

**Proposed response on the potential options for elements toward an international legally binding instrument.**

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Name of organization (for stakeholders to the committee)	European Manufacturers of EPS EPS Industry Alliance EPSbranchen-en del af Plastindustrien (Denmark) European Manufacturers of Expanded Polystyrene (EUMEPS) is the voice of the Expanded Polystyrene (EPS)
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## I. Substantive elements

### 1. Objective(s)

*a) What objective(s) could be set out in the instrument?*

**Proposed Objective:** Development and implementation of science based solutions, leading to substantial reduction in plastic pollution, including in the marine environment, through the improvement in use and waste management of plastic materials.

**Explanatory Text:**

The world has seen a massive increase in plastic production in the past seven decades. Much of this plastic has been improperly managed at the end of its life, which has led to waste problems and plastic pollution. However as documented by some 40 academics covering multiple disciplines across the Heriot-Watt University, including engineering, sciences, economics and social sciences, found that *“replacement of plastics with currently available materials would lead to a doubling of global energy consumption and a tripling of greenhouse gas emissions.”*<sup>1</sup> A recent McKinsey paper came to similar conclusions.<sup>2</sup> Replacing plastics without looking at the environmental impacts of alternatives could potentially be very harmful to the planet, which is why a science based approach is of the utmost importance.

The vast majority of durable goods, food packaging, and other materials essential to human health and the global economy require effective end-of-life management. It is our universal responsibility to manage these materials appropriately through the use of qualified, third-party scientific organizations to establish meaningful and effective solutions. Urgency must not dictate action before science.

This committee’s document should:

- Establish universal, detailed data collection; and
- Establish viable criteria to evaluate environmental and economic impacts that account for variables in the use and disposal phases of plastic materials.
- Require participation of all societal stakeholders, including government, plastic producers, manufacturers and retailers, waste management entities and consumers. This will ensure the entire chain-of-custody for plastic materials use and proper end-of-life solutions are accounted for to achieve the intended results.

To this end it is furthermore of the greatest importance that the baseline data for the instrument are sound and fact-based. The first draft included an assessment of for instance EPS as being not recycled in practice and at scale (citing an Ellen MacArthur Foundation survey from 2022). The survey has a number of methodological issues as documented in materials submitted to UNEP by EUMEPS, EPS Industry Alliance and EPS-branchen.<sup>3</sup> The Global EPS industry are able to document, using government reports that EPS post-consumer packaging is recycled at scale and in practice at a global scale. **The industry is in fact able to document in practice and at scale recycling of post-consumer EPS packaging for above 2.4 billion people in three different regions, making EPS packaging the second most recycled plastic packaging material at the global level.**<sup>4</sup>

The EPS industry fully acknowledges that millions of metric tons of plastic enter the ocean every year. The industry fully supports that a key objective of the instrument is to reduce this to as little as realistically possible. The EPS industry fully agrees, that *“significant knowledge gaps remain. knowledge of the absolute volumes of plastics in different habitats remains poor, because of limited sampling coverage and the lack of standardized sampling protocols,”* as it is written in the **UNEP/PP/INC.1/7 – “Plastics science” for the first session of the Intergovernmental Negotiating Committee.** The industry

<sup>1</sup> <https://www.hw.ac.uk/news/articles/2018/a-plastic-ban-could-increase-damage-to.htm> (our emphasis)

<sup>2</sup> <https://www.mckinsey.com/industries/chemicals/our-insights/climate-impact-of-plastics>

<sup>3</sup> We refer to these documents and suggest that the data in these are included, when it comes to assessment of EPS recyclability. See e.g. <https://eps-airpop.dk/wp-content/uploads/2022/12/Global-recycling-of-EPS-december-2022.pdf>

<sup>4</sup> Ibid.

therefore encourages the creation of sound data collection systems, which assess plastic marine pollution based on weight and which includes assessment of materials that sink to the ocean floor, as the density of certain materials makes them sink rather than float. Failure to have proper data create the risk of regulation that increase environmental harm, rather than reduce it.

## **2. Core obligations, control measures and voluntary approaches**

- a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

If appropriate criteria to establish uniform definitions is identified, participation on data collection should be a core obligation. To achieve optimal results and avoid unintended consequences, it is essential to build solutions from accurate data. As a control measure, other essential data sets should be identified, including generational life cycle of plastic materials and potential replacement materials to properly evaluate and account for material loss for material recycling over time. CO<sub>2</sub> and water consumption as well as other metrics measured by full life cycle assessments must also be considered.

## **II. Implementation elements**

### **1. Implementation measures**

- a) *How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) *How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) *Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

Effective implementation requires material tracking, data, and quantifiable performance metrics. Data collection must be uniform and comprehensive. For plastics, polymer type and form is critical information necessary to assess compliance and track progress towards clearly defined goals.

### **2. Means of Implementation**

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

- a) *What measures will be required to support the implementation of the instrument?*

The document should recognize that Member states are at different stages regarding material processing capacity. Development, expansion, and enhancement capacity in non-industrialized Member States should be prioritized.

### III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

To maximize effectiveness and properly address potential micro- and macro-economic influences, policy drivers should identify tangible benefits that are based on irrefutable fact, not conjecture or scientific references based on supposition. Following policy implementation, a research protocol to evaluate success factors should be developed to ensure its effectiveness in practice. Product and material bans should be a recourse of last resort and when so, thoroughly vetted against stringent criteria to qualify such action.