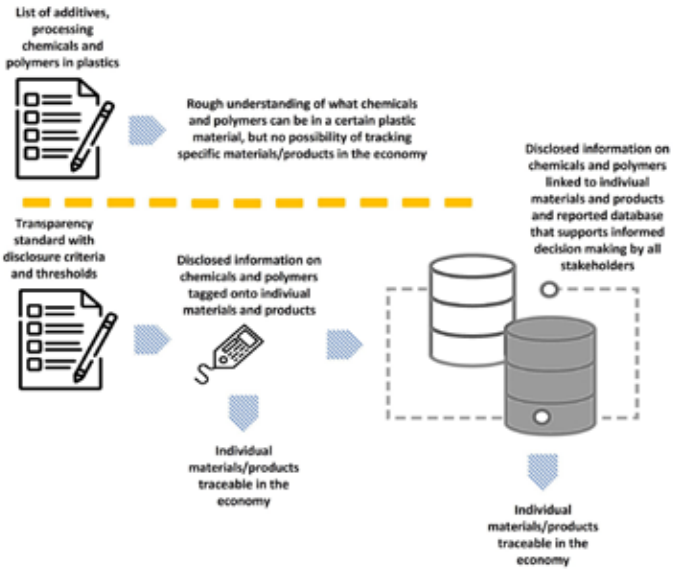
Standalone inventory lists for additives, processing chemicals and polymers potentially found in various plastic types only give stakeholders a rough idea of the chemical composition of the materials, to base informed decisions on.

A transparency standard, with a traceability requirement, will ensure that the disclosed information is linked to individual materials and products, and can be tracked throughout their life cycles.

Compliance with lists of regulated chemicals and polymers is so much easier if they can be tracked for individual materials and products.

Transparency and traceabilty for chemicals in materials and products also save time, money and staff costs for complicance verifications in countries weak in resources. It internalizes the main cost to the manufacturers.

Chemical inventories for plastic types, or transparency standard with traceability requirement?



To ensure good traceability the following will be necessary

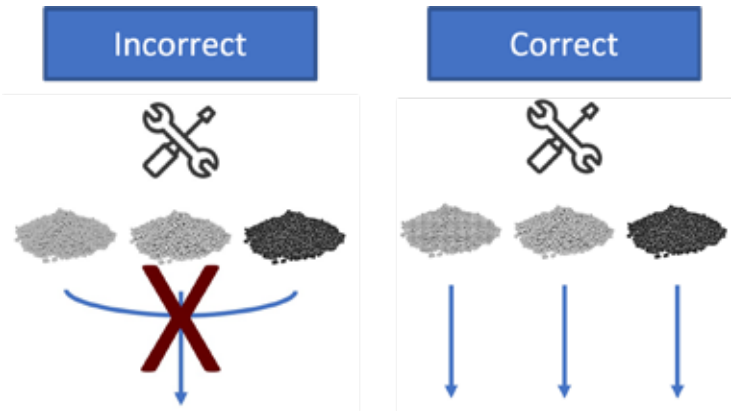
- A transparency standard that defines which chemicals and polymers to disclose;
- A tagging or labelling system to link disclosed information with the standard is linked to individual materials and products;
- Reporting of the disclosed information for individual materials and products to a database that all stakeholders have access to, to facilitate quick and easy information access.

In a globalized economy, harmonization of standards ensures a high basic level of protection of human health and the environment and simplifies trade

Supply chains for manufactured materials and products are nowadays often multinational, spanning several jurisdictions, with different legal requirements and involving customers that not seldom have their own standards.This complicates trade. Small- and medium-sized companies weak in resources may have difficulties in complying with a multitude of legal requirements, and customer specific standards. Multiple parallel and double standards compromise the safety of human health and the environment, particularly in low- and middle-income countries.

Therefore, a globally harmonized transparency standard for disclosing chemicals and polymers in plastics should be part of the plastic treaty.

A critical step in the circular economy is the dismantling of manufactured products and sorting of their constituent materials into separate material fractions



However, if the transparency information is not used for separating materials from dismantled products into fractions with regard to chemical contents, the benefits of transparency to circular economy may be undermined.

In mechanical recycling of plastics, it is not uncommon that waste dismantlers and sorters mix the dismantled materials again before sending them off to recyclers. This practise is often not compatible with a sustainable and resource efficient circular economy that is safe to human health and the environment, and should be regulated in the Plastic Treaty. To solve technical challenges of keeping sorted materials apart, regulation and innovation should go hand in hand.

How should transparency be addressed in the plastic treaty?

In the core text, there should be an article on legally binding and globally harmonized transparency requirement for chemicals and polymers in manufactured plastic materials and products.

In the core text, there should be an article stipulating mandatory traceability for the disclosed transparency information for individual materials and products, and that the information should be reported to a database.

An annex should contain a living list of hazardous chemicals and polymers to be disclosed in manufactured plastic materials and products. At a minimum, the presence of chemicals of concern should be in the standard.

An annex should describe the approach towards chemical disclosure in plastic materials and products. WHO should disclose? HOW should it be done, i.e. a standard with criteria for the selection of chemicals to be disclosed, and disclosure concentration thresholds? WHERE and HOW will disclosed information be stored? WHO will have access to it? WHO will be the host of the data?

Transparency requirements on chemicals in plastics will support the effectiveness of the Plastic Treaty

Plastic materials contain thousands of hazardous substances. Toxic chemicals, included on purpose as additives or as unintentional contaminants, cause harm to human health and the environment, undermine recycling operations and circular economy, and contaminate the entire value chain.

To address this problem, all stakeholders need publicly available information about toxic ingredients in plastic materials and products throughout the lifecycle. Transparency of information has the potential to unlock national, regional, and global measures to control and reduce harmful substances. It will also support countries, especially developing countries and countries with economies in transition, in their efforts to apply national measures, such as production and import control, surveillance, and regulation, to reduce pollution.

Being the main source of information, plastic manufacturers should be obliged to make information about the chemicals they use for production and in plastic materials transparent. This will help them improve sustainability, become responsible, and gain trust and recognition for their efforts. Companies along the value chain, and especially downstream users, will know about the ingredients of the articles or products they use and produce, including the recyclates they apply. Recyclers will be able to handle waste responsibly and avoid producing contaminated secondary raw materials used for new products. Consumers will be able to access their right to know and make informed decisions while purchasing and disposing of plastic products.

Transparency of chemicals in plastics is a win-win situation for everyone: policymakers, consumers, businesses, recyclers, and the environment. Only with this precondition fulfilled, a safe and non-toxic circular economy is possible.

To achieve its goals, the Plastic Treaty must include ambitious, binding and harmonized requirements for transparency of information on chemicals in plastics.

We are calling on governments to:

- **Include ambitious, binding and harmonized requirements for transparency of information on chemicals used in plastic production and in plastic materials and products in the text of the Plastic Treaty**
- **Apply the right to know principle along the whole plastic lifecycle and make the information publicly available to everyone everywhere**

For more information about transparency measures on chemical ingredients of plastic see the paper: https://hej-support.org/global-plastics-treaty-transparency-requirement-for-chemical-constituents-in-plastic-is-a-must/

Organisations supporting the Call

5GYRES
ALHem, Serbia
Association For Promotion Sustainable Development, APSDHISAR, India
Aotearoa Plastic Pollution Alliance,
Armenian Women for Health and Healthy Environment
Association Jeunesse pour l`Envirenment et le Developpement Durable, AJEDD
Bali Waste Platform, Indonesia
BANToxics, Philippines
Bio Vision Africa
Break Free From Plastic, BFFP
BUND, Friends of the Earth Germany
CELA, Canadian Environmental Law Association
Center for Environment, Justice and Development, CEJAD, Kenya
Center for International Environmental Law, CIEL
Chemical Safety Agency, Ukraine
Chemsec, Sweden
Citizen consumer and Civic Action Group, India
Citizens` Alliance Latin American Toxic-free Environment
Civil Society, Advocy Network on Climate Change and The Environment
Clean Production Action, USA
ClientEarth
Community Action Against Plastic Waste, CAPws
Corporate Europe Observatory, CEO
Defend our Health, USA
Development Indian Ocean Network, DION, NGO Network of SIDS
ecocity, Greece
ECOSOUM, Mongolia
Ecoton, Ecological Observation and Wetlands Conservation
EcoWaste Coalition, Philippines
Ekologi Brez Meja, Ecologists without borders, Slowenia
Environmental Ambassadors for Sustainable Development, Serbia
environmental defense, Canada
environmental investigation agency, eia
ESDO, Bangladesh
European Environmental Bureau, EEB
European Network for Environmental Medicine
Exit Plastik, Germany
Front Commun Pour la Protection de l´Environment et des Espace Protégées, FCPEEP, R.D. Congo
FSCI, Tajikistan
Fundación vida sostenible, fvs, Spain
GAIA
Green Transition, Denmark
Greenwomen, Kazakhstan
hamraah foundation, India
Health Care Without Harm, HCWH
HUMUsZ szövetség, Hungary
IndyACT, Lebanon
International Pollution Elimination Network, IPEN
IOGZ, Istytut Gospardarki o Obiegu Zamknietym, Poland
Journalists for Human Rights, North Macedonia
Nexus3 Foundation, Indonesia
Nipe Fagio, Tanzania
No Plastic in my Sea, France
Mother Earth Foundation, Philippines
Paryavaran Mitra, India
plastic change, Denmark
Polske Stowarzyszenie, Zero Waste, Poland
Polski Klub Ekologiczny, Poland
PULAU PINANG, Malaysia
RAPAL, Uruguay
Research and Education Centre for Development, CREPD, Cameroon
Sahabat Alam, Malaysia
Shenzen Zero Waste and Toxics-Free Corps, China
SRADev Nigeria, Nigeria
Sredina, Serbia
Taiwan Watch, Taiwan
Taller Ecologista, Argentina
Thant Myanmar, Myanmar
Toxics Link, India
Toxisphera, Brasil
Women Engage for a Common Future, WECF
ZERO, Portugal
Zero Waste Europe
Zero Waste Society, Ukraine

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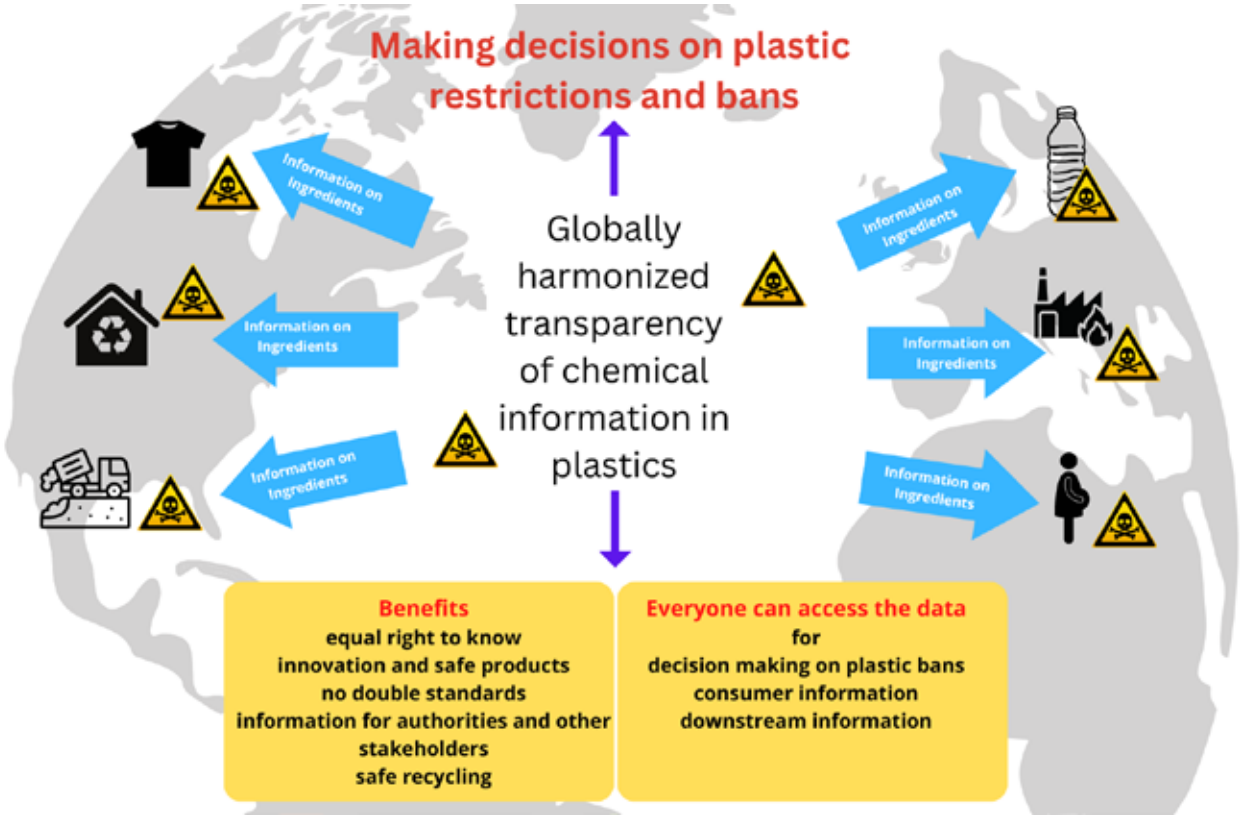
Transparency of chemicals in plastics is the foundation of the plastic treaty to support its goal to reduce plastic pollution



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