



Updated January 22, 2025

International Agreement on Plastic Pollution: Negotiations

Global [plastic waste](#) is projected to almost triple by 2060. Plastic waste can lead to plastic pollution when it enters the environment, including terrestrial freshwater, and marine ecosystems. There are ongoing international efforts to address global plastic pollution. Some of these efforts focus specifically on marine debris, including plastic pollution in the ocean.

This In Focus provides an overview of the current status of negotiations to develop a multilateral legal agreement to address plastic pollution. Without objection, representatives from 175 countries at the 2022 United Nations Environment Assembly (UNEA) set a goal for finalizing agreement text by the end of 2024 with a formal diplomatic conference to follow. While countries did not meet the goal of completing negotiations in 2024, countries did agree on a 22-page [draft](#) that could serve as the basis of future negotiations. These negotiations may be of interest to Congress, including whether the United States would become a party and, if so, whether legislation would be needed to fulfill any future U.S. obligations.

International Negotiating Committee

In 2022, the [UNEA passed a resolution establishing an International Negotiating Committee \(INC\)](#) to develop an “international legally binding instrument” (*international agreement*) on plastic pollution, including pollution in the marine environment. The international agreement would address the full life cycle of plastic, including its production, design, and disposal. The resolution contemplates that a final agreement could include both binding and voluntary approaches.

The UNEA resolution calls for countries to prepare national plans with “[country-driven approaches](#)” to help prevent, reduce, and eliminate plastic pollution. Further, countries would periodically assess progress on the agreement’s implementation and effectiveness. Parties would also support technical assessments on plastic pollution, such as through a new mechanism for information sharing, scientific assessment, and/or implementation. For developing countries and “economies in transition,” [full implementation](#) of some legal obligations would depend on financing, capacity building, and technical support.

Negotiating Timeline and Process

[Countries established a schedule of five INC meetings between 2022 and 2024.](#) Details on specific topics and country dynamics for each INC negotiating session are reported via the [Earth Negotiations Bulletin](#).

In November 2022, the INC met for its first session (INC-1), at which it agreed to [provisionally apply](#) negotiated rules of procedure. INC-2 convened in May 2023 and [initiated](#) a “zero draft” (initial negotiating

draft) of the agreement text and a synthesis report of topics not covered in the draft. Rules of procedure continued to be applied on a provisional basis, with disagreement over whether decisions on the instrument were to be resolved by consensus or by voting. At INC-3 in November 2023, INC-4 in April 2024, and the first session of INC-5 at the end of 2024, negotiations centered on the draft agreement text. By December 2024, at the conclusion of the first portion of INC-5 held in Busan, South Korea, countries had come to agreement in principle for some provisions while other portions of the draft text remained under active negotiation. At the end of the Busan meeting, [delegates agreed](#) to suspend negotiations and reconvene in 2025, building on a December version of the [draft agreement text](#).

Components of the Draft Agreement

The draft agreement text as of December 2024 includes the following components, some of which are subdivided into specific options that reflect countries’ negotiating positions:

- **Objective(s), Principles, and Definitions.** The proposed objective is to protect human health and the environment from plastic pollution, including in the marine environment.
- **Core Obligations, Measures, and Approaches.** Proposed provisions of this component include provisions related to plastic products, product design and production, plastic releases and leakages, waste management, existing pollution (including marine pollution), “[just transition](#),” and transparency. Negotiations [are still clarifying](#) to what extent countries would be allowed to exempt specific listed products, such as certain single-use plastics or other chemicals of concern, from phase-out. Approaches may be voluntary or mandatory and could potentially include certain exemptions based on, for example, substance levels or country status.
- **Means of Implementation.** Proposed provisions include articles on a financial mechanism and on capacity building, technical assistance, and technology transfer.
- **Procedural Obligations.** Proposed provisions include requirements for national plans, implementation, reporting, and effectiveness evaluations. There are also proposed articles on information sharing and public information, awareness, education, and research.
- **Governance.** Proposed provisions address roles for the Conference of the Parties as a global plenary body, a secretariat, scientific or other subsidiary bodies, and dispute settlement procedures.

- **Annexes.** The current draft includes an option to include annexes on procedural, scientific, technical, or administrative matters. Examples of potential annexes include dispute resolution procedures and lists of polymers or chemicals scheduled for phase-down or phase-out.

Related Congressional Activity

In 2020, Congress enacted P.L. 116-224, the Save Our Seas 2.0 Act, to “improve efforts to combat marine debris.” The act could be relevant to U.S. policy during negotiations on the agreement. Of note:

- Section 201 (33 U.S.C. §4261) establishes the policy of the United States to partner and coordinate with foreign governments and others to, among other things, support the reduction of plastic waste, emphasize “upstream” solutions to decrease waste, advance alternatives to disposable plastic, support postconsumer waste management, and cooperate internationally to establish marine debris and plastic waste reduction targets, metrics, reporting, and action plans.
- Section 203 (33 U.S.C. §4263) provides that the President “shall direct United States representatives to appropriate international bodies” to implement the policy established in Section 201 through U.S. “voice, vote, and influence.” It also directs U.S. engagement at the global level to advocate for specific measures in international bodies. Examples of specific measures contemplated include encouraging standards and practices for disposable plastic products, supporting research, and enhancing private-sector coordination and markets, such as for plastic waste reuse.
- Section 206 (33 U.S.C. §4265) applies to international plastics agreement negotiations. It provides that “the President shall, as appropriate ... ensure that the agreement strengthens efforts to eliminate land-based sources of plastic waste and other solid waste from that country that impact the marine and aquatic environment.” It also calls on the President to consider the impacts of that waste in negotiating any international agreement.

More recently, Members of the 118th Congress introduced and enacted a number of bills regarding plastic pollution. These included one bill that would have limited plastic pellet pollution (H.R. 7634) and another that would have reduced the production of single-use plastic (S. 3127). Some bills were related to specific agencies. For example, the 118th Congress passed in P.L. 118-272 a provision requiring a report on measures to reduce microplastics releases into the environment at Army Corps of Engineers projects. Additionally, in March 2024, 33 Members of Congress sent a letter to the Secretary of State in support of three negotiating principles concerning the potential international plastics agreement: (1) binding limits for plastic production; (2) rules of procedure that “stop a small number of plastic-producing countries from undermining the rest of the world’s efforts to address the plastic production crisis”; and (3) nonparty trade provisions that

allow parties to the agreement “to protect themselves and their economies.”

Stakeholder Points of View

Stakeholders hold a range of perspectives on the potential contents of a multilateral agreement to curb plastics pollution. Some ocean and environmental conservation organizations expressed frustration that the negotiating process had not arrived at a binding international agreement. This included criticism of the use of consensus in the negotiating process, which was seen as an obstacle to reaching an agreement. An association of plastics manufacturers stated that it was unfortunate that an agreement was not reached and that this reflected the complexity of the issues and the need for further deliberations. The Business Coalition for a Global Plastics Treaty expressed disappointment that an agreement was not reached, while emphasizing the business need for certainty and a willingness to work with policymakers to secure a treaty. Other commentators have described alternatives that include a treaty outside the United Nations framework, if a consensus-based agreement cannot be reached.

Considerations for Congress

If the negotiating countries agree on a final version of the text, that proposed agreement would then be opened for signature. Under international law, a signatory country must not undermine the agreement’s stated objectives and purpose, but the country is not legally required to adhere to the text until it formally consents to be bound by the agreement. Each country goes through its own nationally determined process to decide whether to accept the text as binding. In the case of the United States, policymakers would face a decision on whether the final agreement falls under the scope of the U.S. Constitution’s Treaty Clause—which would require the agreement to be approved by a two-thirds majority in the Senate and ratified by the President before it could become binding—or whether the commitment could be entered by way of an executive agreement not subject to that process. Policymakers might also consider whether any conditions should be placed on U.S. commitments under the proposed agreement.

Whether an international commitment on plastics could be implemented under existing U.S. domestic law or would require new legislation would not be clear until agreement text is finalized. Congress might be called upon to respond to any differences between existing U.S. law and the text of an international agreement. Such differences could affect whether and when the United States would agree to any new international commitments.

There are a variety of existing programs, strategies, and initiatives by federal agencies that address various aspects of plastic pollution. Through its oversight role, Congress may choose to examine the relationship of these activities to an international agreement on plastic pollution.

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IFI2690

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