Letter to U.S. Government to Take a Stronger Stance on the Global Plastics Treaty To: U.S. Government Officials involved in UN Global Plastics Treaty negotiations

Plastic production, use, and disposal threaten Earth’s communities, air, water, biodiversity, and soils. With the United Nations (UN) Global Plastics Treaty negotiations now underway, the U.S. government (USG) has the unique opportunity to play a key role in establishing the change we need on a worldwide level: instead of leading the world in generating the plastic pollution crisis, it’s time for the USG to lead by forging ambitious solutions.

We agree with the State Department’s position that “national governments alone cannot solve the pollution crisis” – indeed, plastics are a global problem in need of global solutions. The mounting impact of plastic pollution in the U.S. shows us that national, state, and local efforts to address the crisis to date have not been adequate and that we cannot tackle the issue of plastic pollution at scale with existing instruments and commitment levels alone. Instead, we need global, plastics-specific, binding, trackable, and enforceable solutions that translate into major production and pollution reduction results here in the U.S. and beyond. We do not need a “Paris Agreement for plastics,” we need swift and urgent action.

Yes, the problem can seem daunting, but solutions to plastic pollution exist — and the focus should be upstream. We must begin with a serious effort to reduce and ultimately end global production of wasteful and harmful single-use plastics and rapidly establish systems offering reusable, refillable, regenerative, environmentally just, and nontoxic material alternatives.

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To this end, the undersigned organizations, along with individuals who have signed a petition in support of this letter, submit the following non-exhaustive recommendations to the U.S. State Department. We urge you to consider and incorporate these requests as you finalize the USG’s positions on the UN International Negotiating Committee (INC) options for the Global Plastics Treaty:

1. **Support mandatory, ambitious, and enforceable control measures and obligations to ensure results and accountability — voluntary approaches will not get us there.** The USG must support binding global and national control measures and obligations (as opposed to voluntary approaches) to successfully reduce production, consumption, and harmful disposal of plastics at each stage of plastics’ “lifecycle.” Without a fundamentally mandatory “targets and measures-based structure,” this treaty will not achieve the results we need to stem this global environmental and human health catastrophe. Along those lines, the Treaty must provide a global monitoring and reporting framework under which progress can be accurately and transparently measured.

2. **Prioritize the reduction of plastic production, with a rapid phase out the most harmful plastics and additives.** Reduction of plastic production and consumption must be front and center in this Treaty, from the preamble and objectives through all of the substantive provisions. It should not be an afterthought like it is in the U.S. submission from February 13, 2023.\(^7\) Plastics and the thousands of hazardous chemicals they contain, and toxic microplastic and nanoplastic particles they shed, pose a serious and unacceptable risk to individuals, communities, and ecosystems around the world. This is an urgent public health emergency that threatens all of us alive today as well as future generations.

   Top scientists have linked endocrine-disrupting chemicals used to manufacture plastics to global sperm count declines,\(^8\) infertility,\(^9\) and problems with fetal development.\(^10\) While all plastics have an endless toxic lifecycle, some plastics, as well as products with intentionally added microplastics, and chemical additives are particularly harmful and must be phased out without delay. Overall, to protect human health and the environment, and support environmental justice, experts suggest drastic reductions in plastic production, consumption, and use, on the order of a greater than 75% reduction.\(^11\)

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\(^7\) Submission by the United States of America (Feb. 13, 2023), at 2 ("We recognize that many of these actions, when taken together, could also drive down the demand for plastic.")


3. **Close trade loopholes.** The USG must support a plastics trade tracking and manifesting system across the entire plastics lifecycle. The U.S. must implement bans on plastics and associated chemicals after phase-out, the trade in phase-out plastics and additives (prior to and after phase-out dates) with non-Party States, and all plastic waste exports to non-OECD countries. It must also strictly minimize all other plastic waste trade and 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.¹²

4. **Reduce plastic production by ceasing to permit new or expanded facilities and infrastructure.** We urge the USG to advocate for a swift transition from an economy based on fossil fuels and plastic proliferation to one based on nontoxic, non-extractive, regenerative, and just sources of energy and materials. The USG must support an end to permitting new or expanded petrochemical and plastics facilities and their associated infrastructure. It is both environmentally and economically unwise to continue supporting lethal, nonrenewable industries when regenerative, sustainable, equitable, and healthy systems of reduction, reuse, and refill can better safeguard the economy, our global environment, and our communities. Continued production of plastics and fossil fuels is incompatible with environmental justice and human rights and exacerbates what the UN has dubbed the triple planetary crisis of climate change, biodiversity loss, and pollution: “The common thread … that runs through this triple planetary crisis is unsustainable production and consumption.”¹³

5. **Eliminate support for plastics feedstocks, precursors, materials, and products.** The USG must take a stronger leadership position to end investment, subsidies, and other support for the fossil fuel, petrochemical, and plastics industries. It should instead investigate those industries’ roles in obscuring and burying the important truths about plastic’s many harms and invest in reduction and reuse alternatives. Look to the State of California Attorney General Rob Bonta, who last year launched such a critically important investigation.¹⁴ Also note that the US Department of Justice (DOJ) took such a step decades ago when the tobacco industry used almost identical deceptive tactics to sell cigarettes and other deadly tobacco products, and as a result DOJ proved the tobacco industry had violated civil fraud and racketeering violations under the Racketeer Influenced and Corrupt Organizations (RICO) Act.¹⁵

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6. **Demand freedom from corporate influence.** To increase transparency and scientific integrity and decrease misinformation, the USG should propose that industries whose activities will be directly regulated by this treaty not be permitted to participate in the negotiations. Profit, not plastic pollution reduction, is at the heart of the petrochemical and plastics industries’ business models. They have a long track record of peddling misinformation\(^\text{16}\) in many forms, including but not limited to: public service announcements and other marketing materials posing as factual information that frame this crisis of their own making as a consumer behavior and waste management problem, unproven statements about technology fixes and projected revenues, biased “scientific” papers and reports, and creation of deceptive (and often deceptively named) NGOs that distract the public and decision makers from the core cause of and solution to the plastic pollution problem (which is to eliminate extraction and conversion of fossil fuels into plastics).

The USG should also support treaty provisions that would require manufacturers to identify plastic feedstocks, polymers, additives, residual chemicals, and products that include them, within a public global plastics chemicals information hub. In addition, companies should be mandated to have harmonized and accurate labeling for polymers and additives, and vague, inaccurate, misleading, or unverifiable claims should be prohibited.

7. **Ensure scientific integrity and reject false solutions.** The USG and other negotiating parties must rely on the best scientific information available when formulating a global treaty. The science clearly shows numerous harms throughout the entire plastics lifecycle and reveals that there is no way to safely and sustainably dispose of plastic. It is critical that the treaty promote research and development into innovative reuse, refill, traditional, and plastic-free solutions while ensuring a sufficient evidence base to avoid regrettable substitutions and make choices grounded in scientific evidence.\(^\text{17}\) Plastics do not benignly biodegrade and cannot be landfilled, recycled, nor burned without releasing greenhouse gasses and toxic chemicals which drive pollution, injustice, and the climate crisis.

Similarly, false solutions, including “chemical” or “advanced” recycling are not, by definition, “recycling”\(^\text{18}\) and should not be recognized by this global treaty. In reality, these “solutions” are a form of advanced pollution, or recirculation of toxic chemicals into our air, soil, and water. What’s more, the warehousing of plastic waste in "chemical recycling” and other waste storage facilities commonly results in dangerous fires,\(^\text{19}\) as plastics are a highly flammable material.

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\(^{17}\) Scientists’ Declaration on the Need for Governance of Plastics Throughout their Lifecycles, https://www.plasticstreaty.org/scientists-declaration/.


\(^{19}\) The Last Beach Cleanup, Fires at Plastics Recycling Facilities, https://www.lastbeachcleanup.org/fires.
8. **Ensure solutions to plastic production, pollution, and waste management are environmentally just as well as environmentally sound.** The toxic pollution associated with every step of the plastics lifecycle primarily and unjustly harms already underserved low-income, rural, Black, Brown, and Indigenous frontline and fenceline communities. Industries and governments disproportionately choose these communities as sacrifice zones for harmful and deadly industrial activities. Such severe injustice has been recognized on a global level as a violation of human rights and failure of the USG to prioritize protection of its most vulnerable communities.\(^2\) The USG and UN must confront these grave environmental injustices and the human rights violations they inflict.

9. **Guarantee a just transition for waste workers.** As recommended by the GAIA INC-2 submission: A just transition begins with recognizing waste pickers as the workers who are providing a public service managing waste. Waste pickers and other waste workers have self-organized into cooperatives, unions, and other representative groups that can participate in national and local planning and implementation processes, which include the development of national and international action plans. A just transition includes: fair and reliable compensation to waste workers for their labor, the right to continue work, opportunities to transition into the zero-waste economy, the end of using hazardous materials and substances that imperil health, and the inclusion of social welfare programs. All these measures must be backed with financial resources and legally binding measures.\(^2\)

10. **Phase out intentionally added microplastics.** As recommended by the CIEL INC-2 submission: Prohibit the manufacture, import or export of microplastics designed for intentional addition to plastic products. Minimize intentional release of microplastics by supporting measures to minimize and gradually end the intentional release of microplastics, including to the soil (i.e. fertilizers and pesticides, and oil and gas offshore exploitation chemicals with microplastics) and to the air.\(^2\)

11. **Produce, collect, report, and share data on plastics feedstocks, precursors, and materials.** The USG should also support treaty provisions that require parties to produce, compile, and share data annually on the location and volume of plastic production, consumption, and use of exports and imports, environmental implications of plastics production, and other pertinent information.\(^2\)

We expect the USG to represent us in these negotiations, work on our behalf, and lead the world in taking the swift and bold action needed to address this global plastics crisis.

Sincerely,


\(2\) Id.
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