

**ELAW**

SUMMER 2024

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ELAW helps communities speak out for clean air, clean water, and a healthy planet. We are a global alliance of attorneys, scientists, and other advocates collaborating across borders to build a sustainable, just future.

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The United Nations Environment Programme reports that every day, the equivalent of 2,000 garbage trucks full of plastic are dumped into the world's oceans, rivers, and lakes.

Plastic pollution is a global problem, and it starts on land, where corporations seek out the cheapest way to design and distribute products without considering the costs shouldered by communities and our shared environment.

Corporations flood markets with products packaged in plastic, leaving the clean-up costs to communities and local governments. Greenpeace reports that the U.S. recycled only 5% of its plastic waste in 2021. Communities and local governments are forced to pay the price of collecting and disposing of a plastic container that was used once before it became garbage. In addition, every piece of plastic begins as fossil fuel, and plastic production and incineration of plastic waste contribute to climate change.

We need urgent solutions, and there is hope. Plans are being developed to transform product packaging and cut plastic production and pollution. Meanwhile, governments are coming together to address the problem through a global treaty with a mandate to end plastic pollution (see page 5).

ELAW partners are working to draft and strengthen laws at home that tackle the plastic waste problem and hold polluters accountable. They are participating in UN negotiations to adopt a global treaty to rein in plastic waste, advancing legislation to curb plastic waste, encouraging each other, and sharing victories and model practices.

We hope you will be inspired by the following brief reports on the work of ELAW partners in Bangladesh, Brazil, Cameroon, Egypt, the Philippines, and Sri Lanka seeking solutions to the plastic waste crisis.

Global Plastic Laws

www.globalplasticlaws.org

ELAW partnered with Plastic Pollution Coalition, Break Free From Plastic Europe, and The Surfrider Foundation U.S. to build this powerful database. It is the most comprehensive tool to date for researching plastic legislation that has been adopted around the world.

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Taking on the Plastic Pollution Crisis



Awareness campaign about the negative impacts of single-use plastic. Volunteers, organizers, and participants in the campaign cleaned areas of the Kolatoli Sea Beach in Bangladesh. PHOTO: BELA

Bangladesh: Challenging Single-Use Plastic

Plastic consumption has tripled in Bangladesh since 2005. The United Nations Environment Programme reports that 73,000 tons of plastic waste are in the Bay of Bengal. "Fishing grounds are contaminated with microplastics, Dhaka's drainage system is congested, and the problem is growing every year," says Syeda Rizwana Hasan, Chief Executive of the Bangladesh Environmental Lawyers Association (BELA).

BELA is working to strengthen local laws to rein in plastic, ban imports of single-use plastic, and hold producers and importers responsible for the full life cycle of their polluting products. BELA joined 12 like-minded organizations calling on the Supreme Court to enforce an existing ban on polyethylene bags and single-use plastic in coastal areas. They also called for a ban on single-use plastic in Bangladesh's hotels, motels, and restaurants.

In response, the High Court ordered the Ministry of Environment, Forest and Climate Change, and others to strictly enforce the existing plastic bag ban "through regular market monitoring, shutting down the polyethylene manufacturing factories, and seizure of machinery." The Court also ordered the government to institute a ban on single-use plastic in coastal areas and all hotels, motels, and restaurants within a year and report to the Court on compliance.

ELAW's Law and Science Teams provided BELA with support, including peer-reviewed literature, to strengthen the argument that plastic waste is causing harm in Bangladesh.

"The youth must be included in our efforts to establish environmental justice," says Rizwana, who joined renowned Bangladeshi actors in a video about the harmful impacts of plastics, which received more than 75,000 views on Facebook.

Rizwana received a 2009 Goldman Environmental Prize and a 2012 Ramon Magsaysay Award. She participated in the 2024 ELAW Annual Meeting (see page 7).



BELA's work includes educating the youth about the negative impacts of single-use plastic. Photo: BELA

Taking on the Plastic Pollution Crisis

Brazil: Calling For Extended Producer Responsibility Law

In Brazil, the plastic waste problem is exacerbated by the failure to enforce existing laws and slow movement on an Extended Producer Responsibility (EPR) law, which would assign producers greater responsibility for the end-of-life management of plastic in the products they produce, says Tatiana Bastos, a lawyer at the Rio de Janeiro-based Instituto de Direito Coletivo (Institute of Collective Law, IDC).

"Laws that restrict single-use plastic exist in some cities and states, but their application is irregular and limited to certain areas or types of establishments, which does not solve the problem on a national scale," says Tatiana.

IDC is implementing two strategies to reduce the amount of plastic pollution in Brazil: 1) identifying companies that are not complying with current laws regulating plastic and recycling, and 2) working with recycling cooperatives to strengthen their operations and hold companies accountable for failing to recycle plastic and/or compensate cooperatives for their services.

"ELAW provided arguments to challenge claims by the industry for secrecy that enabled us to bring the Public Prosecutor into the process and schedule a conciliation hearing for greater environmental transparency," says Tatiana.

The 2024 ELAW Annual Meeting (see page 7) included sessions to advance work around the world challenging single-use plastic. "My participation in the Annual Meeting was crucial for advancing our agenda on waste reduction and including waste pickers in the dialogue," says Tatiana.

"Our collaboration with ELAW has significantly enhanced our capacity to advocate for improved waste management practices and foster more comprehensive environmental policies."

Tatiana Bastos, IDC

IDC
Instituto de Direito Coletivo

Philippines: Phasing Out Single-Use Plastic

Roughly 2.7 million tons of plastic waste are generated in the Philippines each year, and an estimated 20% of this waste ends up in the ocean. ELAW partners at Oceana are working to address the crisis, asking the Supreme Court to order the government to take action to reduce plastic pollution at its source by banning single-use plastic. This includes codifying a list of materials that should be phased out, then prohibited, as part of implementing current waste management law.

"Our National Solid Waste Management Commission was tasked with annually reviewing and updating a list of Non-Environmentally Acceptable Products, and we are holding them accountable," says Golly Ramos, Philippines Vice President at Oceana.

Meanwhile, partners at Community Legal Help & Public Interest Centre (C-HELP) filed a consumer complaint against the biggest corporate plastic polluters. "The complaint seeks to make the companies accountable for their false or misleading recyclable claims and urges the Department of Trade and Industry to order the companies to revise their labels or stop using the recycle words, marks, and symbols in their plastic packaging," says Zelda Soriano, Executive Director at C-HELP.

Liza Osorio, at Oceana, and Zelda attended the 2024 ELAW Annual Meeting (see page 7). ELAW's Law and Science Teams are collaborating closely with many partners in the Philippines working to regulate single-use plastic.

Top 10 Single Use Plastic Products That Should Be Banned in the Philippines



Plastic Labo



Plastic Bags



Plastic Cutlery



Plastic Straws



Plastic Stirrers



Plastic Bottles



Plastic Cups & Plates



Take-Away Containers



Styrofoam or Polystyrene



Multilayered Material

"The complaint urges the Department of Trade and Industry to order the companies to revise their labels or stop using the recycle words, marks, and symbols in their plastic packaging."

Zelda Soriano, Executive Director at C-HELP

Taking on the Plastic Pollution Crisis

Egypt: Better Waste Management

Ahmed Elseidi, a 2023 ELAW Fellow, is collaborating with colleagues to draft Egypt's first waste management law to regulate and prohibit single-use plastic. "We want strong laws for Egypt and a global treaty that addresses the full life cycle of plastic," says Ahmed, who traveled to Kenya for INC-3 (see page 5).

Ahmed recently launched the Egyptian Organization for Environmental Rights (EOER). His organization is challenging the false promise of biodegradable plastic, holding the government accountable for the illegal import of plastic waste, investigating multinational companies that dump plastic waste, and challenging chain stores for illegally distributing free plastic bags.

"The 2024 ELAW Annual Meeting helped develop my work. I met public interest lawyers from around the world working on plastic issues and tapped new tools for litigation and advocacy."

Ahmed Elseidi

Cameroon: Tackling Plastic Waste

Plastic pollution in Cameroon has doubled in the past four years. "We lack proper waste management, and our cities and rural areas are swimming in discarded single-use plastic," says Nchunu Justice Sama, Executive Director of the Foundation for Environment and Development (FEDEV).

Nchunu came to Oregon as a 2022 ELAW Fellow and returned to Oregon earlier this year to collaborate on FEDEV's work at the 2024 ELAW Annual Meeting. His organization has worked closely with ELAW for years to address the growing plastic crisis in Cameroon.

FEDEV's approach is multifaceted. FEDEV holds workshops in multiple languages to educate citizens, judges, and journalists about the urgency of the plastic problem. The FEDEV team explains current laws and policies designed to regulate plastics. They also call on the government to improve waste management and hold companies accountable for poor management of plastic. FEDEV pursues litigation, public education, and more.

A few years ago, FEDEV won a court order prohibiting a company (SOTRAMILK Co. Ltd.) from burning plastic packaging. FEDEV now has three cases pending seeking to hold municipal authorities and waste management companies accountable for polluting plastic waste. Dr. Mark Chernaik, ELAW Scientist, provided FEDEV with critical information for these cases about the alarming health impacts of burning plastic at open dump sites.

"While we grapple with plastic waste, it is important to observe that most African countries do not have the infrastructure to handle plastic waste," says Nchunu, whose organization actively participates in UN negotiations to adopt a global treaty to curb plastic waste (see page 5).

"At the global level, waste colonialism and dumping must be discouraged," he says.

FEDEV is an active member of Break Free From Plastic (BFFP) and the Global Alliance for Incinerator Alternatives (GAIA).



Sri Lanka: Saying No to Single-Use Plastic Bags

Partners at the Centre for Environmental Justice (CEJ) share good news: in March, the Consumer Affairs Authority (CAA) of Sri Lanka informed the Supreme Court that the CAA would withdraw a notification issued in 2008 prohibiting traders from charging consumers for single-use plastic bags. This decision followed a case filed by CEJ in 2021. Now, consumers who request single-use plastic bags must pay for them!

"This is an important first step in ending the use of this polluting plastic," says CEJ's Samadhi Hansani, who says the fees will encourage consumers to use reusable and eco-friendly bags. The fees will go towards the Environmental Conservation Levy Account of the consolidated Fund in Sri Lanka.

The case (# SCFR 220/2021) marked Samadhi's first fundamental rights case as a legal officer at CEJ. She traveled to Oregon earlier this year for the 2024 ELAW Annual Meeting and collaborated on her work to protect Sri Lanka from plastic waste.

Taking on the Plastic Pollution Crisis



ELAW partners at INC-3 in Nairobi, 13 - 19 November 2023. Left to right: Electha Bih, Cameroon; Ahmed Elseidi, Egypt; Tamon Olivia Mah, Cameroon; Ron Gutiérrez, the Philippines; Nchunu Justice Sama, Cameroon.

Global Agreement Holds Promise of Cutting Plastic Waste

ELAW is helping partners from around the world participate effectively in UN negotiations to adopt a global treaty to end plastic pollution. Negotiators from 170 countries worked tirelessly in April at negotiations in Ottawa, Canada, but environmentalists say the plastic industry is still standing in the way of an effective accord.

With an overwhelming industry presence at these negotiations, ELAW aims to level the playing field. "Ensuring that civil society organizations have a seat at the table is vital to an equitable process," says ELAW Law Associate Anya Mintz.

The Associated Press reports that plastic production continues to ramp up globally and is projected to double or triple by 2050. A sticking point in negotiations is how to massively reduce this plastic production.

The International Negotiating Committee (INC) met in Paris, France (INC-2) and Nairobi, Kenya (INC-3) last year and Ottawa, Canada (INC-4) this year in preparation for a final session to be held in Busan, Republic of Korea, in November (INC-5). ELAW partners from Bangladesh, Cameroon, Egypt, India, Kenya, and the Philippines have all participated.

"In Ottawa, our agenda was for the inclusion of persons with disabilities in the plastics discourse in the context of a Just Transition," says Ron Gutiérrez, who has traveled to Paris, Nairobi, and Ottawa for INC meetings.

"Persons with disabilities will be affected by any ban or regulation on single-use plastic, as heavy users. But at the same time, they are among the most affected health-wise by the proliferation of these toxic chemicals."

Ron is the Executive Director of Upholding Life And Nature (ULAN), based in Manila, and has worked with ELAW for years to rein in plastic waste in the Philippines.

Ron says the unique geography of the Philippines as an archipelago presents challenges, especially in remote parts of the country where a shortage of land and markets limits the creation of landfills and where recycling and/or use of incinerators is simply not feasible. "This has led to the steady accumulation of plastic waste, with no takers," says Ron, who has worked with ELAW to counter false claims by industry that plastic waste incineration to power cement kilns is harmless. Collaboration with ELAW has also made it possible for ULAN to gather local government ordinances from provinces, cities, and municipalities across the Philippines that regulate plastic waste to be added to the Global Plastic Laws database (see page 1).

Ron joined Nchunu Justice Sama from Cameroon to co-present at an INC-4 side event hosted by the Plastic Pollution Coalition. They shared plastic policy from the Philippines and Cameroon and discussed how integrating policy and research can stem plastic pollution around the world.

While appreciating that progress was made, Nchunu regrets that the Ottawa talks closed without sufficient progress to address the full lifecycle of plastics, including reducing upstream production. "Low-ambition countries, and industry and corporate lobbyists, are significantly diluting the hope for an ambitious plastic treaty," he says.

Nchunu says the world has shown enormous concern about the rising scourge of plastic pollution, and he remains optimistic that a robust plastic treaty will be delivered by the end of the year.

See page 4 for more on work to tackle the plastic crisis in Cameroon.

Q&A with Dr. Rye Howard, ELAW Scientist, Public Health

Q: So, Dr. Howard, why is plastic a problem?

I think about plastic problems in three categories. The most obvious is "bulk" plastic – the material itself. We've all seen pictures of animals that died from eating plastic, became entangled and strangled, or drowned. Discarded fishing lines and nets are particularly dangerous. But bulk-scale plastic is a problem for humans, too. It clogs streams, rivers, sewer pipes, and storm drains, damaging infrastructure and exacerbating flooding, especially in vulnerable cities like Dhaka and Mumbai.



Dr. Rye Howard

Q: I've read that there are plastic trash islands in the oceans, too.

Yes, and that relates to the second category. Once they're in the environment, especially the marine environment, plastic polymers are slowly broken down by the action of sunlight and water and are eventually reduced to "microplastics" or "nanoplastics." These can be as big as a grain of sand or as small as a bacterium. The so-called trash islands are just areas with high concentrations of floating plastic particles. The smaller they are, the more easily they can be ingested by sea life, especially filter feeders like clams or krill, and passed up the food chain. Even worse, these tiny plastics efficiently carry other pollutants into the food chain, like persistent organic pollutants or pesticides.

Q: What's the next category?

The third kind of problem happens at the molecular level. Plastic polymers consist of long chains of small molecules called "monomers." The polymers themselves aren't usually toxic, if only because they're too big, but some of the monomers are. For example, polyvinyl chloride, also called "vinyl" or "PVC," is made up of long chains of vinyl chloride monomer, which turns out to be quite carcinogenic. So, the PVC polymer itself isn't toxic, but workers making PVC are exposed to the carcinogenic monomer.

But it doesn't stop there. In addition, to make the polymers more useful, manufacturers blend in specialized chemicals that convey specific properties. These added chemicals might resist the action of sunlight so that the plastic doesn't turn yellow and brittle. Or they make the plastic more flexible or resistant to fire or mold. Many additives, like bisphenol A (BPA) and phthalates, have endocrine-disrupting properties. They both mimic estrogen in the body, while other additives can act on androgen or thyroid hormone systems. All of these can have significant effects on development and reproductive health.

Q: Is that why they took BPA out of water bottles?

Yes, but many manufacturers switched to a closely related molecule called bisphenol S, which is probably a stronger endocrine disruptor than BPA.

Q: Can't companies design compostable plastic?

Unfortunately, it's not that simple because some of the plastic problems stem from the same characteristics that make plastics useful. A plastic cup can't melt when a hot liquid is poured in, and it might sit on the shelf for years before it's used, so it can't biodegrade spontaneously. A plastic bag has to be strong and stretchy if you're carrying groceries, but that also makes it good at entangling sea life. Or take the case of small "sachets" that are used to package ketchup or soy sauce. These are made of layers of different materials, so they're impossible to recycle. And, like almost all single-use plastic, they are virtually worthless once they've been used once, so there's very little economic incentive to collect them.

Q: What gives you hope in the fight to end plastic pollution?

There has been much more awareness about plastic in the last few years, and I think a lot of the credit goes to our partners. Every time I talk to an ELAW partner, I learn about new and creative ways to fight plastic pollution. It's a really inspiring community!

Dr. Rye Howard is one of eight Ph.D. scientists on the ELAW Science Team. Her focus is public health. She helps ELAW partners around the world understand the impacts of toxic substances, including plastic pollution, air pollution, and pesticides on public health.

Inside ELAW : 2024 Annual Meeting



ELAW Annual Meeting participants enjoyed a stop at Heceta Head Lighthouse Beach during their February 27 field trip to the Oregon Coast. Other stops included the Yachats 804 Trail, Cape Perpetua Visitor Center, Thor's Well, Devil's Churn, and Strawberry Hill. PHOTO: Steve Repicky

International Gathering Recharges Global Movement

In late February, more than 100 ELAW partners from 40 countries gathered in Eugene for the 2024 ELAW Annual Meeting, followed by the Public Interest Environmental Law Conference (PIELC). It was an inspiring gathering!

In lively plenaries and dozens of working groups, grassroots leaders collaborated to learn from each other, share strategies, troubleshoot problems, and hone model practices to help communities speak out for clean air, clean water, and a healthy planet.

Annual Meeting participants took on a wide range of topics, including plastic law, defending defenders, environmental impact assessment, climate litigation, just energy transition, critical minerals, forest protection, ocean conservation, holding corporations accountable, land rights, air quality, and much more.

Following the Annual Meeting, ELAW partners shared their inspired work on 10 panels at PIELC, focused on Indigenous advocacy, fighting state repression, keeping coal in the ground, preventing strategic lawsuits against public participation (SLAPPs), just energy transition in Africa, protecting the human right to water, safeguarding coastal communities, challenging short-sighted mining projects, and preserving biodiversity.

Partners who presented at PIELC hailed from Argentina, Australia, Brazil, Cameroon, Canada, China, Colombia, the Democratic Republic of Congo, Egypt, India, Indonesia, Liberia, Nepal, Nicaragua, Nigeria, Peru, the Philippines, Slovakia, Sri Lanka, Thailand, Uruguay, and Zimbabwe.

Many thanks to everyone who made this year's gathering a big success, including the ELAW Team; the ELAW Board; Peggy Dame, Lisa Moeller, and Scott Johnson, who secured lots of warm winter clothing for visitors from warmer climates; and Paul Engelmeyer at Ten Mile Creek Sanctuary, who helped the ELAW Team orchestrate a full-day field trip to the Oregon Coast.

"As I start my journey for Bangladesh and get back to my rushed and busy life, let me thank you all for all the hard work done in arranging the Annual Meeting. I thoroughly enjoyed being there after many years and found it really engaging. It truly gave me a chance to breathe deeply. I am so proud to be part of the ELAW family."

Rizwana Hasan, Goldman Prize winner

New Board Member

Jasper Teulings is Director of Strategic Litigation (Climate) at the Children's Investment Fund Foundation (CIFF). Prior to joining CIFF, Jasper worked as General Counsel at Greenpeace International and as an advocaat (attorney) in The Netherlands. Jasper also sits on the Advisory Boards of Oxford University's Sustainable Law Programme and the University of Amsterdam's Law School. Prior to his service on the ELAW Board, Jasper has served on other non-profit boards, including EarthRights International and Centre for Research on Multinational Corporations (SOMO).



Jasper Teulings



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We Need Your Help to Rein in Plastic Pollution

The ELAW Team provides critical support to help lawyers working with communities around the world advance environmental justice and chart a future free from plastic pollution.

Please consider making a gift today to help make our work possible, including:

- Providing legal support to help partners bring enforcement actions, critique proposed statutes, and replicate laws that successfully reduce single-use plastic waste.
- Helping lawyers and the communities they work with understand the impacts of toxic substances on public health.
- Creating spaces for advocates to collaborate and provide mutual assistance and inspiration.
- Supporting our partners participating in international negotiations, like INC, to halt plastic pollution.

MAKE A GIFT TODAY!

Charity Navigator and Candid give ELAW their highest rating for financial management, accountability, and transparency. You can be confident that your gift helps advance our mission of helping communities speak out for clean air, clean water, and a healthy planet. Please visit elaw.org/give to make a tax-deductible gift.

