Proposed response template on written submissions prior to INC-3 (part b)

Potential Areas Identified by the Contact Groups

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups[1], to inform the work of INC-3.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

All written submissions must be sent to unep-incplastic.secretariat@un.org. The submissions received will be made available on the INC webpage.

Please note that not all fields in the template need to be answered in the submission.

Deadline for submissions:

I. By **15 August 2023** for written submissions from **observer** organizations.
II. By **15 September 2023** for written submissions from **Members** of the Committee.

[1] Contact Group 1 focused on Section A: Objective(s). Section B: Substantive Obligations; Contact Group 2 focused on Sections C: Means of Implementation. D: Implementation measures. E: Additional matters as contained in part II of the Annex to document UNEP/PP/INC.2/4.

TEMPLATE FOR SUBMISSIONS

Name of country (for Members of the committee)	USA, Denmark, Belgium, South Africa, and Australia
Name of organization (for observers to the committee)	EPS Industry Alliance EPSbranchen-en del af Plastindustrien (Denmark) European Manufacturers of Expanded Polystyrene (EUMEPS) EPR Waste Association of South Africa EPS Australia is the voice of the Expanded Polystyrene (EPS)
Contact person and contact information for the submission	**Elizabeth Bowers,** Executive Director of EPS Industry Alliance betsy.bowers@epsindustry.com 1298 Cronson Blvd, Ste. 201 Crofton, MD 21114 Phone: 800-607-3772 www.epsindustry.com **Chresten Heide-Anderson,** Project manager of EPSbranchen-en del af Plastindustrien cha@eps-airpop.dk Vesterbrogade 1E, 3. 1620 København V Phone: +45-3330-8630 www.eps-airpop.dk **Lea Salihovic,** Sustainability Advisor of EUMEPS l.salihovic@eumeps.org 71 Avenue Cortenbergh B-1000 Brussels, Belgium Phone: +32-493-82-99-36 https://www.eumeps.org **Adri Spangenberg**, Packaging Executive EPR Waste Association of South Africa adri@ewasa.org 1st Floor, Liberty Life Building 21 Aurora Drive Umhlanga Ridge KZN 4320 Phone: +27-013-140-6470 www.ewasa.org **Becher Townshend**, Executive Director EPS Australia bechert@fontpr.com.au Level 11, 188 Collin Street

	Hobart, TAS 7000 www.epsa.org.au
Date of submission	15 August 2023

Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two 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 1 [2]. 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)

[2] The report can be accessed here: https://wedocs.unep.org/bitstream/handle/20.500.11822/42621/CG1.pdf.

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 MEAs [and other instruments] on cooperation and coordination that could be considered
4. To consider how other MEAs 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 mobilise 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.

Inputs relating to potential areas for intersessional work. Please identify clearly which area your input relates to.

The EPS Industry Alliance (EPS-IA), European Manufacturers of Expanded Polystyrene (EUMEPS), EPSbranchen-en del af Plastindustrien, EPR Waste Association of South Africa, and EPS Australia are collectively representing the global EPS industry, are pleased to provide comments to Template B.

The EPS Industry Alliance (EPS-IA), European Manufacturers of Expanded Polystyrene (EUMEPS), EPSbranchen-en del af Plastindustrien, EPR Waste Association of South Africa, and EPS Australia are collectively representing the global EPS industry, are pleased to provide comments to Template A.

The EPS-IA is a trade association that represents more than 100 small businesses in more than eight countries, whose mission is to promote sustainable EPS practices and advance innovation in manufacturing, circularity, and recycling. For further information about the EPS Industry Alliance, please visit our website: EPS Industry Alliance (https://www.epsindustry.org).

EUMEPS unites more than 1,000 companies, most of them small- and medium-sized enterprises (SMEs). For further information about EUMEPS, please visit our website: EUMEPS (https://www.eumeps.org).

EPSbranchen-en del af Plastindustrien represents the EPS-producing companies and the rest of the value chain, including recycling companies, machine manufacturers, educational institutions, consulting companies, construction companies, producers of EPS concrete, and local craftsmen. For further information about EPSbranchen-en del af Plastindustrien, please visit our website: EPSbranchen-en del af Plastindustrien (https://eps-airpop.dk/).

The EPR Waste Association of South Africa (eWASA) eWASA is a not-for-profit organization committed to delivering cost-effective compliance on behalf of our Producer Members. eWASA represents some of South Africa's largest producers in the EEE, Lighting and Paper & Packaging industries. For further information about the EPR Waste Association of South Africa, please visit our website: eWASA (https://ewasa.org/).

EPS Australia (EPSA) is the national industry body for all manufacturers and distributors of expanded polystyrene (EPS) products across Australia. EPSA is the driving force for the EPS industry, working to achieve a positive perception of EPS, by highlighting the valuable contribution that EPS can make to both environmental sustainability and to businesses' bottom line. EPSA strives to make EPS the preferred material in both packaging and building and construction applications, thereby ensuring the continued success of this manufacturing sector in Australia. For further information on EPSA, please visit our website: EPSA, (https://epsa.org.au/about-us/).

As Observers, the global EPS industry welcomes the opportunity to provide insight on potential areas of intersessional work.

Contact Group 1

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

Definition Refinement: The global EPS industry recommends using a fact-based approach in re-defining terms such as "plastics," "microplastics," "problematic and avoidable," and "circularity" to ensure the establishment of clear, universally accepted definitions.

Plastics have generally been used to encompass a larger group of materials. However, there is often conflation around expanded polystyrene (EPS) and other products and materials, including the ingredients used to make EPS (e.g., Polystyrene), as well as other plastic foam products composed of similar materials (e.g., Expanded Polypropylene or EPP). The global EPS industry recommends that policies and criteria surrounding plastics should be distinguished between each type of "plastic," including derivative formulations for each resin category, and heavily consider the varying recyclable, sustainable, and circular elements to each plastic material.

Additionally, the term "circular" should take into account various phases of recycling, including "reuse" and "repurpose," rather than focusing solely on the start-to-end life cycle of recycling.

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

Comprehensive criteria and definitions are vital to establish a general understanding across stakeholders, and the global EPS industry suggests that intersessional work is conducted to ensure this thoroughness. Developing these research-backed definitions will lay the groundwork for a more effective and targeted approach to address plastic pollution concerns and promote sustainable practices.

Chemical substances of concern in plastics: The criteria should recognize risk versus exposure when determining chemical substances of concern. Many chemicals are commonly associated with human health and their potential for harmful effects. However, the presence of a chemical does not in itself indicate harm. For example, many chemicals found in plastic are also present in fruit, chocolate, beer,

coffee, and other food and beverages, but are not present in sufficient quantities to cause harm. The World Health Organization Compendium of WHO and Other UN Guidance on Health and Environment should be considered an authoritative source to identify chemicals of concern that have been thoroughly vetted to establish the potential for significant human health and safety threats.

Problematic and avoidable plastic polymers and products: The criteria to identify problematic plastic *polymers* should consider the multitude of derivative formulations that exist for each resin category, e.g., polystyrene, no. 6, has five major subcategories: general purpose polystyrene (GPS), high impact polystyrene (HIPS), oriented strand polystyrene (OPS), extruded polystyrene (XPS), and expanded polystyrene (EPS). Each of these subcategories represents different material properties and can encompass a variety of processing methods that deliver unique product characteristics, e.g., materials that can withstand hot fill versus those that cannot, thereby causing the container to melt or deform. The global EPS industry suggests that the criteria would benefit from using a decision tree that can account for the variable circumstance of use and choice of substitute materials to avoid implementing policy that results in unintended consequences. Criteria to establish a minimum threshold for plastic products that are *avoidable* (e.g., straws) or *problematic* (potential to contaminate recycling streams) may be best served with segregated criteria. These require very different decision trees that are independent from one another.

Throughout the development of the definitions for problematic and avoidable materials, the global EPS industry recommends that fact-based research is utilized to determine criteria. It is crucial that each definition takes into account the variability of applications for related materials, rather than generalizing each category of plastic.

Substitutes and alternatives to plastic polymers and products: The global EPS industry recommends that as alternative materials may be identified throughout the development of the ILBI, the economic implications to manufacturers, producers, and consumers are evaluated to ensure a feasible solution. For example, research has shown that replacing expanded polystyrene packaging with alternative materials would result in substantially more packaging weight and increases in energy usage and emission rates during the transportation of goods., ultimately negatively impacting the economy and the environment (Life Cycle Impacts of Plastic Packaging Compared to Substitutes in the United States." American Chemistry Council, April 2018). Another notable example of the economic impact of EPS is the research that was conducted on a hypothetical ban on EPS single-use plastic. This ban would call for consumers to spend an average of 86% more on alternative products (source: Economic Impact from Regulation of Single-Use Plastics," news release, Independent Fiscal Office Commonwealth of Pennsylvania, June 2020). The same research suggests that bans recently enacted on EPS foam foodservice products in several U.S. states, including Maryland, Vermont, Maine and New York would reduce employment by nearly 1,800 jobs, reduce labor earnings by $76 million, and increase General Fund revenues by roughly $2 to $3 million. The ban would also impose costs on government entities, schools, charities, and other non-profits that currently use single-use plastics (source: Economic Impact from Regulation of Single-Use Plastics," news release, Independent Fiscal Office Commonwealth of Pennsylvania, June 2020).

Design e.g., for circularity, reuse: This criterion needs to explore potential solutions beyond the traditional concepts of source reduction, recycled content, and reuse. Reverse engineering is a positive development in chemical recycling that promotes market development for existing product demand. Other solutions look to incorporate plastic waste into new-function polymeric materials and valuable, industrially relevant feedstock, such as aromatic compounds (*Polyolefins & Polystyrene as Chemical Resources for a Sustainable Future: Challenges, Advances & Prospects*, 2021).

Contract 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]

The global EPS industry believes that when attempting to obtain certain outcomes related to plastics pollution or within the work of the ILBI, the research cited may be misused, mischaracterized, poorly conducted, or lacking specific details. These endeavors eliminate the principle of independence. As such, a third party such as the United States based National Institute for Science and Technology (NIST), would be a valuable source of truth for identifying and promulgating facts about plastics, polymers, and expanded polystyrene (EPS). Given regional interests, we further suggest the identification of several of these independent research validation bodies to work together to incorporate local challenges while considering global impact. These third parties can also serve as a vetting and validation house for previous research that has been used as the "ground truth."

The global EPS industry recognizes that collaboration and dialogue are key to finding innovative solutions. The global EPS industry is committed to actively participating in intersessional discussions, sharing expertise, and working among UNEP stakeholders to address complex environmental challenges.

For further information, please do not hesitate to contact Elizabeth Bowers, the Executive Director of the EPS Industry Alliance.

betsy.bowers@epsindustry.com
1298 Cronson Blvd, Ste. 201
Crofton, MD 21114
Phone: 800-607-3772
www.epsindustry.com