TESS Forum on Trade, Environment, & the SDGs

Informal Briefing Note

Considerations for Ensuring Protection of Human Health From Plastic Pollution in the Future International Legally Binding Instrument: A Cross-Cutting Approach

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As governments prepare to meet for the informal Heads of Delegation meeting in Nairobi from 30 June to 3 July, this informal briefing note considers the key elements of a cross-cutting approach to health protection in the future international legally binding instrument on plastic pollution. The Annex to this briefing note provides a one-page overview of known health impacts across the full life cycle of plastics.

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I. Considering Health Protection as a Cross-Cutting Issue

Throughout the negotiations to develop an international legally binding instrument on plastic pollution, a diverse group of governments have called for the objective of the future instrument to include the protection of both human health and the environment from plastic pollution. Achieving this objective will rely on its operationalization in the treaty text, followed by effective implementation.

To date, discussions in the Intergovernmental Negotiating Committee (INC) have considered various elements that collectively are vital to operationalizing the objective of protecting human health. In general, however, these elements have not been considered together, as necessary interlinked elements of an integrated approach to health protection.

Broadly, four complementary sets of provisions are relevant when considering health protection as a cross-cutting issue in the instrument:

1. Provisions that substantively address the known health impacts across the full life cycle of plastics;
2. Provisions that improve the availability of information, including to enable effective management of plastics throughout the full life cycle;
3. Provisions that support parties to meet their treaty obligations in ways that meaningfully contribute to achieving the objective of protecting human health;
4. Provisions that enable the progressive development of the treaty over time, including in response to the best available science and knowledge; and

A dedicated article on human health can bolster international cooperation in ways that specifically advance health protection.

This briefing note outlines opportunities for advancing health protection that are already receiving attention from a range of INC members in each of these areas, and considers the role of a dedicated article on human health.

II. Provisions That Substantively Address the Known Health Impacts Across the Full Life Cycle of Plastics

A. Plastic Products and Product Design

Ensuring that known adverse health impacts are substantively addressed in provisions addressing plastic products and product design will be a cornerstone to supporting health protection in the future treaty. A wide range of INC members have supported measures to ensure that the design of plastic products is improved for the protection of human health and the environment and in pursuit of circular economy approaches, and have proposed targeted action on plastic products that are particularly problematic or harmful to human health and the environment, including those that pose a risk to human health or contain chemicals of concern.

Suggestions for provisions have focused on four key elements:

- Reducing or phasing out particularly problematic or harmful plastic products, including those that pose a risk to human health, contain chemicals of concern, have impacts for circularity, or have high likelihood of entering the environment;
- Improving the availability of information on plastic products and on chemicals in plastic products, including transparency and traceability of the material composition of plastic

products and information that enables effective management of products across the life cycle;

- Establishing requirements and criteria for the design of products to improve safety, circularity, and resource efficiency, with specific sector- and/or product-specific criteria and potential associated programmes of work to be adopted by the Conference of the Parties (COP); and
- Fostering research, innovation, and development that supports sustainable product design and safe circularity of plastic products.

B. Releases and Leakages

Broadly, discussions in the INC have focused more on addressing environmental impacts of releases and leakages rather than health impacts, although the measures would also have important indirect benefits for health. Many members have, for example, supported a binding obligation to take measures to prevent and reduce releases and leakages of plastics, including microplastics, across the full life cycle of plastics, and from all sources.

Addressing releases and leakages of pollutants *from* plastics, including of chemicals of concern, have not yet been taken up by a broad range of INC members. Explicit requirements and criteria for the design of plastic products to improve safety could make a significant contribution in this respect (e.g. by spurring use of safer additives, product redesign that avoids the need for certain additives, and greater material inertness).

C. Environmentally Sound Management of Plastic Waste

There is broad agreement among INC members that the environmentally sound management (ESM) of plastic waste is indispensable to effectively addressing plastic pollution. Across a range of domestic regulatory systems and at the international level, efforts to ensure ESM of waste have long reflected health protection goals (for example, the Basel Convention expressly includes health protection as part of ESM of hazardous wastes or other waste). In the plastics context, some INC members have additionally proposed the inclusion of measures focused on waste prevention, emphasizing the importance of aligning with the waste hierarchy and promoting circular economy measures aimed at reducing waste generation (including toxic-free reuse, refill, and repair systems). These measures would also be health protective, including by reducing the health burden associated with managing waste at current and increasing levels.

III. Provisions That Improve the Availability of Information

Many INC members see provisions that improve the availability of information as critical to supporting more effective management of plastics and plastic products throughout the full life cycle and to informing future decisions that support achievement of the treaty's objective.

Improving the availability of information is itself a cross-cutting issue, relevant to a range of areas being considered by the INC. These include:

- Information regarding plastic products and the chemicals of concern in plastic products;
- Monitoring, to provide the data necessary to adjust measures over time;
- Reporting, which will support tracking of progress on implementation, contribute data relevant to evaluating the effectiveness of the treaty in achieving its objectives, and can inform future decision-making by the COP; and
- Public awareness and education.

A number of proposals already made by INC members in these areas could facilitate enhanced health protection, by:

- Improving the availability of information on plastic products, on chemicals in plastic products and on products containing plastics along the various value chains, and ensuring traceability of prioritized chemicals used in plastic products across value chains;
- Improving the availability of information on safe and sustainable use, maintenance, repair and instructions on disposal, recycling, and waste management of plastic products, to support the management of products effectively at all stages of the life cycle;
- Developing baselines and standardized indicators to support accurate assessment of the effectiveness of the instrument in achieving its objective;
- Supplementing reporting requirements in relation to actions and measures with requirements to reporting on specific topics, such as: reporting on metrics relevant to the sustainable production and consumption of plastics (e.g. quantities of waste generated and managed, chemicals of concern and plastic products, and production, imports, and exports of primary plastic polymers) and national restrictions (including trade restrictions) on plastic products and chemicals of concern in plastic products; and
- Facilitating improved public awareness of the health impacts associated with plastics, including through international cooperation on consumer-facing measures such as product labelling requirements or guidelines, as well as through public awareness and educational programs.

IV. Provisions That Support Effective Implementation

There is overall recognition among INC members that effective financial and non-financial support will be vital to enable parties to implement their obligations in ways that meaningfully contribute to achieving the treaty's objective. In general, making express links to achievement of the treaty's objective in means of implementation provisions can be sufficient. In some instances, however, reference to support for implementation of specific commitments that will be key to enabling international cooperation for the protection of human health may be warranted, such as in relation to information sharing and capacity building. Targeted elements in support of effective implementation to advance health protection could also be addressed in a dedicated article on health (see VI below).

V. Provisions That Enable the Progressive Development of the Treaty Over Time

A. Decision-Making Informed by the Best Available Information

Recognizing that scientific understanding of the health impacts of plastic pollution is evolving and will continue to grow, a key priority is to ensure that the treaty is able to progressively develop over time in response to the best available science and knowledge. A broad range of INC members have called for pathways for the COP to assess, review, and further develop the treaty over time, and for effective decision-making mechanisms that support this. Ensuring that the COP has the benefit of the best available information to inform its decision-making will be enabled by reporting, monitoring and other measures to improve the availability of information and supported by an effective science-policy interface that facilitates access to the best available science and expert recommendations.

B. Effectiveness Evaluation

Robust periodic evaluations of the instrument's effectiveness in achieving its objective will be important, supported by a requirement for the COP to consider and undertake any additional action that may be required for the achievement of the instrument's objective. There is broad alignment among INC members that effectiveness evaluations should take into account available scientific, environmental, technical, financial, and socio-economic information. Some INC members have proposed additional sources of information that could be considered, and have put forward pathways for monitoring effectiveness, including through development and use of standardized indicators that can support future evaluation.

VI. The Role of a Dedicated Article on Health

During INC5.2, more than 90 INC members supported inclusion in the treaty of a dedicated article on human health as one key aspect of operationalizing an objective of the protection of human health from plastic pollution. Key elements included in many of these text proposals were provisions designed to:

- Advance understanding of the human health impacts associated with plastic pollution, and address or mitigate these impacts;
- Advance international cooperation for health protection, including cooperation to strengthen institutional, scientific, and technical capacities, e.g. through regional health networks;
- Support the exchange of information, data, and expertise on the potential health impacts of plastic pollution, including with international organizations and relevant stakeholders, and through strengthening regional health networks;
- Promote health protection through education and awareness raising, and through behavioural change interventions; and
- Require that health impacts on persons in vulnerable situations and workers in both formal and informal sectors be expressly considered.

Some proposals also called for integration of a One Health approach where appropriate.

VII. Take Aways

With the negotiations to develop an international legally binding instrument on plastic pollution ongoing, governments have an unmissable opportunity to strengthen international cooperation and meaningfully address the public health and environmental impacts of the plastic pollution crisis in truly integrated ways. Effectively operationalizing an objective of protecting both human health and the environment from plastic pollution in the future treaty text will require a cross-cutting approach that substantively addresses known health impacts across the full life cycle of plastics, improves the availability of information, provides effective financial and non-financial support for parties to meet their treaty obligations in ways that meaningfully contribute to achieving the objective, and enables progressive development of the treaty over time. Alongside, a dedicated article on health can centre the importance of human health protection and establish specific commitments to bolster the international cooperation vital for the protection of human health.

This briefing note was prepared by the Forum on Trade, Environment, & the SDGs (TESS)
info@tessforum.org

Annex: Overview of Known Human Health Impacts From Plastic Pollution Across the Full Life Cycle of Plastics

Scientific evidence has established that plastic pollution harms human health at every stage of the life cycle.

- Many of these harms are associated with **harmful chemicals in plastics and plastic products**, including through exposure to several hazardous chemicals (for example, heavy metals like lead and cadmium) that people would not otherwise encounter in typical daily activities. The adverse implications that known harmful chemicals in plastics and plastic products have for human health are wide-ranging, including neurotoxic, carcinogenic, immune- and endocrine-disrupting impacts. Infants and children are particularly vulnerable, and the impacts of exposure to harmful chemicals in the womb can have lifelong effects. Notably, the chemicals used in plastics that have been studied to date for impacts on human health are only a small fraction of the chemicals known to be present across the life cycle of plastics.
- Evidence pointing to the presence of **nano- and micro-plastics in the human body** has steadily grown. Microplastics have now been reported in a wide range of human samples and tissues, including blood, breast milk, brain, heart, lung, liver, kidney, colon, placenta, and spleen, prompting growing research to improve detection and measurement techniques and to understand the health impacts of nano- and micro-plastics in our bodies.
- Recycling and end-of-life treatment practices also have known impacts on human health and the environment. Recycling of plastic products can result in **toxic chemical accumulation in recycled plastics**. Waste management practices such as **open burning and other combustion operations release hazardous air pollutants**.
- The **presence of plastic waste in the environment has further impacts for health**, including from the degradation of plastics into microplastics and chemical leaching from plastic waste in the environment. This has impacts for soil quality and can result in water and food contamination. The presence of plastic waste in the environment also exacerbates the spread of a range of diseases, including mosquito-borne diseases, and can interfere with critical systems and conditions to support human health, including infrastructure for delivering clean water and sanitation.
- Exposures and associated **health impacts occur for workers across the full life cycle of plastics**, including those working in plastic production facilities, recycling facilities, and in waste management.
- While plastic pollution poses risks and adverse impacts to the health of all populations, **people and communities in vulnerable situations are disproportionately affected and at risk**. Especially impacted communities include informal waste workers, for whom exposure is high and safety protections low, as well as fence line communities living near extraction, production, and conversion facilities and in proximity to dumping, open burning, incineration, and landfill sites.
- Current patterns of plastic production and consumption result in significant harms to human health and the environment, with impacts across the full life cycle of plastics. Without active intervention and international cooperation, global production and consumption are projected to grow significantly in the coming decades, accompanied by increasing volumes of plastic waste and leakage, amplifying harms to human health and the environment.