

# Global Activity to Address Ocean Plastic Pollution

---

October 14, 2021

*This article was originally published in Wiley's The WELL blog.*

*Project Assistant Trevor LaSalvia contributed to this blog post.*

In August, the U.S. Department of State held a public meeting on initiatives to address ocean plastic pollution that offer some key insights into how this policy area is unfolding.

State Department representative Jon Thompson opened the session with a discussion on the dramatic growth of international interest in marine plastics over the last few years. He noted that addressing plastic waste will be a massive challenge given that ocean plastics span across international boundaries.

Mr. Thompson discussed the 2019 amendments to the Basel Convention to limit the transboundary movement of ocean plastics; the U.S. is not a signatory to the Convention. The role of the UN Environment Assembly (UNEA) also was reviewed, which acts as a decision-making body on international environmental issues. The UNEA has yet to consider substantive matters to address ocean plastic pollution. The topic is scheduled for consideration at the UNEA 5.2 summit, which is scheduled to take place in February 2022. Expected resolutions that will likely be discussed at the meeting include: (1) an effort led by Rwanda and Peru to establish an intergovernmental negotiating committee (INC) by UNEA 6 and develop a legally binding commitment to prevent and reduce plastic pollution, which will include several provisions that provide an expansive scope to achieve its goals; and (2) an effort by Germany, Ghana, Ecuador, and Vietnam (GGEV) to advance a global strategy and propose a new instrument to address plastics pollution.

## Authors

---

Martha E. Marrapese  
Partner  
202.719.7156  
mmarrapese@wiley.law

## Practice Areas

---

Environment & Product Regulation  
Extended Producer Responsibility and  
Recycling

The following questions were provided by the State Department in the Federal Register prior to the meeting to guide stakeholder input:

- Should the United States support the development of a global instrument on ocean plastic pollution?
- If so, what should be the scope and objective(s) of such an instrument? What problem(s) or issue(s) should such an instrument address?
- What should be the form of such an instrument? For example, should it be a legal instrument with legally binding and non-legally binding provisions or a voluntary instrument?
- Should it take a top-down structure (i.e., common approach required for all countries) or a bottom-up structure (i.e., common objectives but allowance for flexible approaches to national implementation)?
- What could be an impactful role for stakeholders other than national governments, such as sub-national governments, industry, and civil society, in connection with this instrument?
- What other factors should be considered in negotiating such an instrument, such as the role of waste management, the role of any financial mechanism and/or technical assistance, flexibility for national circumstances, consideration of the full lifecycle of plastics, and economic and environmental impacts of alternatives to plastic?
- What sorts of provisions would be important or essential to include in a global instrument focused on ocean plastic pollution? What sorts of provisions would be problematic if they were included in such a global instrument?

Stakeholders in the public meeting, including the American Chemistry Council- Plastics Division expressed support for a legally binding instrument to reduce ocean plastics waste. Others, like the Center for International Environmental Law and Center for Oceanic Awareness, Research, and Education, Surfrider Foundation, and Safer States, expressed support for a new legally binding instrument that addresses the full life cycle of plastics, not just plastic waste. These stakeholders cautioned against wholesale reliance on plastics marketed as “biodegradable” or “compostable” as a solution to replace current plastics. Green Latinos highlighted the need to consider environmental justice in plastics regulation, noting the need to include affected communities in these types of conversations. Finance mechanisms were identified by several participants, including the Global Alliance for Incinerator Alternatives, as an important driver in a global approach to address plastic pollution. The Association of Plastics Recyclers noted that right now, design standards are the only guide to the types of containers that can be recycled and encourage more governmental involvement to design packaging to be compatible with recycling.

Many sides are weighing in – and given the growing momentum as we head toward the international meeting in February, consider how your business will be affected by these future policy developments and whether it is time to engage.