

American Fuel & Petrochemical Manufacturers (“AFPM”) Written Submissions for INC-3 (Part B)

Potential Areas Identified by the Contact Groups

Name of country (for Members of the committee)	Not Applicable
Name of organization (for observers to the committee)	American Fuel & Petrochemical Manufacturers (“AFPM”)
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Introduction / AFPM Interest in the Global Agreement

AFPM is the leading trade association representing the manufacturers of base petrochemicals that are the essential building blocks for plastic products that improve the health, safety, and living conditions of humankind and make modern life possible. AFPM members are committed to sustainably manufacturing the petrochemicals and derivatives for plastics that growing global populations and economies need to thrive, improving and innovating product design and recycling to increase reuse rates, and developing policies and technologies to address plastic pollution.

AFPM members are committed to collaborating with policymakers and other stakeholders to develop sound, risk- and science-based policies to address environmental issues including the adverse impacts of plastic pollution caused by mismanaged post-consumer plastic. AFPM members have actively supported, and continue to support, policies designed to protect the environment, decrease emissions, incentivize recycling, and promote research and development in recycling technologies through pilot phases to full commercialization. By supporting such policies AFPM members strive to achieve a truly circular economy that creates, conserves, and derives value from post-consumer plastics.

To prevent plastic pollution, we encourage the United Nations Environmental Program (“UNEP”) to embrace policies that enable, and not hinder, a circular economy for plastics that utilizes technologies and strategies to recover post-consumer plastic and transform it back into usable materials. To achieve circularity, it will require consistent and rational policies that improve waste management, embrace technology and innovation, and incorporate solutions across the entire plastics value chain.

Potential Areas Identified by the Contact Groups

Potential areas for intersessional work

The list of potential areas for possible intersessional work compiled by the co-facilitators of the two contact groups at INC-2 is set out below. Members and observers may wish to provide input on one or more of these areas.

Contact group 1:

1. Information on definitions of, e.g. plastics, microplastics, circularity
2. Information on criteria, also considering different applications and sectoral requirements, including:
 - a. Chemical substances of concern in plastics,
 - b. Problematic and avoidable plastic polymers and products and related applications
 - c. Design e.g. for circularity, reuse
 - d. Substitutes and alternatives to plastic polymers and products
3. Potential substances of concern in plastics, problematic and avoidable plastic polymers and products
4. Potential sources of release of microplastics (applications and sectors).

(Please note: A longer list is included in the co-facilitators report on discussions in contact group 1¹. Submissions may also include input on any of the items in that longer list, such as, amongst others, the development of criteria to prioritise problematic and avoidable plastics; the development of targets for the reduction, reuse and repair of problematic and avoidable plastic products; or the guidelines on EPR)

Contact Group 2:

1. To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]
2. To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]
3. To identify current provisions within existing multilateral agreements [and other instruments] on cooperation and coordination that could be considered
4. To consider how other multilateral agreements provide for monitoring, and suggest best practice
5. To consider options to define technology transfer on mutually agreed terms
6. To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]
7. To identify options to mobilize and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))
8. To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member
9. To identify capacity building and training needs for each Member.

¹ The report can be accessed here: <https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf>.

Meaningful intersessional work is essential to meet UNEP's "ambition of completing its work by the end of 2024." Thus, AFPM supports governments engaging in intersessional work as agreed to by member states during the INC-2 meeting. When commencing this important work, it is essential that the intersessional work groups do not prejudge the outcome of the negotiations. Below are AFPM's comments on recommended areas for intersessional work.

Contact Group 1

Item 1 – Information on definitions of, e.g., plastics, microplastics, circularity, pollution

To maximize the impact of the global instrument, governments should establish clear definitions for key terms. As governments move through the INC process, it is important to have a shared understanding of key terms to avoid confusion and misinterpretation of provisions. Such work should be consistent with the purpose of the future instrument. Governments should consider the work of existing multilateral agreements as well as voluntary consensus standards bodies to ensure alignment and avoid duplication.

Item 2 – Information on criteria, also considering different applications and sectoral requirements, including:

- a. Chemical substances of concern in plastics,***
- b. Problematic and avoidable plastic polymers and products and related applications***
- c. Design e.g. for circularity, reuse***
- d. Substitutes and alternatives to plastic polymers and products***

AFPM supports work on item 2 provided some needed clarifications are made.

Under "a.," the intersessional work should not duplicate existing efforts by other multilateral agreements, for example, the regulation of chemical additives. It is essential to carefully consider other conventions and agreements (e.g., the Paris Agreement, Strategic Approach to International Chemicals Management ("SAICM") process, Kunming-Montreal Global Biodiversity Framework, Basel/Rotterdam/Stockholm conventions, etc.) to avoid duplication of work and scope.

Under "b.," the intersessional work should focus on plastic application-based approaches and not on polymer-based approaches. AFPM notes this approach should be used to determine what materials are most likely to end up mismanaged and in the environment for purposes of mitigation efforts. We do not support production caps or bans, which ignore the benefits of plastics. For example, life-cycle analysis has demonstrated greenhouse gas emissions from plastic products, including single-use plastics, are often significantly lower during their lifecycle compared to their alternatives non-plastic alternatives. Focusing on specific polymers could have adverse impacts as polymers are used in multiple applications and support multiple supply chains (single-use and in durable plastics). A Polymer-based approach could also reverse advancements in sustainability as the same polymers used in single use packaging may also be used to support multiple applications that enable emissions reductions, clean water, and green energy.

AFPM supports intersessional work under “c.,” but notes the importance of including the private sector in these discussions including upstream members of the plastic value chain. Further, this should be expanded, and the title revised to “Design e.g. for circularity, reuse, **and recycling.**”

Under “d.,” intersessional work should focus on mismanaged post-consumer plastics, not specific polymers. As such the title to this item should be revised to read “Substitutes and alternatives to plastic ~~polymers and~~ products” and should only be considered after fully examining the lifecycle impacts (including direct and indirect impacts) of alternatives to plastics.

Item 3 – Potential substances of concern in plastics, problematic and avoidable plastic polymers and products

As mentioned above, the agreement should not duplicate other multilateral agreements that already address plastic elements. Post-consumer plastic waste is not problematic unless it is mismanaged and enters the environment, and so efforts should be made to identify the applications most likely to enter the environment and appropriate mitigation measures. Polymers are used in a wide array of applications and therefore a polymer-based approach is not an appropriate method to analyze risk of leakage into the environment.

Item 4 – Potential sources of release of microplastics (applications and sectors)

AFPM supports intersessional work researching how the release of microplastics contributes to overall plastic pollution. AFPM notes transparency and reliance on best available science and a risk-based approach should be a key principle to guide this work. Such research should be peer-reviewed and based on the best available science.

As governments move towards agreement on the common provisions or criteria for inclusion in the global instrument, the plastics industry is eager to provide information to support government deliberations.

Contact Group 2

Item 1 – To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement]

As noted in AFPM’s part A submission, to increase the effectiveness of the instrument, governments should consider establishing an interim science body with participation by scientists, including scientist from industry. Such a group can support a science-based approach by facilitating scientific and technical information exchange to inform implementation of the instrument. As such, we would support intersessional work in this area.

Item 2 – To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements]

AFPM is a strong supporter of national action plans being considered a core obligation of the instrument. AFPM would support intersessional work on this topic but notes such plans need to be flexible and able to account for unique national and regional circumstances.

Item 3 – To identify current provisions within existing multilateral agreements [and other instruments] on cooperation and coordination that could be considered

AFPM supports intersessional work in this area. It is important for governments to understand the landscape of current provisions and authorities of existing multilateral agreements to avoid duplication and replicate successful models of cooperation and coordination.

Item 4 – To consider how other multilateral agreements provide for monitoring, and suggest best practice

AFPM supports intersessional work in this area.

Item 5 – To consider options to define ‘technology transfer on mutually agreed terms

Governments should consider engaging the private sector in intersessional work to determine options for defining technology transfer on mutually agreed terms given the potential role of the private sector in transferring such technology. Governments should consider how other multilateral agreements define ‘technology transfer on mutually agreed terms’ as well as the linkages between capacity building and technology transfer.

Item 6 – To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism]

A robust financing mechanism is critical to effective implementation of the global agreement. The INC should provide direction to governments to ensure intersessional work does not prejudice the outcome of the negotiations.

Item 7 – To identify options to mobilize and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF))

AFPM supports intersessional work to mobilize and align finance, but these discussions should be broad and not prejudice an outcome by specifically focusing on one solution, in this case GPPF. Work should focus on analyzing a variety of solutions.

Item 8 – To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member

AFPM supports intersessional work to identify current funding and financing available to address plastic pollution. This work should be used to inform item 7 and identify areas in need of future funding.

Item 9 – To identify capacity building and training needs for each Member

Capacity building will be a critical element of a successful global agreement. Understanding the capabilities and needs of member states will support governments in developing effective provisions for the global agreement.