

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.4 Name of Bill: An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs that contain synthetic plastic microbeads.

Agency/Dept.: ANR/DEC - WSMD Author of Bill Review: Mary Borg

Date of Bill Review: 1/8/2015 Status of Bill (check one):

Upon Introduction As passed by 1st body As passed by both bodies Fiscal

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. Describe what the bill is intended to accomplish and why.

This bill proposes to prohibit the manufacture and sale of personal care products and over-the-counter drugs that contain synthetic plastic microbeads.

2. Is there a need for this bill? Please explain why or why not. Microbeads are found in hundreds of personal care products in the State, including facial cleansers, shampoos and toothpastes. These beads, along with the products in which they occur are flushed down drains as part of the intended use of the product. Municipal wastewater treatment plants are very inefficient at filtering microbeads from water. Thus, microbeads originating in any source connected to municipal sewers are discharged to rivers and lakes in the State. Plastic microbeads are made of persistent organic plastics, which themselves serve as chemical "binding sites" for other pollutants present in the environment. Many of these pollutants are recognized to have deleterious impacts on human health or ecological integrity. Contaminants known to bind to microbeads include residuals of serious banned pesticides such as DDT, legacy polychlorinated biphenyl (PCBs), flame-retardants (PBDE's), PAH's, and other organic contaminants. The microbeads are of similar size to the natural plankton that inhabit lakes, and are thus consumed by small fish. The chemicals within or attached to the microbeads are transferred to fish tissue during digestion, and subsequently, the contaminants bioaccumulate. Fish consumed by humans have been found to have ingested plastic microbeads. Natural alternatives exist, such as ground olive pits or almond shells. While these could themselves comprise a source of phosphorus to wastewater facilities, the concentrations thereof are minor relative to usual wastewater influent, and such nutrients, unlike microbeads, are readily treated. In summary, this bill would address an emerging environmental concern for which little is known specific to Vermont surface waters, yet for which there is considerable national concern.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

There are no known fiscal and programmatic implications of this bill for DEC. It is unclear how enforcement of the statute would unfold.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? There is no known fiscal and programmatic implications of this bill for other departments in state government, no known down side, no job loss or significant impact to Vermont businesses. VT Department of Health is likely to be supportive.

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5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example: public, municipalities, organizations, business, regulated entities, etc.)
Manufacturers of personal care products are aware of the concern over microbeads, and are taking steps voluntarily to phase these compounds out of their products. L'Oreal, and Johnson and Johnson are two corporations which have committed to replacement of all plastic microbeads used in their products by 2017. While it is likely that some pushback will come from trade groups representing less progressive manufacturers, the direction signalled by these large corporations is indicative of the general industry direction in this regard. There may be certain exemptions sought.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Vermont advocacy organizations are likely to support. VPIRG, which is running a campaign on this topic presently, would likely be a lead organization in this regard.

6.2 Who else is likely to oppose the proposal and why? Opposition will likely be minimal because there are economically feasible alternatives.

7. Rationale for recommendation: Justify recommendation stated above. There are many biodegradable, natural alternatives to microbeads that are economically feasible, as indicated by the current use of biodegradable, natural, and abrasive materials in many consumer personal care products. Eliminating this source of synthetic plastic microbeads from entering the state's waters will help reduce their potential impacts on aquatic ecosystems and human health.

8. Specific modifications that would be needed to recommend support of this bill: Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.
The concentration of nutrients in alternative compounds and the effectiveness of their removal in wastewater treatment processes merits consideration by manufacturers as they develop alternatives. Language could be inserted to this effect.

Commissioner has reviewed this document:  Date: 1/13/15

Secretary has reviewed this document:  Date: 1/14/15