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S.239

Representative Komline of Dorset moves that the House propose to the Senate that the bill be amended by adding Secs 3a and 3b to read:

Sec. 3a. FINDINGS

For the purposes of Secs. 3a and 3b of this act, the General Assembly finds that:

(1) microbeads are a synthetic alternative ingredient in personal care products that are used in place of natural materials such as ground almonds, oatmeal, and pumice;

(2) microbeads are found in over 100 personal care products sold in the State, including facial cleansers, shampoos, and toothpastes;

(3) municipal wastewater treatment plants do not effectively filter microbeads from water discharged to rivers and lakes in the State;

(4) microbeads discharged to State waters pose a serious threat to the environment by collecting harmful pollutants already present in the environment and by harming aquatic biota;

(5) updating municipal wastewater treatment plants so that they effectively filter microbeads would be costly and take many years;

(6) to prevent the continued harmful effects of microbeads on State waters without expending significant time and money to update wastewater

1 treatment plants, synthetic microbeads should be banned from manufacture and
2 sale in the State.

3 Sec. 3b. 10 V.S.A. Chapter 47, subchapter 5 is amended to read:

4 Subchapter 5. Detergents ~~and~~, Household Cleansing Products, and Personal
5 Care Products

6 § 1381. DEFINITIONS

7 As used in this subchapter:

8 * * *

9 (2) “Household cleansing product” means any product, including ~~but not~~
10 ~~limited to~~ soaps and detergents used for domestic or commercial cleaning
11 purposes, including ~~but not limited to~~, the cleansing of fabric, dishes, food
12 utensils, and household and commercial premises. Household cleansing
13 product shall not mean:

14 (A) Food, drugs and cosmetics, including personal care items such as
15 toothpaste, shampoo, and hand soap;

16 (B) Products labeled, advertised, marketed and distributed for use
17 primarily as economic poisons as defined in 6 V.S.A. § 911(5).

18 * * *

19 (7)(A) “Personal care product” means any article intended to be rubbed,
20 poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the
21 human body or any part thereof for cleansing, beautifying, promoting

1 attractiveness, or altering the appearance, and any article intended for use as a
2 component of any such article.

3 (B) “Personal care product” shall not include any prescription or over
4 the counter drugs.

5 (2) “Plastic” means a synthetic material made from linking monomers
6 through a chemical reaction to create an organic polymer chain that can be
7 molded or extruded at high heat into various solid forms retaining their defined
8 shapes during life cycle and after disposal.

9 (3) “Synthetic plastic microbead” means an intentionally added non-
10 biodegradable solid plastic particle less than 5 millimeters in size used to
11 exfoliate or cleanse in a rinse-off product.

12 § 1382. PROHIBITIONS; HOUSEHOLD CLEANING PRODUCTS

13 (a) No household cleansing products containing a phosphorus compound in
14 concentrations in excess of a trace quantity may be distributed, sold, offered
15 for sale at retail or wholesale, exposed for sale at retail or wholesale, or used in
16 a commercial establishment in this state, except as set forth in subsections (b)
17 and (c) of this section.

18 * * *

19 § 1383a. PROHIBITIONS; PERSONAL CARE PRODUCTS;

20 MICROBEADS

1 (a) Prohibition on manufacture. Beginning January 1, 2017, no person
2 shall manufacture in the State a personal care product that contains synthetic
3 plastic microbeads.

4 (b) Prohibition on sale. Beginning January 1, 2018, no person shall sell,
5 offer for sale, or otherwise distribute in the State a personal care product that
6 contains synthetic plastic microbeads.