

Marine Litter Legislation:

A Toolkit for Policymakers



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ISBN: 978-92-807-3594-9

Acknowledgments

This report was developed by the Environmental Law Institute (ELI) for the United Nations Environment Programme (UNEP). It was researched, drafted, and produced by Carl Bruch, Kathryn Mengerink, Elana Harrison, Davonne Flanagan, Isabel Carey, Thomas Casey, Meggan Davis, Elizabeth Hessami, Joyce Lombardi, Norka Michelen, Colin Parts, Lucas Rhodes, Nikita West, and Sofia Yazykova. Within UNEP, Heidi Savelli, Arnold Kreilhuber, and Petter Malvik oversaw the development of the report. The authors express their appreciation to the peer reviewers, including Catherine Ayres, Patricia Beneke, Angela Howe, Ileana Lopez, Lara Ognibene, David Vander Zwaag, and Judith Wehrli.

Cover photo: Plastics floating in the ocean

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Foreword



A Preventable Problem

Far too much of the 300 million tonnes of plastic produced in every year finds its way into our oceans, food chains and ecosystems, damaging our health in the process. The scale of the problem is clear when you consider that a small group of volunteers collected over a million kilograms of waste from Versova beach in India in just 40 weekends. Yet well-designed laws can reverse this global trend. That is why this toolkit provides an overview of existing marine litter legislation and case studies to help policymakers change the habits of producers and consumers.

The toolkit shows why most legislation targets marine litter at source, rather than the resulting waste. For example, Ireland

used a levy to cut the number of plastic bags people use each year, from 328 to 14, in just over a decade. It's an example that a growing number of places around the world are following.

Some countries tackle marine litter through comprehensive legislation, while others prefer to use a combination of several different laws. In either case, there are a wide range of important measures to consider. This toolkit includes recommendations on mapping and reviewing regulatory frameworks, documenting and sharing experience, and providing grace periods when introducing legislation.

Well-crafted laws alone cannot solve the problem of marine litter, but they are an important piece of the puzzle. I hope this toolkit will inspire policymakers and lawmakers to work together in strengthening legislation for one of the most pressing and preventable problems of our time.

Erik Solheim

UN Environment Executive Director

List of Acronyms

ALDFG	abandoned, lost, and discarded fishing gear
APC	armored personnel carrier
CCAMLR	Convention for the Conservation of Antarctic Marine Living Resources
COP	Conference of the Parties
CWA	Clean Water Act (U.S.)
DDE	dichloro-diphenyl-dichloroethylene
DFG	derelict fishing gear
EAC	East African Community
EEA	European Environment Agency
EIA	environmental impact assessment
EPA	Environmental Protection Agency (U.S.)
EPS	expanded polystyrene
EU	European Union
FAO	Food and Agricultural Organization of the United Nations
GATT	General Agreement on Tariffs and Trade
GESAMP	Group of Experts on the Scientific Aspects of Marine Environmental Protection
GOMMDP	Gulf of Mexico Marine Debris Project
GPA	Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
GPS	global positioning system
IOC	Intergovernmental Oceanographic Commission
ITLOS	International Tribunal on the Law of the Sea
LPMLD	Law for the Promotion of Marine Litter Disposal (Japan)
MARPOL	International Convention for the Prevention of Pollution from Ships
MDRPRA	Marine Debris Research, Prevention and Reduction Act
MEM	Marine Environmental Management (South Korea)
MLW	Marine LitterWatch (EU)
MPPRCA	Marine Plastic Pollution Research and Control Act (U.S.)
MSFD	Marine Strategy Framework Directive (EU)
NGO	nongovernmental organization
NOAA	National Oceanic and Atmospheric Administration (U.S.)
NDRMS	National Disaster Risk Management System
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PCBs	polychlorinated biphenyls
PPSA	Prevention of Pollution of the Sea Act (Singapore)
PRF	Port Reception Facilities (EU)
SDGs	Sustainable Development Goals
SIDS	Small Island Developing States
TAP	Threat Abatement Plan (Australia)
TMDL	total maximum daily load
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNGA	UN General Assembly
U.S.	United States
USACE	U.S. Army Corps of Engineers
WtE	waste-to-energy
WTO	World Trade Organization

Executive Summary

Marine litter poses serious environmental, health, and economic threats to oceans and coastal ecosystems. It also presents a unique legal and regulatory challenge for many nation States (hereinafter States), as it can originate from diverse land-based and sea-based sources both within and outside of a State. While the full magnitude of the problem can be difficult to ascertain, some estimates suggest that an average of 8 million tons of plastic waste entered the ocean in 2010, and this figure has been projected to increase.

The prevalence of marine litter is the result of many different factors, including changing production and consumption patterns, inadequate waste management, and gaps in regulation of waste materials. The diverse sources require a comprehensive response. Accordingly, countries frequently utilize a variety of laws and policies to prevent, manage, and reduce the proliferation of marine litter. Many of these approaches are part of the general frameworks to reduce the generation and spread of solid waste, rather than being part of frameworks specifically designed to address marine litter. That said, a growing number of countries are developing targeted laws and policies to address marine litter—from laws mandating more research (e.g., in the United States) to laws banning certain types of products (e.g., plastic bags in Bangladesh and Rwanda), to overarching frameworks to address the growing problem (e.g., in Japan and Singapore).

Policies and laws need to address not only the removal of litter but are generally more successful when they govern the production, use, and disposal of products that would otherwise become marine litter. To this end, using a circular economy approach to prevent the generation of waste products can reduce the overall production of marine litter.

The following recommendations build upon the laws and policies reviewed in this Toolkit and address approaches States can take to reduce and minimize marine litter:

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