



New Zealand Product Stewardship Council

20/02/2017

Microbeads consultation
Ministry for the Environment
PO Box 10362
Wellington 6143

Submission in response to the consultation document: *Managing microbeads in personal care products*

Who are we?

The New Zealand Product Stewardship Council (NZPSC) is an independent voice for effective product stewardship on behalf of the wider community. We support inclusive government, industry and community engagement around the investigation and implementation of product stewardship and related regulation, similar to successful international examples.

Our aim is to ensure programs are developed that benefit the whole of society through

- upholding the public interest by providing an independent voice to advise and work with government and industry on effective product waste strategies;
- maintaining a forum for the exchange of information and ideas to build capacity, trust and knowledge among government, industry and community stakeholders;
- providing leadership on mandatory product stewardship in New Zealand by researching, designing, and prioritising regulatory product stewardship programs;
- encouraging and supporting industry on proposed product stewardship programs in New Zealand based on those that have been successful overseas; and
- building community awareness of the costs and environmental impacts of product waste and how to minimise these through purchasing decisions.

Consultation: [submission scope](#)

The NZPSC does not manufacture, import or sell any personal care products containing microbeads nor alternatives to microbeads. We are not a business and a ban on microbeads will have no direct impact on the NZPSC.

Our submission focuses on five main points:

1. Overall support for prohibiting the manufacture and sale of personal care products containing microbeads.
2. Support for a broad scope of personal care products to be included.
3. Support for widening the scope to include products other than personal care products.
4. Conditional support for the approach to administration and enforcement.
5. Support for the proposed timeframe for entry-into-force of the regulations, with a preference for a sooner timeframe rather than any delay.

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email: admin@nzpsc.nz

web: www.nzpsc.nz



Products in scope

The NZPSC is supportive of the Government's proposal to prohibit the manufacture and sale of personal care products containing microbeads (e.g. body scrubs, facial cleaners, toothpastes). There is strong scientific evidence of environmental harm caused by microbeads, and some indication of microbeads entering the human food chain, with potential for associated health concerns.

The information provided in the UNEP Factsheet "Plastics in Cosmetics" provides an adequate summation of this evidence. We also call your attention to the 2010 UK DEFRA report *Potential for microplastics to cause "harm" in the marine environment*¹.

To be specific we support the initial scope of products to include the following products:

- exfoliating scrubs and gels
- toothpastes
- soaps
- sun creams
- lotions
- deodorants
- make-up
- household cleaning products such as detergents, water softeners and cleaning fluids

However, we note that the Consultation Document states "*Microbeads from personal care products are believed to make up a small percentage of all micro-plastics entering the oceans and waterways*" [pg 6]. Our concern is that a ban on microbeads from *only* personal care products may be insufficient to reduce the environmental and human health impacts. Commercial products such as detergents and cleaning fluids, blasting abrasives, lubricants, separating agents, carriers for pigments, viscosity adjusters, laminates and pharmaceuticals produce far greater quantities of microbeads and must also be addressed.

Therefore, we propose a phased approach to prohibiting the manufacture and sale of products containing microbeads

- commencing with a broad scope to prohibit the manufacture and sale of all personal care and household cleaning products containing microbeads; and
- specifying the introduction of a prohibition on the manufacture and sale of non-personal care products containing microbeads within five years.

Alternative products

We are not aware of any personal care or household cleaning products, containing microbeads, which

- are essential or critical; and
- do not have a non-microbead alternative available at a similar price point.

The NZPSC considers alternatives to products containing microbeads to be readily available in New Zealand and further products are likely to come on to the market. We do not consider these

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<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=17683&FromSearch=Y&Publisher=1&SearchText=5416&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

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products will be priced higher than microbeads as competition within the personal care market is high, leading to competitively priced products at all price points. For example, the microbead-free *Ecostore* range of personal care and household cleaning products (widely available in most supermarkets) are competitively priced at a time when competitors are using microbead components. The proliferation of non-microbead personal care/household cleaning products on the market – competing on price with microbead products – confirms there is little difference in price between the two product types.

It is also apparent that non-microbead products perform at least equally to microbeaded products, evidenced by Consumer New Zealand's high rating of a non-microbead cleaner in a 2013 investigation into bathroom cleaning products²; and some skin experts suggesting natural exfoliates are gentler on the skin than microbead exfoliates³.

Administration and enforcement

The NZPSC conditionally supports the proposed approach to administration and enforcement of the proposed regulations under the Waste Minimisation Act. While we agree that the EPA is a suitable organisation to administer and enforce the ban, we support their appointment as administrators on condition the following concerns are addressed:

- Recent changes to the structure of the EPA. We consider re-structuring and cost cutting undermines the EPA's ability to undertake its current activities.
We propose that any allocation of additional administrative / enforcement activity related to microbead regulation is adequately funded to ensure effectiveness.
- There is a lack of an environmental objective for the EPA.
We propose the regulation related to the prohibition of products containing microbeads includes a clear statement of intent related to environmental protection.
- There is a potential need for the EPA to be supported by the Ministry for the Environment, NZ Customs, The Ministry of Foreign Affairs and Trade and other organisations regarding the importation of micro-bead products for sale.
We propose the regulation supports the EPA to obtain any required information and support to ensure they can undertake their administrative and enforcement activities adequately.
- There is a risk that penalties for failing to comply with regulation are either insufficient to deter large companies; or specifically exclude smaller companies (as it is uneconomic to take enforcement action against small offenders).
We propose regulations include penalties of sufficient deterrent for larger companies; but also *specifically consider* penalties which will deter small importers. Our rationale for this measure is that, once a ban is in place, consumers will cease to be vigilant about checking ingredients. A small localised importer selling product containing microbeads will (in effect) betray consumer trust on an issue with a high level of public support. In this instance, consumers need to be confident that microbead products will not be on sale.

² http://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11136413

³ http://www.huffingtonpost.com/2014/02/20/microbeads-exfoliation_n_4815133.html

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Timeframe

The NZPSC understands the length of time it can take to implement new policy and regulation. However, we stress the need for entry-into-force to occur within a shorter rather than a longer time period.

We propose entry-into-force occurs within the first quarter of 2018 at the latest.

Given most manufacturers are already working to find alternatives to plastic beads (worldwide), or have already done so, we do not consider this timeframe unreasonable for manufacturers. A longer period runs the risk of international manufacturers 'dumping' product on the NZ market due to the implementation of microbead bans in other parts of the world, extending the period before positive environmental impact can be identified.

Likewise, most importers, distributors and retailers have a good turnover of stock.

We propose an announcement of the introduction of the prohibiting regulations to allow a four to six month lead-in time to ensure existing stock can be moved. A brief transitional period of 'grace' post enactment should also be included in regulation. This allows companies caught selling microbead containing products within the first few months to be warned and monitored by the enforcement agency rather than moving to immediate prosecution action.

Additional comments and recommendations

While we support the Government's move to protect the environment and human health from microbeads, we are concerned that the measure is insufficient to the scale of the issue. In particular, we note the following:

- That microbeads are a subset of the much larger problem of micro-plastics in the environment. Micro-plastics are fragments produced by the breakdown of larger pieces of plastic which enter the environment from many sources and pose a significant environmental problem. They can originate, for example, from plastic packaging dumped in the environment (e.g. bags or beverage containers), from plastic fibres from textiles or from the production and recycling of plastics. A 2016 World Economic Forum report predicts that there will be more plastic than fish in the world's oceans by 2050⁴.
- In addition to the physical harm posed by micro-plastics to wildlife⁵, micro-plastics in aquatic ecologies attract heavy metals and persistent organic pollutants, invasive species and even viruses; and carrying these across maritime boundaries. The toxins in these plastics, and those they attract, migrate into the cells and tissues of marine and freshwater organisms when they are mistaken for food and ingested, entering the human food chain. Many of the toxins that micro-plastics attract in aquatic ecologies are banned⁶ due to their toxicity.
- Microbeads from personal care and household cleaners make up only a fraction of the total volume of microbeads and other micro-plastics released into the environment. Further action is required to address this larger volume, particularly from commercial sources.

⁴ The New Plastics Economy (Ellen McArthur and WEF) report.

⁵ <http://www.unep.org/yearbook/2014/PDF/chapt8.pdf> UNEP Year Book 2014 emerging issues update Plastic Debris in the Ocean

⁶ Rochman et al. See also NZEPA classification system.

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The NZPSC recommends:

- The Government investigate and address all sources of micro-plastics released into the environment
- The EPA reclassify priority plastics (PVC, polystyrene, polyurethane and polycarbonate) as 'hazardous'
- Regulatory tools under the Waste Minimisation Act 2008 are implemented, allowing the introduction of interventions which have been shown internationally to significantly reduce plastic waste entering the environment. These include:
 - Bans and levies on key plastic wastes such as single-use plastic bags
 - Beverage container deposit schemes
 - Mandatory / co-regulatory product stewardship schemes for key waste streams such as PVC, polystyrene, polyurethane and polycarbonate.

Opportunity to make oral presentation

The NZPSC would appreciate an opportunity to make an oral presentation in support of our submission.

Contact information

NZPSC

Administrator:

Web: www.nzpsc.nz

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