

Congress of the United States
Washington, DC 20515



April 16, 2024

The Honorable Joseph R. Biden, Jr. President
of the United States
The White House
1600 Pennsylvania Avenue NW Washington,
D.C. 20500

The Honorable Ursula von der Leyen President
of the European Commission European
Commission
Rue de la Loi 200
1040 Brussels
Belgium

The Honorable António Guterres
Secretary General
United Nations
760 United Nations Plaza
New York, NY 10017

Ms. Jyoti Mathur-Filipp
Executive Secretary
United Nations Environment Programme
International Negotiating Committee
P.O. Box 30552, 00100
Nairobi
Kenya

Dear President Biden, President von der Leyen, Secretary General Guterres, and
Executive Secretary Mathur-Filipp:

We, the undersigned Members of the United States Congress and Members of the European Parliament, write to urge you to address the ability of plastic producing corporations and other industry stakeholders that are highly dependent on plastic, particularly single-use, packaging, disposable and non-durable plastics to exert undue influence on efforts by the Intergovernmental Negotiating Committee on Plastic Pollution (INC) to develop an international legally binding instrument on plastic pollution.

Ahead of the upcoming fourth INC negotiating session, enacting policies that call for the disclosure of representatives for plastic producing industries, petrochemical companies, and other relevant industrial stakeholders that are participating in INC meetings will help ensure that science takes precedence in the outcomes of the agreement. We urge you to take immediate steps to monitor and disclose the influence of plastic producing industries, petrochemical companies, and other relevant industrial stakeholders.

As national delegations, independent scientists, civil society organizations, Indigenous Peoples, women, and youth work to develop an ambitious treaty that addresses the full life cycle of plastic pollution, we are concerned that certain corporate interests have outsized influence on the negotiations and would seek to limit commitments and responsibilities to proportionately contribute and implement reforms essential to holistically solve the world's challenge with plastic pollution.

As an illustration of how deep inequities in power and access play out in these negotiations, the chemical and fossil fuel representatives registered to attend the third INC negotiating session outnumber officials from Pacific Small Island Developing States by more than two to one and

those of the Scientists' Coalition for an Effective Plastics Treaty by more than three to one.¹ The 143 known fossil fuel and chemical industry lobbyists registered mark a 36% increase from INC-2 and are a larger group than the number of delegates from the 70 smallest Member States.² This overwhelming discrepancy between the number of attendees representing petrochemical industries, which have a vested financial interest in maintaining the status quo, and national and scientific representatives, makes it glaringly obvious how industrial actors' influence could obstruct meaningful progress.

As you know, there is no room for delay to reach an agreement to end the flow of plastics into our environment and commit to a circular economy. To achieve INC's goal of developing a treaty that addresses the full plastic life cycle, we must acknowledge that plastic pollution begins with fossil fuel extraction. 99% of plastics are produced from fossil fuel-based petrochemicals, which will represent nearly half of oil demand growth by 2050.^{3,4} We cannot recycle our way out of this mess; the U.S. recycling rate stands at a dismal 9%, and less than 10% of all plastic waste generated globally has ever been recycled.^{5,6} Even if we improved our current waste management and recycling systems, not all plastics are recyclable, and some products can only be recycled once or twice.⁷ If the new agreement doesn't adequately address plastic production, particularly the production of single-use and non-durable plastics, no amount of cleanup will protect our environment and health from this crisis.

Given the great urgency of the plastic crisis, we must unblock the barriers that have kept us from advancing strong global collaboration to combat plastic pollution. The political influence and obstruction of certain plastic producing industries, petrochemical companies, and other relevant industrial stakeholders has been and remains one of the largest barriers to strong action. Fossil fuel companies and their industry allies have spent billions of dollars lobbying the European Parliament, other European institutions and Member States, the U.S. Congress, and U.S. Executive Branch agencies in order to obstruct or weaken plastics and climate policy for years. Companies attending INC-3 spent more than \$85 million on lobbying and political contributions during the 2022 U.S. elections alone.⁸

While we acknowledge that engaging with industry can play a role, doing so with industry stakeholders that have consistently engaged in bad faith should be undertaken with extreme caution. A former president of the Plastics Industry Association once said, "If the public thinks that recycling is working, then they are not going to be as concerned about the environment."⁹ For more than 30 years, the plastics industry has known that recycling is prohibitively expensive and infeasible, yet it spent tens of millions of dollars on ads to deceive the public and place the

¹ Center for International Environmental Law, 2023. Fossil Fuel and Chemical Industries Registered More Lobbyists at Plastics Treaty Talks than 70 Countries Combined. <https://www.ciel.org/news/fossil-fuel-and-chemical-industries-at-inc-3/>

² Ibid

³ Center for International Environmental Law, 2017. Fossils, plastics, and petrochemical feedstocks. <https://www.ciel.org/reports/fuelingplastics/>

⁴ International Energy Agency, 2018. The future of petrochemicals. <https://www.iea.org/reports/the-future-of-petrochemicals>

⁵ Environmental Protection Agency, 2023. National Overview: Facts and Figures on Materials, Wastes and Recycling. <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials>

⁶ UN Environment Programme, 2021. Our planet is choking on plastic. <https://www.unep.org/interactives/beat-plastic-pollution/>

⁷ Sullivan, L., 2020. How Big Oil misled the public into believing plastic would be recycled. National Public Radio.

<https://www.npr.org/2020/09/11/897692090/how-big-oil-misled-the-public-into-believing-plastic-would-be-recycled>

⁸ Center for Biological Diversity, 2023. Companies Lobbying for Weak U.N. Plastics Treaty Spend Big on U.S. Politics. <https://biologicaldiversity.org/w/news/press-releases/companies-lobbying-for-weak-un-plastic-treaty-spend-big-on-us-politics-2023-11-17/>

⁹ Sullivan, 2020.

burden on individual consumers.^{10,11}

Today, hundreds of millions of tons of plastic are produced each year and the rate is projected to nearly triple from 2019 levels by 2050.¹² The equivalent of one garbage truck load of plastic is dumped into the oceans every minute, resulting in waste that lingers in our environment, breaking down into ever smaller microplastics. We cannot afford to dump any more.¹³

Moreover, plastics account for 3.4% of global greenhouse gas (GHG) emissions.¹⁴ As the world shifts away from fossil fuels to renewable sources of energy, the world must also move away from plastic. The planet has already warmed over 1.1°C, and every moment of delay makes to the goal of limiting global warming to 1.5°C that much more difficult.¹⁵ Drastically reducing plastic production and consumption, and eliminating single-use plastics from global commerce, is essential to achieving critical global climate goals.

In April, world governments will gather in Ottawa for INC-4, a critical stage to negotiate treaty text and determine its strength. Parties must seize the opportunity to take ambitious and actionable steps to advancing a science and health-outcomes based global framework for addressing plastic pollution and the life-cycle of plastic through the INC decision-making process.

We urge you to institute new policies for corporate and industrial sector representatives' participation at negotiating sessions, including requiring participating industries to submit an audited corporate political influencing statement that discloses plastics and climate-related lobbying, campaign contributions, and funding of trade associations and organizations active on plastics and climate issues. These statements should be reviewed, publicly disclosed, and scrutinized prior to any engagement in INC negotiations. The INC should also consider additional measures to establish a robust accountability framework to protect against undue influence of corporate actors with proven vested interests that contradict the goals of the global plastics treaty. These reforms would bring much-needed transparency to industrial plastics-related political influencing activities around the world, and they would help to ensure that the INC process is a good faith effort by countries to solve the plastic pollution crisis.

We note that this is not the first time that many of us have advocated that the United Nations adopt policies that would limit corporate actors with conflicts of interest from obstructing progress. In May and November 2023, many of the undersigned wrote to U.S., EU, UN and United Nations Framework Convention on Climate Change (UNFCCC) leadership calling on them to work together to institute new policies for corporate participation in Conferences of the Parties (COPs) and UNFCCC processes more broadly, including requiring participating companies to submit an audited corporate political influencing statement that discloses climate related lobbying, campaign contributions, and funding of trade associations and organizations

¹⁰ Noor, D., 2024. 'They lied': plastics producers deceived public about recycling, report reveals. The Guardian. <https://www.theguardian.com/us-news/2024/feb/15/recycling-plastics-producers-report>

¹¹ Human Rights Council, 2021. Plastic recycling is a clear example of disinformation in the context of toxics, Special Rapporteur on Hazardous Wastes tells Human Rights Council. United Nations Human Rights Office of the High Commissioner. <https://www.ohchr.org/en/press-releases/2021/09/plastic-recycling-clear-example-disinformation-context-toxics-special>

¹² Center for International Environmental Law, 2023.

¹³ United Nations Environment Programme, 2022. Why we need to fix the plastic pollution problem. <https://www.unep.org/news-and-stories/story/why-we-need-fix-plastic-pollution-problem>

¹⁴ Organization for Economic Cooperation and Development, 2019. Plastic leakage and greenhouse gas emissions are increasing. <https://www.oecd.org/environment/plastics/increased-plastic-leakage-and-greenhouse-gas-emissions.htm>

¹⁵ Intergovernmental Panel on Climate Change, 2023. AR6 Synthesis Report: Climate Change 2023. <https://www.ipcc.ch/report/sixth-assessment-report-cycle/>

active on energy and climate issues.^{16,17} For the past several years, as in INCs, the number of attendees representing polluting corporate actors at COPs has been larger than the delegations of nearly every country in attendance.

Thank you for your attention to this important issue and for your ongoing dedication to building global support for eliminating plastic pollution. We welcome further engagement with you on this topic, and the lead co-signers are available to meet with you at a mutually agreeable time prior to the INC-4 negotiations in April.

Sincerely,



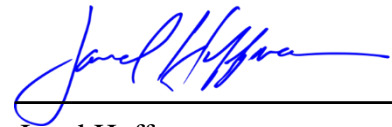
Sheldon Whitehouse
United States Senator



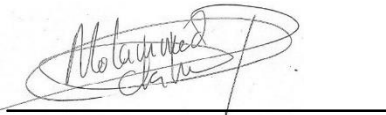
Jeff Merkley
United States Senator



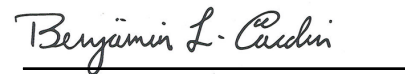
Peter Welch
United States Senator



Jared Huffman
Member of Congress



Mohammed Chahim
Member of the European Parliament, S&D



Ben Cardin
United States Senator



Bernard Sanders
United States Senator



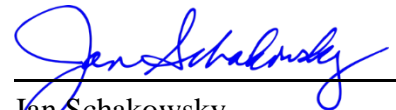
Cory A. Booker
United States Senator

¹⁶ Whitehouse, S., 2023. In advance of COP28, transatlantic climate leaders renew call to protect global climate talks from polluter interference. <https://www.whitehouse.senate.gov/news/release/in-advance-of-cop28-transatlantic-climate-leaders-renew-call-to-protect-global-climate-talks-from-polluter-interference/>

¹⁷ League of Conservation Voters, 2023. US environmental organization letter to the UNFCCC on corporate transparency at COP. <https://www.lcv.org/media-center/us-environmental-organization-letter-to-the-unfccc-on-corporate-transparency-at-cop/>



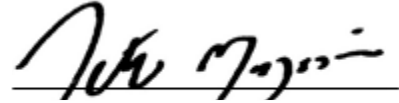
Melanie Stansbury
Member of Congress



Jan Schakowsky
Member of Congress



Eleanor Holmes Norton
Member of Congress



Seth Magaziner
Member of Congress



Adriano Espaillat
Member of Congress

cc: The Honorable Charles Michel
President of the European Council

The Honorable Antony J. Blinken
Secretary of State
United States Department of State