

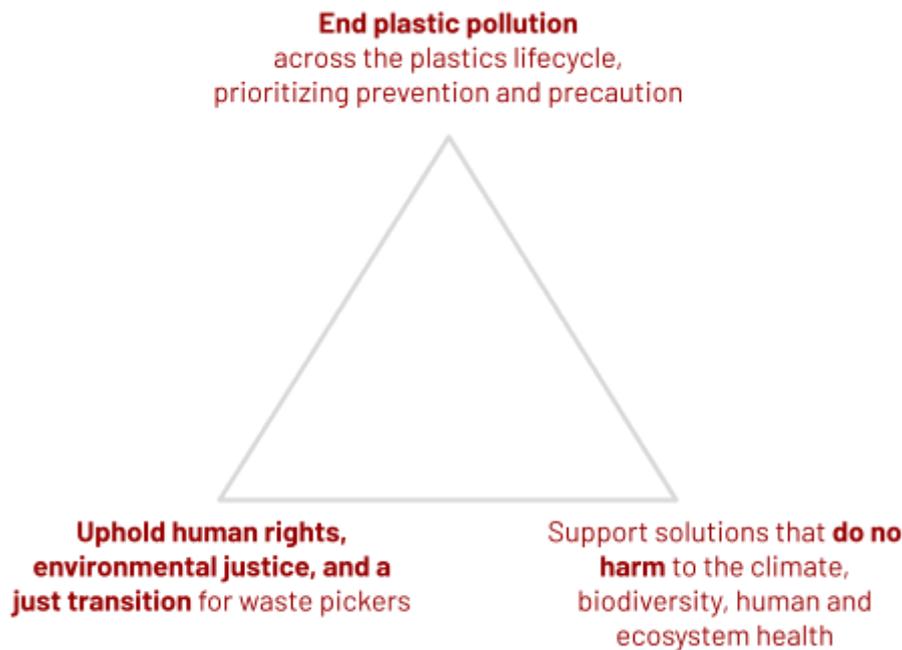


Global Alliance for Incinerator Alternatives Submission to INC2

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Plastics treaty objectives



Objective 1: End plastic pollution across the lifecycle of plastics, prioritizing prevention and precaution.

The first objective for a new plastic treaty already has consensus support from its adoption at UNEA 5.2 and is identified in the title of UNEA resolution 5/14 “End plastic pollution: Towards an international legally-binding instrument”. Future treaty COPs can adopt increasingly-ambitious global and national quantitative targets along specific timelines (5 or 10 years), to be reflected in treaty Annexes, rather than treaty text, for ease of amendment. Sector-specific strategies can bring rights-holders together to support reduction and exchange sector-specific best practice between countries. The main approaches must be prevention and precaution, embodied by overall reduction of plastic production and phase-outs of problematic polymers and additives, given the ineffectiveness of waste-management alone (Borrelle et al., 2020), and in order to uphold human rights (OHCHR, 2021).

Objective 2: Uphold human rights and environmental justice for affected communities, **and a just transition** for waste pickers

Violations of the human rights to life, health, a toxic-free environment, information, participation and access to effective remedy occur at every stage of the plastics lifecycle. Persons in vulnerable situations are particularly affected, including formal and informal workers in plastic manufacturing and recycling such as waste pickers, fenceline communities, children, women, persons of African descent, Indigenous peoples, coastal communities, persons living in poverty, and future generations (OHCHR, 2021). As stated by the U.N. Special Rapporteur, it is therefore vital that the treaty adopts “A human rights-based approach to global plastics management, focusing on human rights principles as well as mechanisms for accountability and access to remedy”. Principles of prevention,

precaution, polluter pays, as well as the right to information on the hazards of plastics and the right to effective remedies to plastic pollution are key, as are the right of affected communities and environmental defenders to participate in policy-making (OHCHR, 2021).

In particular, the plastic pollution crisis has deepened existing injustices caused by colonialism, slavery, racism and capitalism that exceeds our planetary boundaries, and disproportionately harms Indigenous, Black, Brown, and low-income communities (UNEP, 2021; OHCHR, 2021). A new plastics treaty must focus on upholding the rights of these communities, including by guaranteeing transparency, monitoring, prioritizing environmental justice in decisions on the shutting down existing industrial facilities or siting of new ones, and supporting access to effective remedy.

GAlA supports the right to just transition for all workers affected by planned changes in the global plastics economy. At the same time, it recognizes the very special role of waste pickers. Waste pickers are the backbone of the waste collection and sorting systems in most countries, although they are often further excluded by extended producer responsibility (EPR) policies and privatization of waste management. They are also one of the most vulnerable occupational groups, predominantly women from socially and ethnically-marginalized communities. As such, waste pickers deserve particular emphasis in a new plastics treaty, to ensure their meaningful inclusion in treaty provisions and implementation, and realize their full potential as engineers of the global materials economy, placing them at the vanguard of collection, sorting, reuse, repair, composting and recycling systems.

Objective 3: Support solutions to plastic pollution that **do no harm to the climate, biodiversity and human and ecosystem health**

The treaty must not resolve the plastic pollution crisis at the expense of our other planetary crises: our climate emergency, biodiversity collapse, and pollution. The focus should clearly be on solutions that address production. Given the prevalent, if ineffective, tendency to resort to waste management as a first line of defense against plastic pollution, it is of paramount importance for the treaty to establish clear and measurable criteria to ensure that only truly environmentally-sound waste management processes are viewed as acceptable for dissemination through financing, technology-transfer and capacity-building. Likewise, the treaty must clearly prohibit greenwash of polluting materials or processes through false claims (e.g. overblown or speculative recyclability or biodegradability claims) or deceptive accounting (e.g. carbon credits).

Scope: Terms defined in Objective 1 have the following scope.

- **Plastics** include plastic products (including products made partly from plastics), plastic materials (plastic polymers and additives including fillers) and plastic polymers.
- **Plastic pollution** includes plastics and associated chemicals (including feedstock chemicals and intentional and non-intentional additives) in the environment, including in human bodies.
- **Additives** always refers to both intentional additives and non-intentional additives, unless stated otherwise.
- The **lifecycle of plastics** begins with the sourcing of feedstocks to make plastics (and associated environmental and health impacts) and ends at the conclusion of the waste management or pollution phase (including impacts from waste-management residues or by-products such as incineration ash).
- For more information on terms, see GAlA's 2022 briefing [Defining plastic products, materials and polymers: a proposal](#).

Core obligations and control and implementation measures by theme

Identification, transparency and labeling	Reducing overall production	Phasing out harmful polymers and additives	Closing trade loopholes	Environmentally-just and sound waste management
<ul style="list-style-type: none"> -Identify all plastic feedstocks, polymers and additives, and products that include them, within a public global plastics chemicals information hub -Require harmonized and accurate labeling (chemical composition, waste management, hazards) -Prohibit vague, inaccurate, misleading or unverifiable claims or labeling on plastic materials, products and processes 	<ul style="list-style-type: none"> -Overall plastic polymer production reduction target -National reduction targets -End market incentives for plastics, additives and feedstocks, including subsidies -Plastics tax -Phase out non-essential products and uses (including primary microplastics) -Quotas for reusable product and industrial packaging -Scale up reusable alternatives to plastic products 	<ul style="list-style-type: none"> -Phase out toxic polymer groups -Phase out harmful additives groups -Phase out plastic materials that shed the most microplastics 	<ul style="list-style-type: none"> -Plastics trade tracking system -Trade ban on plastics and additives after phase-out -Non-Party trade ban on phase-out plastics and additives (prior to and after phase-out dates) -Prior informed consent for trade of plastic products not compliant with treaty design criteria -Ban all plastic waste exports to non-OECD countries, and strictly minimize all other plastic waste trade -Ban the export of plastic waste for thermal treatment 	<ul style="list-style-type: none"> -Design criteria for reuse, repair and safe mechanical recycling, supported by EPR fees eco-modulation -Criteria for environmentally-sound plastic waste management (for finance, capacity-building and technology transfer) - Environmental justice criteria in facility shut-down and siting decisions <p>(see also measures on transparency, monitoring and access to effective remedy, all relevant to environmental justice).</p>
Sector-specific strategies to end plastic pollution	Just transition for waste pickers	Reporting, enforcement & accountability	Monitoring & assessment	Financial mechanisms
<ul style="list-style-type: none"> -Sector-specific strategies for consideration of phaseout candidates, cooperation with existing instruments and deeper engagement of rights-holders <p>(Key sectors: packaging, agriculture & landscaping, fishing & aquaculture, textiles, vehicles, shipping, tourism & hospitality, medical & paramedical, electronics, construction & demolition, disaster relief & emergency services).</p>	<ul style="list-style-type: none"> -Guarantee a just transition for workers including waste pickers -Criteria for effective EPR schemes inclusive of waste pickers 	<ul style="list-style-type: none"> -Serious treaty breaches are criminal offenses under national law -Support affected communities' access to effective remedy -Global plastic pollution liability and compensation mechanism -National implementation plans -National reporting on material flows of plastics and associated chemicals 	<ul style="list-style-type: none"> -National monitoring of plastic pollution and toxic exposures of fenceline communities -Coordinated monitoring of high seas plastic pollution -Scientific body to adopt baselines, standards, methodologies and definitions; evaluate environmental and health costs; environmental justice, Indigenous rights and human rights impacts; strengthen LCA and PEF standards; compare LCAs, PEFs of plastics and their alternatives 	<ul style="list-style-type: none"> -National finance through national plastics taxes and EPR schemes -Dedicated global implementation fund -Coordination to facilitate access to existing plastics-adjacent funding

Core obligations and control and implementation measures by lifecycle phase

Upstream (from feedstock extraction to primary materials)	Midstream (from product manufacture to use)	Downstream (from waste collection to disposal residues and emissions)
<ul style="list-style-type: none"> -Identify of all plastic feedstocks, polymers and additives, and products that include them, within a public global plastics chemicals information hub -Overall plastic polymer production reduction target -National reduction targets -Phase out non-essential products and uses (including primary microplastics) -End market incentives for plastics, additives and feedstocks, including subsidies -Plastics tax -Phase out toxic polymer groups -Phase out harmful additives groups -Phase out plastic materials that shed the most microplastics 	<ul style="list-style-type: none"> -Identify of all plastic feedstocks, polymers and additives, and products that include them, within a public global plastics chemicals information hub -Design criteria for reuse, repair and safe mechanical recycling, supported by EPR fees eco-modulation -Prior informed consent for trade of plastic products not compliant with treaty design criteria -Quotas for reusable product and industrial packaging -Scale up reusable alternatives to plastic products -Prohibit vague, inaccurate, misleading or unverifiable claims or labeling on plastic materials, products and processes 	<ul style="list-style-type: none"> -Ban all plastic waste exports to non-OECD countries, and strictly minimize all other plastic waste trade -Ban the export of plastic waste for thermal treatment and plastic-to-fuel -Criteria for environmentally-sound plastic waste-management (for finance, capacity-building and technology transfer). -Criteria for effective EPR schemes inclusive of waste pickers

Whole lifecycle
<ul style="list-style-type: none"> -Guarantee a just transition for workers including waste pickers -Require harmonized and accurate labeling (chemical composition, waste management, hazards) -Plastics trade tracking system -Trade ban on plastics and additives after phase-out -Non-Party trade ban on phase-out plastics and additives (prior to and after phase-out dates) -Environmental justice criteria in facility siting decisions -National monitoring of plastic pollution and toxic exposures of fenceline communities -Coordinated monitoring of high seas plastic pollution -Scientific body to adopt baselines, standards, methodologies and definitions; evaluate environmental and health costs, environmental justice, Indigenous rights and human rights impacts; strengthen LCA and PEF standards; compare LCAs, PEFs of plastics and their alternatives -Serious treaty breaches are criminal offenses under national law -Support affected communities' access to effective remedy -Global plastic pollution liability and compensation mechanism -Sector-specific strategies for consideration of phaseout candidates, cooperation with existing instruments and deeper engagement of rights-holders -National implementation plans -National reporting on material flows of plastics and associated chemicals -National finance through national plastics taxes and EPR schemes -Dedicated global implementation fund -Coordination to facilitate access to existing plastics-adjacent funding

Core obligations, control and implementation measures in detail

1. Identification, transparency and labeling

Identify all plastic feedstocks, polymers and additives, and products that include them, within a public **global plastics chemicals information hub**. Comprehensive, precise and public identification of plastic feedstocks, polymers and additives is the prerequisite to effective regulation, as well as key to fulfilling the right to information relative to health and the environment – and it currently does not exist. A global platform building on existing public databases such as the [CAS Common Chemistry](#) or the [OECD eChemPortal](#) would maximize efficiency and minimize duplication, as noted by Wang et al. (2021): “Such a system would maximize efficiencies (e.g., regulators in one country can check if the same substance has been registered elsewhere), enable a global overview (e.g., of different substances included under the same CAS number), and ensure public accessibility while still protecting trade secrets (e.g., only designated users can see information sources). It can also help to establish good practices on data reporting and sharing across jurisdictions.”

Require **harmonized and accurate labeling**: polymers and additives, feedstock type, environmentally-sound reusability, recyclability or compostability, hazards for human and environmental health. Harmonized and accurate labeling could be delivered through a global digital product passport system in multiple languages.

Prohibit vague, inaccurate, misleading or unverifiable claims or labeling on plastic materials, products or processes, e.g. “sustainable”, “green”, “eco”, “bio”, “natural”, “carbon neutral”, “plastic neutral”, claims that hide regrettable substitution, such as “BPA-free” claims when equally or more harmful alternative bisphenols are used, claims that disguise thermal treatment or plastic-to-fuel as “recycling”. For more information on existing litigation against greenwash on plastic products, see ClientEarth 2022a.

2. Reduce overall production

Overall plastic polymer production reduction target as a single global point of priority focus for Parties, supported by national targets, sectoral strategies (see Section 6 below) and specific phase outs. The global target can be periodically updated and strengthened and included in a treaty Annex that the treaty Conference of Parties (COP) can amend.

National reduction targets that support the achievement of the abovementioned global reduction target.

End market incentives for plastics, additives and feedstocks including

- Plastics subsidies
- Subsidies for fossil fuels used in plastic manufacture (as feedstocks or energy sources)
- Polluting plastic waste-management technologies.

Plastics tax of at least USD 1 500 per tonne for plastics, and USD 2 000 per tonne for plastic packaging (including composites), that could be phased in progressively and increased subsequently, as determined in a treaty Annex amendable at COP (for more information, see OECD 2022).

Phase out non-essential products and uses (including primary microplastics), as defined in a treaty Annex that can be amended at every COP. Sector-specific strategies (see Section 6 below) can propose products and uses for phase out.

Scale up reusable alternatives to plastic products, *inter alia* through quotas for reusable product packaging and industrial packaging, harmonization of labeling, green procurement, and financial and regulatory support to

alternative delivery systems and reuse businesses.

3. Phasing out harmful polymers and additives

Phasing out chemicals as a group (chemical class) promotes the development and use of truly safe alternatives, rather than regrettable substitution with chemicals from the same group and therefore likely to display similar hazards, persistence or accumulation (BRS, 2022; Kwiatkowski et al., 2020).

Phase out toxic polymer groups, starting with:

- Chlorinated plastic polymers (e.g. PVC, PVDC)
- Fluoropolymers.

Phase out harmful additives groups, intentional or otherwise, starting with:

- Bisphenols
- Phthalates
- brominated flame-retardants
- PFAS chemicals and fluoro-chemicals
- chlorinated paraffins
- oxo-degradation additives
- At a later stage, the treaty could phase out harmful non-intentional additive substances that are present in plastics as residues from the production process.

Phase out plastic materials that shed the most microplastics starting with:

- Oxo-degradable plastics
- Plastic foams (e.g. EPS, XPS, PU foam)
- Plastic textiles.

Establish **design criteria for essential plastic products** supported by **EPR fees eco-modulation**, to reduce their harm to health and the environment when they become waste, and penalize producers who do not adhere to such criteria. Such criteria should privilege durable, reusable and repairable mono-material products and exclude problematic polymers and additives, in order to preserve the possibility of safe mechanical recycling. Design criteria are based on current technology and not speculation about future developments. Design criteria should also be considered for alternatives to non-essential plastic products.

Require **prior informed consent for trade of plastic products not compliant with treaty design criteria**. (See Raubenheimer & Urho, 2020).

4. Close trade loopholes

A **plastics trade tracking system** across the plastics lifecycle, with data featured in the global plastics inventory. In particular, all plastic waste shipments should be tracked in a publicly accessible database integrated in the global plastics inventory.

Trade ban on plastics and associated chemicals after phase-out except for their environmentally-sound disposal, and only when exporting countries lack the appropriate infrastructure for these operations. The prohibition applies to export, import and transshipment.

Ban on trade of phase-out plastics and additives (prior to and after phase-out dates) with non-Party States. The prohibition applies to export, import and transshipment.

Ban all plastic waste exports to non-OECD countries, and strictly minimize all other plastic waste trade to avoid deepening global environmental injustice. The treaty must ensure that countries have the capacity to recycle the plastic waste they generate locally without resorting to exports, in line with the Basel Convention proximity principle. Plastic waste exports should only be allowed to ensure safe management of plastic waste where exporting countries lack corresponding infrastructure and environmental regulation. Importing countries retain the right to refuse shipments through prior informed consent (PIC). A strict contamination threshold (0.5%) is needed as mixed or contaminated plastics often end up burnt or otherwise mismanaged.

Ban the export of plastic waste for thermal treatment including incineration, co-incineration in cement kilns or other boilers, pyrolysis, gasification, or plastic-to-fuel processes. This includes fuels derived from plastic waste or other wastes of which plastic is a significant component, such as refuse-derived fuels, solid recovered fuels and pyrolysis oil. This ban will prevent countries from outsourcing the toxic, carbon, air pollution and environmental justice impacts of burning plastic waste to other (usually lower-income) countries.

5. Ensuring waste-management is environmentally-just and environmentally-sound

Adopt **criteria for environmentally-sound plastic waste-management**. These would apply to any technologies that are involved in financial assistance, technology transfer, capacity-building under the treaty and would include:

- Carbon intensity (and reducing that with carbon capture would not be accepted)
- Toxic emissions including in recycle / by-products
- Water intensity
- Material efficiency
- Environmental justice impacts: the siting of new waste-management facilities must not deepen environmental injustice.

6. Sector-specific strategies to end plastic pollution

Sector-specific strategies will develop tailored alternatives to plastics with the deep engagement of sector-specific rights holders. They will also promote cooperation with existing instruments and can identify polymers, additives, products and uses for sectoral or broader phaseouts. Key sectors that require specific strategies include packaging, agriculture & landscaping, fishing & aquaculture, textiles, vehicles, shipping, tourism & hospitality, medical & paramedical, electronics, construction & demolition as well as disaster relief/emergency services.

7. Guarantee a just transition for waste pickers

A **just transition for waste pickers** begins with acknowledging and legitimizing their ongoing role as workers who provide a public service by managing waste. In many countries, waste pickers have self-organized into cooperatives, unions, or other representative groups through which they can participate in national and local planning and implementation processes, including the development of national action plans. A just transition will ensure fair and reliable compensation to waste pickers for their work, guarantee their right to continue work as well as opportunities to transition into other aspects of the zero waste economy, ending the use of hazardous materials and substances that imperil their health, and inclusion in social welfare programs. All these measures must be backed with financial resources and legally binding measures. For more information, see GAIAs briefing [Plastic and waste-pickers](#) and UN-HABITAT & NIVA, 2022).

8. Enforcement, accountability, national implementation and reporting

Require Parties to make plastic pollution and other serious breaches of treaty provisions **criminal offenses** under national law.

Require Parties to **provide communities harmed by plastic pollution with access to legal and other effective remedies**, including measures to ensure non-repetition.

Global plastic pollution liability and compensation mechanism, as recommended by the U.N. Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana (OHCHR, 2021). Such a mechanism can support access to prompt and adequate compensation in significant plastic pollution events such as the 2021 *MV X-Press Pearl* plastic pellets spill off the coast of Sri Lanka. This mechanism must be financed by polluters with mandatory contributions, to ensure that governments are not in effect subsidizing pollution by private actors (Chen, 2012).

Criteria for effective EPR schemes inclusive of waste pickers that support existing municipal waste management systems, recognize the preexistence of waste pickers in places where they work, and establish structures for public oversight in order to ensure accountability and transparency. EPR schemes should also create financial pressures to phase out problematic products and materials as well as generate funds for public environmentally-sound waste management (for more information, see GAIA's briefing [Extended Producer Responsibility](#)).

National implementation plans operationalize core obligations and control measures. They are updated periodically, with particular emphasis on consultation with rights-holders in vulnerable situations and waste pickers. Implementation progress reports are communicated to the treaty secretariat annually. National implementation plans include:

- Production phase-down and specific phase-outs
- Bans and restrictions on non-essential uses.
- Rollout of reusable and other alternatives to plastics
- Just transition provisions for waste pickers
- Provisions to close trade loopholes
- Measures to ensure plastic waste management is environmentally sound and just
- Sectoral strategies, consistent with global sector-specific strategies
- Plastic pollution offenses and associated accountability and remediation efforts
- National implementation plans should also highlight compliance with requirements under other MEAs to phase out chemicals found in plastics (e.g. mercury under the Minamata Convention) without duplicating reporting efforts (e.g. by referencing reporting under other MEAs).
- Countries can include additional commitments that support treaty objectives.

National reporting on material flows of plastics and associated chemicals (yearly)

- Parties provide statistical data across the plastics lifecycle, on the sourcing of feedstocks (by type and origin), production, use, trade, recycling, other recovery, disposal, destruction and emissions of plastic feedstocks, polymers, additives, materials, products, waste and pollution (including estimates of microplastics releases)
- Reporting includes data on compliance with phase-out measures under the treaty.
- Reporting includes outcomes of government inspections of facilities and vehicles that manufacture, trade, transport, recycle, or otherwise recover or dispose of plastics, to control compliance with regulations and best practices

- This data is centralized in a public global plastics inventory (tonnes/chemical substance) and follows the harmonized identification system used in the global plastics chemicals information hub.

9. Monitoring & assessment

Require Parties to monitor, subject to their capacity:

- **Monitor plastic pollution** in sediment, biota, water (including snow, ice), soil and the atmosphere
- **Monitor toxic exposures of fenceline communities** near facilities that produce, process, recovery or dispose of plastics and additives.

Coordinate monitoring of plastic pollution in the high seas and other areas beyond national jurisdiction.

Establish a **dedicated global scientific body** with experts free from conflicts of interests with the petrochemicals and plastics sectors to:

- Adopt adequate baselines for plastic pollution and toxic exposures monitoring
- Establish harmonized standards, methodologies, metrics and definitions used in monitoring and assessments
- Provide other relevant guidance for national monitoring efforts
- Periodically evaluate the global environmental and health impact of plastic pollution, for ecosystems, the climate system, biodiversity and human health, as well as its direct and indirect economic cost
- Periodically assess how plastics impact environmental justice, Indigenous rights and human rights across their lifecycle
- Strengthen lifecycle assessments (LCAs) and product environmental footprints (PEFs) standards for adequate consideration of plastic pollution and toxics implications for human and environmental health
- Review LCAs and PEFs comparing plastic products and their alternatives
- Mandate the scientific body to use all the monitoring and assessment data above to **detect and report** treaty effectiveness and compliance challenges.

10. Financial mechanisms

National finance through national plastics taxes and EPR schemes.

Dedicated global implementation fund with contributions from Parties and the private sector, to support middle and lower-income countries.

Coordination to facilitate access to existing plastics-adjacent funding (e.g. upgrades to water and sanitation systems) by the Global Environment Facility (GEF) and development banks (for more information, see EIA's briefing [Convention on Plastic Pollution - Essential Elements: Financial Aspects](#)).

No voluntary approaches

All measures mentioned above are binding. Voluntary approaches have proven to be largely ineffective (Dauvergne, 2018), and as such should not be included within the treaty's global architecture of core obligations and control measures, or otherwise deflect resources away from binding measures under the treaty. However, existing voluntary initiatives that Parties undertake above and beyond their treaty obligations can be reflected under national implementation and action plans when and if national authorities consider that they support treaty effectiveness (see following section).

Additional input

The INC process cannot confine itself to a consensus-based decision-making process without critically jeopardizing the prospect of an ambitious and effective global treaty, and **INC voting must remain an option**. States retain their sovereignty through the ratification process.

GAIA requests funding sufficient to ensure the participation of **three delegates per Member State** from lower and middle-income countries, to ensure sufficiently specific contact groups to make good progress during the short negotiations timeline.

Regarding the **engagement of rights-holders**:

- GAIA **rejects the blanket term “stakeholders”** and the false symmetry it implies between perpetrators of plastic pollution and affected communities.
- GAIA demands the **exclusion of polluters and perpetrators from negotiations**.
- Engagement of NGOs **cannot be limited to the Major Groups system**; rather, Major Groups and direct engagement by civil society groups can take place side by side.

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GAIA is a global network of grassroots groups and national and regional alliances representing more than 1000 organizations from 92 countries. We envision a just, zero waste world built on respect for ecological limits and community rights, where people are free from the burden of toxic pollution, and resources are sustainably conserved, not burned or dumped. We work to catalyze a global shift towards environmental justice by strengthening grassroots social movements that advance solutions to waste and pollution.