

# PLAN FOR THE BAN: CANADA JOINS UN COUNTRIES IN WORLD'S FIRST GLOBAL PLASTIC POLLUTION TREATY

Posted on March 30, 2022

**Categories:** [Insights](#), [Publications](#)

On March 2, 2022, Canada officials – together with officials from 174 other countries – agreed by way of resolution to create a legally binding global treaty to control and reduce plastic pollution and waste.<sup>[1]</sup> The decision is being described as “the most significant environmental deal since the Paris accord”.<sup>[2]</sup> While many countries have moved to limit or ban single-use plastics and have made a number of multi-lateral resolutions and declarations with respect to such aim, this resolution is the first step towards an international treaty regime governing plastic pollution and waste.

The resolution, entitled “*End plastic pollution: Towards an international legally binding instrument*” (the “**Resolution**”),<sup>[3]</sup> was adopted during an annual assembly meeting of the United Nations Environment Programme (“**UNEP**”) held in Nairobi, Kenya during February and early March 2022. With a focus on the entire lifecycle of plastic products, including their production, design and disposal, the Resolution tasks an Intergovernmental Negotiating Committee with undertaking negotiations to develop a legally binding instrument by 2024.<sup>[4]</sup> The goal is for the treaty to be ready for review and sign-off the next time the United Nations Environment Programme meets in 2024.

The Resolution also provides insight into the likely content of the eventual agreement. Specifically, the Resolution:

- includes microplastics in the definition of plastics;
- covers marine and “other environments”, including land-based plastics and debris;
- aims to eliminate plastic pollution in the long term;
- provides that sustainability can be achieved through a number of approaches, including technological advancements and alternative methods of production and that sustainability should also be a concept in the design of products and materials;
- identifies as goals the circular economy and resource efficiency so that products and materials can be “reused, remanufactured or recycled and therefore retained in the economy for as long as possible”;
- names the private sector as a stakeholder; and
- recognizes the need to have complementary actions and a coherent and coordinated plan for

addressing plastic pollution, together with national, regional and international action plans, initiatives and instruments.<sup>[5]</sup>

In a news release on February 28, 2022, Canada's Minister of Environment and Climate Change showed support for this legally binding global agreement that will consider the full life cycle of plastic pollution, as well as the design of reusable and recyclable products and materials.<sup>[6]</sup> Canada's support for this global treaty is in line with its national goal of moving toward zero plastic waste by 2030. Other changes implemented by Canada towards this goal include recently proposed regulations to ban harmful single-use plastics<sup>[7]</sup> and the Canadian government's \$19 million commitment to support small and medium-sized businesses in developing innovative solutions to plastic pollution.<sup>[8]</sup>

The Resolution is just the first step in the treaty process. Once the Intergovernmental Negotiating Committee prepares the draft treaty text, there will be negotiations and discussions as to the scope of the treaty and a stakeholder forum later in 2022 to share knowledge and best practices.<sup>[9]</sup> Once satisfied with the treaty, the UNEP will hold a diplomatic conference to formally adopt and open the treaty for signature. If adopted, the treaty will have business and economic implications worldwide. However, the treaty will likely allow for signatories to adopt their own laws and rules consistent with their national capabilities and efforts already underway. The treaty will also incentivize governments to shift responsibility for recycling and waste management to the private sector, including manufacturers and importers – a trend that is already being seen in Canada.

We will continue to monitor the progress of this comprehensive global agreement and other Canadian plastic regulatory developments that will likely affect many Canadian businesses and economies.

For more information on Canada's regulation of plastics, please see our previous bulletins in our Plan for the Ban series:

- [Plan for the Ban: Our New Year's Update of Single-Use Plastics Bans Across Canada](#)
- [Plan for the Ban: Plastics Classified as "Toxic Substance" Under Canadian Environmental Protection Act](#)
- [Plan for the Ban: Canada Announces Plan to Tackle Single-Use Plastics](#)
- [Plan for the Ban: Single-Use Plastics Bans Are Rolling Out Across Canada – Are you ready?](#)

[1] *Historic day in the campaign to beat plastic pollution: Nations commit to develop a legally binding agreement*, United Nations Environment Programme (March 2, 2022): online [here](#).

[2] *Ibid.*

[3] United Nations Environment Assembly of the United Nations Environment Programme, Fifth session, Nairobi (hybrid), 22–26 February 2021 and 28 February–2 March 2022: online [here](#).

[4] *Supra*, note 1.

[5] Draft Resolution: End Plastic Pollution: Towards an international legally binding instrument (March 2, 2022): online [here](#).

[6] *Canada supports a new legally binding global agreement on plastics as UN meeting kicks off in Kenya*, Environment and Climate Change Canada (February 28, 2022): online [here](#).

[7] Talia Gordner, Julia Loney and Tess Dimroci “[Plan for the Ban: Our New Year’s Update of Single-Use Plastics Bans Across Canada](#)” (January 2022).

[8] *Government of Canada supports small businesses developing innovative solutions to plastic pollution* (February 12, 2020): online [here](#).

[9] Historic day in the campaign to beat plastic pollution: Nations commit to develop a legally binding agreement (March 2, 2022): online [here](#).

by [Talia Gordner](#), [Julia Loney](#), [Tess Dimroci](#)

#### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2022