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Page: 1/2

Committee on Technical Barriers to Trade

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PROPOSAL FOR COOPERATION ON MEASURES TO ADDRESS PLASTIC PACKAGING POLLUTION

NINTH TRIENNIAL REVIEW

Submission from the United States

The following submission, dated 28 May 2021, is being circulated at the request of the delegation of the United States.

1 BACKGROUND

1.1. More than 8 million tons of plastic is entering the ocean every year. As countries around the world grapple with ocean plastic pollution, they are seeking ways to make substantial progress on reducing plastic waste and ocean pollution. While plastics are societal assets, as demonstrated by the importance of personal protective equipment during the COVID-19 pandemic, the durability and non-biodegradable properties that make plastics valuable for human health and food safety can lead to plastic waste accumulation in the environment when it is not managed in an environmentally sound manner. We know that plastic pollution affects environmental and food security, economic stability, resource management, and that more research is needed to determine its potential impact on human health. An increasing number of governments have or are developing measures aimed at reducing plastic waste in the environment. Such measures include banning single-use plastics, mandating certain levels of recycled content in plastic packaging, and extended producer responsibility requirements. Others are employing voluntary approaches that focus on promoting innovation in domestic use, recycling, and production. Both approaches risk overlooking the positive role that trade can play in addressing the issue. At this early stage, we notice a trend in which requirements may be adopted without a risk assessment, life-cycle assessment, adequate recycled content supply to meet domestic production/use targets, cost-benefit analysis, evaluation of the cost, suitability, and environmental impact of alternative products/packaging materials, or sufficient time for supply chain adjustment and changes in manufacturing processes. Further, in some instances, the application of such measures to imports and to plastic products manufactured for export, as well as the verification processes to confirm compliance, are not clear. Moreover, banning certain products or materials prior to identifying suitable alternatives while not allowing sufficient time for supply chains and manufacturing processes to adjust could have devastating impacts on fragile economies that are still recovering from, or remain in crisis, due to the pandemic. Such actions may also have a disproportionate impact on small and medium-sized enterprises. More information sharing is needed to exchange best practices in addressing plastic waste, including frameworks to evaluate the risks and alternatives and the variety of means to promote responsible use and recycling domestically and across borders. Flexibility is necessary and different policy approaches to address plastic packaging waste that may become marine litter or pollution need to take into consideration unique national circumstances.

2 PROPOSAL

2.1. The United States proposes a thematic session that would explore the current landscape of Member and stakeholder views and actions with regard to plastic packaging with a view to (1) understand domestic authorities efforts to regulate plastic as a consumer use product or as

non-hazardous plastic waste and scrap, and to (2) promote the application of regulatory approaches in accordance with core TBT principles and good regulatory practice to minimize waste leakage and pollution, while encouraging trade and innovation. Topics and areas of focus could include:

- a. Exploration of regulatory flexibility/alternatives that leverage effective approaches used by vendors globally;
 - b. Presentations by WTO Members that are currently developing standards and regulations to manage plastic waste and pollution (including those that may involve certification or labelling) and to promote innovation, with a focus on identification of best practices for facilitation of trade;
 - c. Challenges, limitations, and potential trade implications of leveraging existing conformity assessment frameworks;
 - d. Presentations by interested stakeholders, including Members, industry, international organizations, or non-government organizations, that are currently developing or have developed approaches to manage plastic waste and promote reuse, recycling and innovation, including those that may involve certification or labeling, voluntary initiatives, suitability, cost of viable alternatives, and supply chain and manufacturing considerations with a focus on identification of best practices for facilitation of trade.
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