

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 An act relating to prohibiting the manufacture or sale of personal care
12 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
20 sold in the State, including facial cleansers, shampoos, and toothpastes, and

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.~~

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 not~~
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).

20 * * *

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; HOUSEHOLD CLEANING PRODUCTS

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 MICROBEADS

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
6 the State an over-the-counter drug that contains synthetic plastic microbeads.

7 * * *

8 Sec. 3. EFFECTIVE DATE

9 ~~This act shall take effect on July 15, 2015.~~

Sec. 1. FINDINGS

The General Assembly finds:

(1) Microbeads are a synthetic alternative ingredient in personal care products and over-the-counter drugs 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 and over-the-counter drugs that are sold in the State and that ultimately are flushed down drains as part of the intended use of the product.

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

(4) Plastic microbeads are persistent organic compounds that attract other pollutants commonly present in the environment, many of which are

recognized to have serious deleterious impacts on human health or the environment, including dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethylene (DDE), polychlorinated biphenyl (PCBs), and flame-retardants.

(5) Chemicals from plastics, such as PCBs, polycyclic aromatic hydrocarbons (PAHs), and polybrominated diphenyl ethers (PBDEs), transfer to fish tissue during digestion, bioaccumulate, and result in liver damage.

(6) Fish consumed by humans have been found to have ingested plastic microbeads.

(7) There are economically feasible alternatives to plastic microbeads, as indicated by the current use of biodegradable, natural, and abrasive materials in many consumer personal care products.

(8) Updating municipal wastewater treatment plants so that they effectively filter microbeads likely would be costly and take many years.

(9) To prevent the continued harmful effects of microbeads on State waters without expending significant time and money to update wastewater treatment plants, synthetic microbeads should be banned from manufacture and sale in the State.

Sec. 2. 10 V.S.A. chapter 47, subchapter 5 is amended to read:

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

§ 1381. DEFINITIONS

As used in this subchapter:

* * *

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

(A) *~~Food~~ food, drugs, and cosmetics, including personal care items such as toothpaste, shampoo, and hand soap;*

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

* * *

(7) *“Biodegradable” means the capability of a substance to break down completely in the natural environment that the substance is likely to encounter within 24 months of its disposal, through a biological process of decomposition into elements or compounds commonly found in that environment.*

(8) *“Over-the-counter drug” means a compound, substance, or preparation that contains a label that identifies the product as a drug, as required by 21 C.F.R. § 201.66, and that includes a drug facts panel or a*

statement of the active ingredient or ingredients contained in the compound, substance, or preparation.

(9)(A) “Personal care product” means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of any such article.

(B) “Personal care product” shall not include any prescription drug, as that term is defined in 18 V.S.A. § 4201(41).

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

(11) “Synthetic plastic microbead” means an intentionally added nonbiodegradable solid plastic particle less than five millimeters in size.

§ 1382. PROHIBITIONS; HOUSEHOLD CLEANING PRODUCTS

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

* * *

§ 1383a. PROHIBITIONS; PERSONAL CARE PRODUCTS;
OVER-THE-COUNTER DRUGS; MICROBEADS

(a) Manufacture of personal care products. Beginning on December 31, 2017, no person shall manufacture in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(b) Sale of personal care products. Beginning on December 31, 2018, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State a personal care product that contains synthetic plastic microbeads, except for an over-the-counter drug.

(c) Manufacture of over-the-counter drugs. Beginning on December 31, 2018, no person shall manufacture in the State an over-the-counter drug containing synthetic plastic microbeads.

(d) Sale of over-the-counter drugs. Beginning on December 31, 2019, no person shall sell, offer for sale, offer for promotion, or otherwise distribute in the State an over-the-counter drug that contains synthetic plastic microbeads.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2015.