



Microbeads Consultation  
Ministry for the Environment  
[Microbeads.submission@mfe.govt.nz](mailto:Microbeads.submission@mfe.govt.nz)

27<sup>th</sup> February 2017

**Dear Sir/Madam,**

Thankyou for the opportunity to respond to the microbead consultation paper. Our responses to the questions are outlined below. We request that anything highlighted in yellow be redacted and kept confidential.

**1. Do you agree with the Government's proposal to prohibit the manufacture and sale of personal care products containing microbeads (eg, body scrubs, facial cleaners, toothpastes) to reduce their impacts on New Zealand's environment and human health? Why/why not?**

Johnson & Johnson has made a global commitment to remove plastic microbeads from our cosmetic products by the end of 2017.

International research has shown that plastic microbeads in cosmetic products are a very small contributor to microplastic marine litter, however we support the need for a ban on the use of plastic microbeads in rinse off cosmetic products.

Johnson & Johnson are not aware of any evidence that plastic microbeads pose any negative impact to human health. Plastic microbeads have been used in some cosmetic and personal care products to help clean the skin by exfoliation and to remove stains and plaque from teeth. The small plastic beads were originally selected for use as exfoliating or teeth-cleaning agents because they are clean, safe, can be produced to be a uniform size and have no sharp edges to scratch the skin.

**2. What are your views on the Government narrowing or widening the definition of the scope of personal care products containing microbeads that are designed to be washed down the drain to be prohibited from manufacture and sale in New Zealand?**

The types of cosmetic products that contain microbeads are rinse off products for the purposes of exfoliation i.e. facial scrubs, body scrubs.

The proposed ban should apply to rinse off cosmetic and personal care products containing plastic microbeads which may reach the marine environment during intended use and for which there is evidence of harm to the marine environment. The ban should not be extended to other cosmetics and personal care products. Only rinse-off cleansing and exfoliating products have been associated with marine litter.

The scope of the ban should align to the definition of microbead used in the USA i.e. definition of plastic microbead '*any solid plastic particle less than 5mm in size and intended to be used to exfoliate or cleanse*'.

There is sometimes confusion in the terminology used in this important topic and the terms 'plastic microbead' and 'microplastic' are often used interchangeably. This is incorrect as they mean



different things. Plastic microbeads are the hard, solid plastic beads that may be used in a variety of products, including cosmetics and personal care products such as scrubs, shower gels and toothpastes. Microplastic is the micro-sized pieces of plastic of all kinds present in the marine environment. This microplastic originates from a variety of sources, primarily from the disintegration of larger plastics. Plastic microbeads from cosmetic products are a very small fraction of microplastic marine litter.

It is important that the correct terminology is used to avoid such confusion which could lead to an unnecessary widening of the scope of the ban.

If the scope were to be expanded beyond cleansing and exfoliating rinse-off cosmetic products, a vast number of products which do not pose a risk to the marine environment would be unnecessarily affected. This would have a very significant negative impact on the cosmetic and personal care industry with no benefit to the marine environment. In this case, the purpose of the ban, protection of the marine environment, would not be achieved.

Therefore, in order to achieve the purpose of environmental protection, only ingredients which could feasibly pose a risk to the marine environment should be included in the scope of a ban. Including products containing, for example, solid non-plastic polymers or liquid polymers will provide no benefit to the marine environment whilst incurring significant negative implications for consumers.

**3. Do you currently manufacture, sell or use any personal care products containing microbeads? Please specify.**

We import all our cosmetic products into NZ. We are in the process of phasing out or reformulating all of our cosmetic products that contain microbeads, however some still remain for sale in the NZ market at this time. Currently there are 9 Johnson & Johnson facial scrubs that are available in NZ containing microbeads. This represents a very small percentage of Johnson & Johnson's cosmetic products and will be phased out of the NZ market before the end of 2017.

**4. Do you currently manufacture, sell or use any personal care products containing microbeads for medically prescribed uses or purposes? Please specify.**

No

**5. Do you currently import any personal care products containing microbeads into New Zealand, either for sale or personal use? Please specify, including the source of the product.**

Yes, please see question 3.

**6. Are you aware of any personal care products containing microbeads for any purpose that could be considered an essential or critical use? Please specify.**

No



**7. Do you currently manufacture, sell or use any alternatives to personal care products containing microbeads (or components therein), which are designed and used for the same purpose(s)? Please specify.**

Yes, we are in the process of reformulating a number of our cosmetic products to include safe alternatives to microbeads.

Our brands use an evidence based substitution approach in selecting the best ingredients that protect human and environmental health. Two ingredients that have passed our end to end safety assurance process are jojoba wax and cellulose, and are now available on the market.

**8. Do you consider the alternatives to personal care products containing microbeads (or components therein) to be reasonably practicable, readily available, and similarly priced for existing personal, business or other uses? Why/why not?**

Microbeads were originally developed for consumers with sensitive skin or acne. While there are a larger number of exfoliants to choose from, few meet all the requirements for sensitive skin or are broadly compatible with active or functional ingredients. Consumers could definitely benefit from new innovative solutions following principles of green chemistry.

**9. Is there any reason why the alternatives would not be reasonably practicable, readily available, or similarly priced for personal, business or other uses? If so, would you consider operating against the policy intent and importing personal care products containing microbeads from overseas?**

We look to fully comply with the policy intent.

**10. What would be the impact on you or your business if personal care products containing microbeads were prohibited from manufacture and sale in New Zealand and the alternatives were not reasonably practicable, readily available, or similarly priced?**

As a company that takes its responsibility to consumers and the environment seriously, J&J has already committed to removing plastic microbeads from cosmetic products by the end of 2017. Whilst this is time consuming and resource intensive it is a global commitment we have already made. Assuming that a ban in New Zealand reflects the definition and scope we have identified in this response there will be no further or additional impact upon our business above what we have voluntarily committed to.

Additionally if appropriate, commercially feasible, timeframes for transition are proposed, there will be limited impact to the consumer, allowing time for current product to phase out and replacement products to fill the shelves.

**11. Do you support the Government's approach to administration and enforcement of the proposed regulations under the Waste Minimisation Act? Why/why not?**

Yes we support the approach suggested as long as the phase out definition is clear to industry. See question 14 for further details.

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**12. Are there any other considerations for administration and enforcement of the proposed regulations that have not been outlined in the Administration and enforcement section of this consultation document?**

No

**13. What are your views on the Government's proposed timeframe for entry-into-force of the regulations under the Waste Minimisation Act to prohibit the manufacture and sale of personal care products containing microbeads?**

J&J has made a voluntary commitment to remove plastic microbeads from cosmetic products by the end of 2017 and as such the proposed timeframe for the Act to enter-into-force is appropriate and aligns with our own commitment.

**14. Are there any issues about the proposed timeframe for entry-into-force of the regulations that the Government should consider?**

We have some concerns on whether the proposed timings are an off the retailer shelf date or an imported into NZ/manufacture in NZ date. Providing sufficient time to sell through stock at a retail store level is essential. NZ is a small market with unique dynamics such as low product turn over.

We propose that the deadline applies to product imported into or manufactured in NZ as of July 2018. This allows sufficient time for product in warehouses and on retail shelf to sell through.

**15. Are there any ways the Government could help industry or consumers transition away from personal care products containing microbeads ahead of the regulations' entry-into-force?**

Yes. The Government could help fund research to identify the actual sources of microplastic litter.

**16. Do you have any further comments you wish to make on the Government's proposal?**

None

Yours faithfully,



Temi Stavroulakis

