

SUMMARY DOCUMENT
EVALUATION OF OPTIONS FOR ELEMENTS FOR THE PLASTICS TREATY
ORGANISATIONS IN THE LATIN AMERICAN AND CARIBBEAN REGION

Presentation:

We are a group of organisations from at least a dozen countries in the Latin American and Caribbean region, working in direct contact with the communities most affected by plastic pollution, as well as in networks at local, regional and global levels to influence public policies related to environmental protection from plastic pollution.

We are grateful to the secretariat of the INC on the Plastics Treaty for the compilation of the proposals submitted by governments and stakeholders which are summarised in the document published by UNEP on 13 April this year. We greatly appreciate this work, which we hope will lay the groundwork for the forthcoming discussions at INC-2.

The elements that we value the most among the possible elements proposed are the following:

- **The reduction of plastics production**, the heart of this treaty, is present in both targets and control measures, as well as the elimination of non-essential plastics and chemicals of concern.
- **The ban on incineration, co-incineration, co-processing and chemical recycling** as forms of treatment for plastic waste.
- Promotes the strengthening of **reuse systems**. The strengthening and scaling up of these systems should be binding and with targets to be met.
- It provides **guidelines for safe recycling** for both the environment and workers, ensuring alignment with the Paris agreement. The link between the climate crisis and the plastics crisis is fundamental to solving both.
- The **banning, elimination, reduction and control of polymers and chemicals of concern**, as well as microplastics, and problematic **products such as** products with intentionally added microplastics. Of these options, banning and elimination seem to us to be the most effective measures.
- Establish **circularity criteria** and guidelines for the design and production of plastic products and packaging. This element seems valuable to us, as long as it aims at design and production leading to the abandonment of disposable products and packaging, and whose quality criteria aim at durability and safety in the reuse of packaging, and the recovery of value only from products designed to last.
- **Set targets for the reduction, reuse and repair of plastic products**. Develop and adopt guidelines for reduction and reuse.
- **Incentivise the reduction and reuse of plastic products**, including tariffs, fees or tax incentives, EPR systems (addressing the shortcomings already detected in these systems), and the use of plastic products systems); deposit, return and return of products; and the right to repair.
- Mandate a **technical review committee** (comparable to the Technology and Economic

Assessment Panel of the Montreal Protocol on Substances that Deplete the Ozone Layer) to **assess the criteria for the sustainable production and use of plastics and the availability of safe alternatives and substitutes, to set out the criteria in annexes to the instrument and to recommend possible adjustments to these annexes or amendments to the instrument (including new annexes). This committee should have representation from the civil society organizations that are connected with the frontline communities.**

- Use **economic instruments**, such as fees, tariffs, taxes, subsidies and tradable permit systems, to incentivise the reduction of plastic use and the adoption of sustainable alternatives, **as long as the alternatives are not for substitution of single use plastics for other single use materials, especially to feed global markets.**
- Take effective measures to **prevent and reduce the loss of plastic fishing gear** and build on existing efforts, including those of the Food and Agriculture Organization of the United Nations and the International Maritime Organization.
- Establish a **mechanism to ensure a fair, equitable and inclusive transition for affected industry and workers, informal waste workers and affected communities**, especially in developing countries.
- Improve the working conditions of workers, including waste pickers, including through **legal recognition and support** for informal waste pickers, such as **access to health care, education and social security.**
- **Fees, taxes or levies on plastics:** Apply a fee, tax or levy on the production, use or disposal of plastics to generate revenue to fund initiatives to reduce plastic waste. For example, the tax could be levied on manufacturers or importers of polymers and plastic products, and the revenues could be used to fund the objectives of the instrument, including recycling programmes, product redesign and public awareness campaigns.
- Establish a **multilateral fund(s) dedicated to plastics** through the new instrument, with Member States and other funding sources contributing funds to support the objectives of the instruments. Modalities could include management of the fund(s) by the governing body.

We congratulate the presence of these fundamental elements for the treaty to be successful in stopping plastic pollution in the world, especially at a time of acute environmental crises we are experiencing globally, which require drastic measures to stop environmental deterioration and mitigate the serious damage already generated.

However, we believe that **the following elements are fundamental and should also be included:**

- The protection and guarantee of human rights, social and environmental justice as part of the objectives of the treaty. Its absence means that there is a risk that the treaty will not be sufficient to resolve the human rights violations that occur throughout the plastics chain, and which have already been listed in the report of the rapporteur Marcos Orellana in 2021. The human rights approach was requested by dozens of social organizations [and governments](#), especially from Latin America and the Caribbean, in their proposals for elements for the treaty.
- Not enough measures to strengthen regulations on the international trade of plastics. This leaves the window open for further scenarios of waste colonialism, which we suffer with particular intensity in the countries of the global south and certainly in Latin America.
- Binding measures as the building blocks for the fulfilment of treaty objectives. Voluntary measures can be supportive, but do not serve to structure treaty compliance obligations.
- Corporate greenwashing through misleading advertising campaigns, a common and regrettable practice, must be banned in this treaty in order to be sanctioned.
- Health protection as a cross-cutting issue of the treaty.
- The protection of the territories and rights of indigenous peoples throughout the plastic production, use and disposal chain, and in the search for solutions that avoid exploiting their territories for the production and development of materials to replace plastic.
- The effective participation of environmental and human rights organizations throughout the treaty negotiation process, as a guarantee of transparency and democracy in the decision-making process. In this sense, corporations, companies, associations of producers and large users of plastic should not be considered as part of the civil society that should legitimately participate in the process, since their interests respond to commercial profits and not to the general welfare of the peoples nor the planet.

The elements whose presence puts at risk the effectiveness of the treaty and which should therefore not be part of the elements to be proposed, are:

- Those allowing an **increase in transboundary trade in plastic waste**, even in violation of the Basel Convention. By allowing transboundary trade in plastic waste "where this ensures circularity", it enters a dangerous zone of definitions that adds debate rather than clarity.
- **Bioplastics**, which in our view are false solutions that put our communities and their territories at risk, especially if this leads to a replacement of disposable plastics by materials from plant or animal sources, as this would mean an expansion of industries such as paper, or the algae extraction to feed global markets, or mining to make metal packaging. All these activities already cause damage to the territories where they are located, which would be increased if they were intended to replace plastic as a disposable material.
- **Plastic credits** are mere distractions that would generate a business from greenwashing, but without generating real reductions in the production and use of plastic, perpetuating the pollution generated by this material and its production chain. Worse still, it seems to us to be a perverse mechanism, as it plays with the income needs of the most vulnerable sectors, and with public opinion.

- Promoting the use of "secondary plastic" could lead to the concentration of toxic substances in used plastics, the presence of which puts those who use products made from recycled plastic at risk.
- Formalization of grassroots waste picker and recycler associations should not be a requirement for public or private companies to recognize them and incorporate them into their operations, nor should it be a barrier for such associations to take leading roles in the management of plastic waste.
- Since the plastics market is global and the flows of resins, virgin plastic, plastic products and plastic waste are transboundary, production and consumption reduction targets should also be global and binding.
- Develop a simplified **permitting process for the transboundary movement of plastic waste** to countries where there are recycling facilities with sufficient capacity. This measure violates the Basel Convention. Regulations for the transboundary movement of waste must be strengthened to stop the waste colonialism that we in the global south suffer from.
- **Strengthening the demand for secondary plastics** and facilitating environmentally friendly recycling of plastic waste, as well as establishing **indicators** for the recycling rate of plastic waste, especially at household level, are potentially harmful measures if they are not preceded by the establishment of environmental and occupational safety guarantees both in the recycling processes and in the toxicity of the final products.

Some cross-cutting considerations:

Only reuse is circular, not recycling. Recycling only delays disposal, and is not safe when the content of toxic additives is unknown.

Recycling is only beneficial when it is safe for the environment and the people who work with it. For this to happen, the plastic to be recycled must be free of toxic substances.

Any recycling targets must be preceded by measures to ensure process and product safety, as well as targets to reduce virgin plastic production so that recycling effectively replaces its use and production. The grassroots recyclers or waste pickers must be effectively involved in the whole process of treaty negotiations to ensure environmental justice and a just transition for this sector.

Disposable plastic should not be replaced by other materials with the same functionality, as this would bring other consequences to the territories where these materials are sourced, affecting the integrity of the biosphere, soil and water systems, and biogeochemical flows that have already exceeded planetary boundaries.

Extended producer responsibility rules should always consider the reduction of production before setting recovery targets. If production continues to grow, recovery will never reach levels that have a real impact on the plastics crisis.

Plastic waste treatment systems that generate toxic emissions and perverse incentives are

unacceptable. We refer to incineration, co-incineration, gasification, pyrolysis, and any such technology.

Plastic credits will not solve the crisis we face either. On the contrary, such mechanisms would end up deceptively legitimizing plastic production and become a perverse incentive for those who are paid to collect it. This mechanism must be identified for what it really is: greenwashing.

The treaty must focus on binding measures for countries. The voluntary measures taken so far by the plastics industry have led to the crisis we are facing today. Targets must be global with implementation measures at national level.

We are grateful for you to receive this reading with the outmost consideration, we remain at your disposal to complement and deepen these points, as well as to share our experiences of work at local, national and international level that inform us vehemently about the urgency of the need to solve the plastics crisis.

Cordially yours:

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ador; Taller Ecologista, Argentina; Red de Acción Ecológica (Costa Rica, Panama and Colombia); RAPAL-URUGUAY; Red de Acción por los Derechos Ambientales, Jérica Santo Tomás, Mexico; CESTA, El Salvador; Saude sem Dano, Brazil, Hospitais Saudáveis, Saude sem Dano Project, Ecuador.

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