

October 16, 2024

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington D.C. 20520

Dear Secretary Blinken:

As the negotiations of the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument to address plastic pollution enter their final phase, I am dismayed to learn that the Biden-Harris Administration has succumbed to the pressure of far-left environmental activists and has reversed the negotiating positions of the United States State Department that have been in place for the last two years; all without any Congressional consultation. I call on the State Department to return to a negotiating position that can achieve the bipartisan support that is needed for the ratification of a treaty.

What started as a plastic waste management agreement now threatens to become a ballooning treaty filled with vague aspirations and ironically, expensive efforts that don't solve the problem of too much plastic waste in the environment. We have been down this road before in other treaties, and the U.S. knows better. We have had enough giant multilateral fora, world leaders making commitments that are later broken, and treaties that either the United States can't ratify or contain measures that disadvantage the United States without really addressing the problem at hand. Instead, to actually address plastic pollution, we support a series of efforts that all nations can support both individually and collectively.

I have led Senate efforts to rid our oceans of pollution through enactment of bipartisan legislation, the Save our Seas Act and the Save our Seas Act 2.0. And year after year, the Senate has supported bipartisan funding that advances United States Agency for International Development and Department of State programs to address plastic pollution globally. I have followed the negotiations for the plastic treaty closely, and thought that previously State was taking a clear approach to produce a serious, future-looking treaty that would achieve bipartisan support for ratification.

As I understand it, new negotiating positions include a global cap on plastic production (euphemistically called "global goals"), lists of banned chemicals, a focus on eliminating "unnecessary plastic products", as well as other measures that have not been shared. I have a number of specific concerns about this change.

First, I have concerns about the new U.S. position on limiting global plastic production. The U.S. has no domestic authority to meet that commitment, and equally important, squeezing U.S. production merely shifts production to other areas such as China or the Middle East. U.S. demand for plastic—including for the continued electrification of the transportation sector, renewable energy production, everyday food products etc. will remain, but production will shift overseas and U.S. jobs will evaporate.

The U.S. has a robust set of laws and regulations on chemicals, such as biocides in plastics, in plastic food packaging, and in other plastics applications. However, there is no domestic authority for prohibitions or restrictions on chemicals/additives that are identified by a global body. The U.S. cannot follow a global prioritization list over the existing prioritization process under our long-standing Toxic Substances Control Act. In short, a global ban, or something similar, is contrary to U.S. law.

On “unnecessary plastic products,” focusing on making a list of specific polymers or substances deemed as problematic, does not sufficiently consider the diversity of final goods and components made with plastics across different industries and applications, nor their potential alternatives. Although such a black-and-white approach may be attractive, it is not nuanced enough to take into account multiple uses for plastics and strong U.S. innovation.

Of course, I do support a science-based treaty that is underpinned by existing U.S. domestic law and is supported by a majority of countries, including the burgeoning number of plastic producing ones. Since this treaty has no enforcement provisions and relies on the good faith and self-reporting of signatory countries, the treaty needs to be common-sense and future-looking, building on reducing demand for single-use plastic, on technical innovation, and on implementing measures that enhance the circularity of plastic. For example, evaluation criteria for plastics should start with identifying high-leakage products through a risk-based approach. The risks related to a plastic product depend on the local context and should guide actions to address that risk.

It is also critical that any financial mechanism that is used to support efforts to make the full lifecycle of plastic more sustainable needs to be focused on countries that need technical and financial assistance. For example, countries that produce plastic, such as China, are not developing countries and instead, they should be materially assisting efforts with the worldwide prevention and cleanup of plastic waste. I have been pressing this issue for years—China cannot and should not be considered a developing country in any more treaties. Enough is enough.

Finally, Mr. Secretary, as someone who is a very strong supporter of the professional, career members of the Foreign and Civil Service, I am very disappointed that your outstanding team which has been doing a good job of leading these negotiations was recently pushed aside by the more ideological and extreme members of the Council on Environmental Quality and the White House who appear to have usurped the negotiation lead from the State Department. If their extreme views prevail in these negotiations it will be very difficult if not impossible for such a treaty to get bipartisan Senate support for advice and consent and ratification.

With the final round of negotiations taking place later this year, I urge the Administration to focus on securing an agreement that the U.S. can join and one that will result in a lasting solution to end plastic pollution. The U.S. delegation has proven adept at breaking gridlock and being a reasonable voice seeking to foster consensus amongst governments. I am confident that together we can achieve a meaningful global agreement that focuses on eliminating plastic pollution, while maintaining U.S. competitiveness.

Sincerely,



Dan Sullivan
United States Senator

Copy to:

The Honorable John Podesta, Senior Advisor to the President for International Climate Policy
The Honorable Brenda Mallory, Chair, Council on Environmental Quality
The Honorable Gina Raimondo, U.S. Secretary of Commerce
The Honorable Jennifer Granholm, U.S. Secretary of Energy
The Honorable Michael Regan, Administrator, U.S. Environmental Protection Agency