

## Summary of priority considerations in Chapters relevant to transparency and traceability of chemical information in the draft Plastics Treaty text

### Preamble

#### Important considerations

- The negative impacts of plastics on human health should be included in the preamble.
- Chemicals must be part of the scope of “plastic pollution” since plastics are chemical products.
- It is important to stress that sustainable alternatives must also be safe for the environment and health.
- The preamble must recognize the need to protect fence-line communities from the impacts of plastics throughout their life cycle, from extraction and production of feedstocks to manufacturing of products, recycling, and handling of waste.

### Objective

#### Important considerations

- The scope of the instrument should be over the full life cycle of plastics, from extraction and production of feedstocks to manufacturing of products, consumption, recycling and handling of waste.

### Definitions

#### Important considerations

- It is very important to create a well-thought-out definition of plastic pollution that includes all aspects of chemical pollution linked to the life cycles of plastic materials and products.
- It is very important to create a well-thought-out definition of sustainable design, highlight the chemical composition of plastics, and ensure that it is safe for human health and the environment.
- The “full life cycle” should cover everything from extraction and preparation of plastic feedstock to plastic manufacturing, waste management, and any kind of reuse, repurpose and recycling operations.
- The definition of plastic chemicals should include additives, processing chemicals that leave traces in the material or product, monomers, oligomers and polymers, as well as non-intentional reaction or degradation products.
- Circularity for plastics needs to be well-defined to ensure that it does not support the recirculation of toxic chemicals into new products made of recycled plastic.

### Scope

#### Important considerations

- The instrument should address the full life cycle of plastics, as outlined in resolution 5/14.
- Product design and material flows free of harmful chemicals, as stressed in the [Bonn Declaration](#), must be part of the scope.

### Part II Chapter 1 Primary plastic polymers

#### Important considerations

- This Chapter should also cover secondary plastics, i.e. recycled plastics, including recycled content, as recycling is envisioned to be an important strategy in the treaty.
- Provisions should be harmonized and globally binding; should not consider national circumstances or national capacities. However, all provisions should be reflected in the national implementation plans pursuant to Part IV.1 on national plans.

### Part II Chapter 2 Chemicals and polymers of concern

#### Important considerations

- Regulation of hazardous, problematic and avoidable chemicals throughout the lifecycle of plastics must be globally harmonized and binding to all Parties and should be reflected in the national implementation plans pursuant to Part IV.1 on national plans.
- Criteria should be developed for listing chemicals in Annex A, so that listing is reproducible and understandable to every stakeholder. An annex ensures a living list of chemicals so that new chemicals can be added regularly.

- The criteria should be hazard-based. The [SAICM Chemicals in Products Programme](#) inherent hazard properties, prioritized for information disclosure can serve as a starting point (see page 9, chemical scope) complemented by criteria for monomers, oligomers, and polymers. To speed up regulation, a grouping approach based on structural similarities can also be applied. For more details, see the [PlastChem Project report](#).
- In principle, no data no market should apply. This should be captured by a provision in this chapter.

### **Part II Chapter 3 Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics**

#### Important considerations

- The scope of the provisions in this chapter should be problematic, unnecessary, and avoidable plastics, in accordance with the recommendations in a [Nordic Council Report](#).
- Criteria for identifying problematic, unnecessary and avoidable plastics must be globally harmonized, to avoid multiple national standards and hence also double standards.
- The provisions must clearly state that substitutes to hazardous, problematic and avoidable plastics shall be free from harmful chemicals, identified based on globally harmonized criteria, not contain intentionally added microplastics, or generate microplastics. This, in turn, requires transparency, traceability and labelling of all plastic materials and products. Consequently, clear links to Chapter 13 must be made also in Chapter 3.

### **Part II Chapter 5 Product design, composition and performance**

#### Important considerations

- Globally harmonized and binding minimum design and performance criteria need to be established. The criteria need to consider all life stages of the material or product.
- Plastic chemicals should be part of product design criteria. Furthermore, linkages to Chapters 2 and 13 must be made to ensure that chemical information transparency and traceability in individual products are part of the criteria, prioritizing harmful chemicals. Transparency informs substitution work for hazardous chemicals that cannot be phased out immediately; traceability helps track hazardous chemicals in individual products .
- Mandatory traceability can be in the form of a “digital chemicals passport” as suggested in the [information paper](#).
- The chapter has paragraphs for reducing the use of primary plastic polymers and increasing recycled content. However, the provisions must ensure that recycled materials are not used if there is no transparency and traceability for the chemical composition to support informed decision-making. Legacy plastic materials and products without chemical identity information shall automatically be considered toxic a priori.
- It is very important that the Chapter has provisions that stipulate that recyclates shall be free of harmful chemicals.

### **Part II Chapter 8 Emissions and releases of plastic throughout its life cycle**

#### Important considerations

- Plastic pollution encompasses chemical pollution, including the dispersion of plastic particles (such as microplastics), as well as the release of toxic substances during the production, use, and disposal or recovery of plastic materials. Thus, plastic emissions are not just physical pollution, but also chemical. This should be reflected in the provisions throughout the Chapter, as well as in its title.
- The plastic pollution from all life stages of plastics life cycles should be within the scope of this Chapter, from extraction of feedstock to plastics to handling of waste. Emissions and releases of any plastic pollution covered under this Chapter should include hazardous chemicals, including monomers, oligomers and polymers, plastics and plastic products, listed in part II of Annex A.
- Legally binding provisions of this Chapter should also include globally harmonized effective and transparent reporting on plastic pollution through pollutant release and transfer registers (PRTR) for plastic emissions, in line with [recommendations from UNECE](#).

- Provisions in this Chapter shall be binding; not voluntary. Actions taken shall be reflected in national implementation plans.

## **Part II 9 Waste management**

### Important considerations

- The prime objective of this chapter shall be to protect human health and the environment, which should be clearly visible in the formulation of provisions.
- Globally harmonized minimum standards for safe and environmentally sound management of plastic waste, including through collection, recycling and disposal, need to be established.
- The scope of waste management should also include dismantling of waste and preparing it for recycling. That can be sources of contamination from microplastics and chemical pollutants.
- Waste minimization and recycling free from harmful chemicals need to be part of waste management strategies.
- A PRTR for plastic pollution should include waste transfer and emissions from dumping.

## **Part II 10 Trade [in listed chemicals[, polymers] and products, and in plastic waste][related measures]**

### Important considerations

- Monomers and oligomers should also be included in the provisions of this Chapter, because they are generally more reactive than polymers.
- The scope should not only include products that are entirely made of plastics but also composite products with plastic components.
- Information-sharing formats and labelling should be globally harmonized, to facilitate easy accessibility, interpretability and comparability.
- Materials and products that do not meet the globally harmonized minimum design and performance criteria, as specified in Chapter 5, shall not be allowed to be traded.
- Reference to Chapter 13 is important to ensure that disclosure, tracking and labelling requirements for plastic chemicals are based on a globally harmonized approach.
- Responsibilities of stakeholders in relation to retrieving chemical composition and hazard information from the labels of constituent materials and repackaging it into new labels for batches of shredded and pooled waste plastic materials bound for recycling need to be defined.
- Non-discriminatory trade comes from applying the same provisions to domestically produced and imported products. No specific need to highlight that non-Parties shall not be discriminated. Parties will have to reflect these provisions in their national legislations and apply them to domestic and foreign producers equally in accordance with the WTO rules.

## **Part II 11 Existing plastic pollution, including in the marine environment**

### Important considerations

- Link to Chapter 8 and the suggested PRTR mechanism there should be made in terms of a tool for sharing information from monitoring sources of plastic pollution, both physical and chemical, to aquatic ecosystems.
- Link to Chapter 13 and provisions to track types, volumes and destinations for chemicals, polymers and plastic products exported must be made.

## **Part II Chapter 13 Transparency, tracking, monitoring and labelling**

### Important considerations

- Provisions for disclosure of chemical identity, and hazard information as applicable, must be globally harmonized and binding for this chapter to be efficient. Any reference to national capacities or national circumstances should be avoided. The provisions should be reflected in national implementation plans pursuant to Part IV.1 on national plans.
- Disclosure should be for all kinds of plastic materials and products; not only a selection of them.
- Requirements instead of guidelines are most appropriate to match binding provisions.
- A global database to store and manage disclosed data shall be set up.

- References to protection of CBI are unnecessary, as CBI is not an issue if only identities of chemicals, and hazard classes as applicable, are disclosed and not chemical concentrations. Furthermore, when we talk of disclosure of hazardous chemicals, CBI is not warranted, taking into consideration [§22 of the Dubai Declaration](#) (page 9).
- Reference to WTO rules is unnecessary in this Chapter because Chapter 10 is about trade and a reference to WTO rules can be made there. Moreover, the requirements under Chapter 13 will not undermine the implementation of the WTO rules because the Treaty will apply globally harmonized requirements on transparency and traceability to all Parties, which, in turn, will have to reflect these provisions in their national legislations and apply to domestic and foreign producers equally in accordance with the WTO rules.

### **Part III 2 Capacity-building, technical assistance and technology transfer**

#### Important considerations

- All Parties, not just developed countries, should contribute to capacity-building, technical assistance and technology transfer.
- Technical assistance on chemical constituents and alternatives that are safe to human health and the environment must be covered by the provisions of this Chapter.

### **Part IV 1. National implementation plans**

#### Important considerations

- The word “implementation plan” is preferred over “action plans”. “Implementation” signals a higher level of ambition and is the choice of word in other conventions with binding provisions.
- As a general rule, the national implementation plan should be inclusive and based on best available knowledge and data, and all Parties shall share their national implementation plans with the Secretariat.
- Action by low and middle income countries shall not be contingent upon actions by high income countries, as suggested by some options. All Parties need to take responsibility for implementing the Treaty.
- National and regional alignment of implementation plans and collaborations should be encouraged.
- The national implementation plans should also cover all aspects of chemicals used in the life cycle of plastics, intentionally or non-intentionally, including monomers and oligomers.
- All economic activities, such as production, export, import, reuse, repair, refurbishment and recycling should be covered.

### **Part IV 2 Implementation and compliance**

#### Important considerations

- A review and technical support mechanisms should be in place to progress and improve the implementation of the Treaty.

### **Part IV 3 Reporting on progress [of implementation]**

#### Important considerations

- All Parties – not only developed countries – shall report how they implement the Treaty. Otherwise, the effectiveness of the Treaty will be compromised.
- Reporting shall also cover measures taken with regard to transparency, tracking, monitoring and labelling.
- Intervals for reporting and reporting formats need to be established.
- **Part IV 4 Periodic assessment**

#### Important considerations

- It is important that assessment activities are not only limited to physical pollution caused by plastic, but also to chemical pollution caused by chemicals throughout plastic life cycle.

- It is important to note that “plastic chemicals” also include monomers and oligomers, and “avoidable” chemicals. Monomers, for example, are reactive and thus usually more hazardous than inert polymers. “Avoidable” chemicals can be non-hazardous but interfere negatively with the recyclability of plastics.
- To ensure that the lists of hazardous, problematic and avoidable chemicals and plastics in annexes are regularly revised and updated no less frequently than before each COP.

#### **Part IV 6 Information exchange**

##### Important considerations

- Information exchange between Parties, between Parties and stakeholders and between stakeholders to facilitate Treaty implementation should be mandatory.
- Among other things, that should cover best practices and policies on sustainable consumption and production, where the latter includes design and the chemical composition of plastics, in primary production of plastics as well as of secondary raw materials through recycling;

#### **Part IV 7 Awareness-raising, education and research [and development]**

##### Important considerations

- This chapter in the draft is lacking chemicals and design considerations in the scope. Eg., awareness-raising, education, and information exchange should also include information on chemical pollution status and cover practices and policies on sustainable consumption and production, including on design, the chemical composition of plastics, production of secondary raw materials through recycling free from harmful chemicals
- Public access to information should be ensured.
- Awareness-raising activities should also cover the chemical constituents of plastics.
- Exchange of information should cover best practices and policies on sustainable consumption and production, including design, chemical composition of plastics, and production of secondary raw materials through recycling

#### **Part IV 8 Partner and Stakeholder engagement**

##### Important considerations

- Multi-stakeholder action agendas shall also include the informal recycling sector and waste pickers.
- Actions on health should not only consider plastic as a physical waste, but rather a chemical.

#### **Contact and additional information**

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