| 1 | H.4 |
|----------|---|
| 2 | Introduced by Representatives Deen of Westminster, Komline of Dorset, and |
| 3 | Krowinski of Burlington |
| 4 | Referred to Committee on |
| 5 | Date: |
| 6 | Subject: Conservation and development; water resources; personal care |
| 7 | products; over-the-counter drugs; microbeads |
| 8 | Statement of purpose of bill as introduced: This bill proposes to prohibit the |
| 9 | manufacture and sale of personal care products and over-the-counter drugs that |
| 10 | contain synthetic plastic microbeads. |
| | |
| | |
| 11 12 | An act relating to prohibiting the manufacture or sale of personal care products and over-the-counter drugs containing microbeads |
| 13 | It is hereby enacted by the General Assembly of the State of Vermont: |
| 14 | Sec. 1. FINDINGS |
| 15 | The General Assembly finds: |
| 16 | (1) Microbeads are a synthetic alternative ingredient in personal care |
| 17 | products that are used in place of natural materials such as ground almonds, |
| 18 | oatmeal, and pumice. |
| 19 | (2) Microbeads are found in over 100 personal care products that are |

sold in the State, including facial cleansers, shampoos, and toothpastes, and

20

| 1 | that ultimately are flushed down drains as part of the intended use of the |
|----|---|
| 2 | product. |
| 3 | (3) Municipal wastewater treatment plants do not effectively filter |
| 4 | microbeads from water discharged to rivers and lakes in the State. |
| 5 | (4) Plastic microbeads are persistent organic compounds that attract |
| 6 | other pollutants commonly present in the environment, many of which are |
| 7 | recognized to have serious deleterious impacts on human health or the |
| 8 | environment, including dichlorodiphenyltrichloroethane (DDT), |
| 9 | dichlorodiphenyldichloroethylene (DDE), polychlorinated biphenyl (PCBs), |
| 10 | and flame-retardants. |
| 11 | (5) Chemicals from plastics, such as PCBs, polycyclic aromatic |
| 12 | hydrocarbons (PAHs), and polybrominated diphenyl ethers (PBDEs), transfer |
| 13 | to fish tissue during digestion, bioaccumulate, and result in liver damage. |
| 14 | (6) Fish consumed by humans have been found to have ingested plastic |
| 15 | microbeads. |
| 16 | (7) There are economically feasible alternatives to plastic microbeads, |
| 17 | as indicated by the current use of biodegradable, natural, and abrasive |
| 18 | materials in many consumer personal care products. |
| 19 | (8) Updating municipal wastewater treatment plants so that they |
| 20 | effectively filter microbeads would be costly and take many years. |

20

| 1 | (9) To prevent the continued harmful effects of microbeads on State |
|----|---|
| 2 | waters without expending significant time and money to update wastewater |
| 3 | treatment plants, synthetic microbeads should be banned from manufacture and |
| 4 | sale in the State. |
| 5 | Sec. 2. 10 V.S.A. chapter 47, subchapter 5 is amended to read: |
| 6 | Subchapter 5. Detergents and, Household Cleansing Products, |
| 7 | and Personal Care Products |
| 8 | § 1381. DEFINITIONS |
| 9 | As used in this subchapter: |
| 10 | * * * |
| 11 | (2) "Household cleansing product" means any product, including but no |
| 12 | limited to soaps and detergents used for domestic or commercial cleaning |
| 13 | purposes, including but not limited to, the cleansing of fabric, dishes, food |
| 14 | utensils, and household and commercial premises. Household cleansing |
| 15 | product shall not mean: |
| 16 | (A) Food food, drugs, and cosmetics, including personal care items |
| 17 | such as toothpaste, shampoo, and hand soap; |
| 18 | (B) Products products labeled, advertised, marketed, and distributed |
| 19 | for use primarily as economic poisons as defined in 6 V.S.A. § 911(5). |

* * *

| 1 | (7) "Biodegradable" means the capability of a substance to break down |
|----|---|
| 2 | completely in the natural environment that the substance is likely to encounter |
| 3 | within 24 months of its disposal, through a biological process of |
| 4 | decomposition into elements or compounds commonly found in that |
| 5 | environment. |
| 6 | (8) "Over-the-counter drug" means a compound, substance, or |
| 7 | preparation that contains a label that identifies the product as a drug, as |
| 8 | required by 21 C.F.R. § 201.66, and that includes a drug facts panel or a |
| 9 | statement of the active ingredient or ingredients contained in the compound, |
| 10 | substance, or preparation. |
| 11 | (9)(A) "Personal care product" means any article intended to be rubbed, |
| 12 | poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the |
| 13 | human body or any part thereof for cleansing, beautifying, promoting |
| 14 | attractiveness, or altering the appearance, and any article intended for use as a |
| 15 | component of any such article. |
| 16 | (B) "Personal care product" shall not include any prescription drug, |
| 17 | as that term is defined in 18 V.S.A. § 4201(41). |
| 18 | (10) "Plastic" means a synthetic material made from linking monomers |
| 19 | through a chemical reaction to create an organic polymer chain that can be |
| 20 | molded or extruded at high heat into various solid forms retaining their defined |
| 21 | shapes during life cycle and after disposal. |

| 1 | (11) "Synthetic plastic microbead" means an intentionally added |
|----|--|
| 2 | nonbiodegradable solid plastic particle less than five millimeters in size used to |
| 3 | exfoliate or cleanse in a rinse-off product. |
| 4 | § 1382. PROHIBITIONS <u>; HOUSEHOLD CLEANING PRODUCTS</u> |
| 5 | (a) No household cleansing products containing a phosphorus compound in |
| 6 | concentrations in excess of a trace quantity may be distributed, sold, offered |
| 7 | for sale at retail or wholesale, exposed for sale at retail or wholesale, or used in |
| 8 | a commercial establishment in this state State, except as set forth in |
| 9 | subsections (b) and (c) of this section. |
| 10 | * * * |
| 11 | § 1383a. PROHIBITIONS; PERSONAL CARE PRODUCTS; |
| 12 | <u>MICROBEADS</u> |
| 13 | (a) Manufacture of personal care products. Beginning on January 1, 2017, |
| 14 | no person shall manufacture in the State a personal care product that contains |
| 15 | synthetic plastic microbeads, except for an over-the-counter drug. |
| 16 | (b) Sale of personal care products. Beginning on January 1, 2018, no |
| 17 | person shall sell, offer for sale, offer for promotion, or otherwise distribute in |
| 18 | the State a personal care product that contains synthetic plastic microbeads, |
| 19 | except for an over-the-counter drug. |

| 1 | (c) Manufacture of over-the-counter drugs. Beginning on January 1, 2018, |
|---|--|
| 2 | no person shall manufacture in the State an over-the-counter drug containing |
| 3 | synthetic plastic microbeads. |
| 4 | (d) Sale of over-the-counter drugs. Beginning on January 1, 2019, no |
| 5 | person shall sell, offer for sale, offer for promotion, or otherwise distribute in |
| 5 | the State an over-the-counter drug that contains synthetic plastic microbeads. |
| 7 | * * * |
| 3 | Sec. 3. EFFECTIVE DATE |
|) | This act shall take effect on July 15, 2015 |