

February 24, 2017

Microbeads Consultation
Ministry for the Environment,
PO Box 10362, Wellington 6143
New Zealand
Via email: microbeads.submissions@mfe.govt.nz

RE: Consultation on “Managing microbeads in personal care products”

Dear Sirs:

On behalf of the U.S Personal Care Products Council (PCPC), I am pleased to submit the following comments in response to the public consultation on “Managing microbeads in personal care products.”

PCPC is the leading national industry association representing the cosmetics and personal care products industry. Our organization has over 600 member companies, including all major global brands, as well as many small and medium sized companies that manufacture and distribute finished products, and suppliers of ingredients and raw materials used in the production of finished products. Our member companies consistently strive to uphold and surpass the most stringent regulatory and product integrity standards worldwide.

Numerous scientific studies and research projects, including studies by independent researchers and Non-Governmental Organizations, reveal that cosmetics and personal care products are very minor contributors, less than 1%, to plastic marine debris. Nonetheless, the cosmetics and personal care products industry firmly believes that protecting our oceans and waterways, including reducing the growing amount of plastic litter, is an important global issue. As such, any measures which aim to achieve this are supported by PCPC and our member companies, as well as our industry around the world.

The cosmetics and personal care products industry is highly globalized. Our industry is dependent on open markets and transparent and consistent legal and regulatory environments. In order to avoid market fragmentations and barriers to trade that would result from different laws in different countries, it will be critical to align regulatory approaches related to microbeads used in cosmetics and personal care products. As such, PCPC is working closely with our colleagues in other countries to advocate that any legislation on this matter should be:

- 1) Based on sound science to classify materials and any associated risk
- 2) Harmonized globally

- 3) Well-defined in scope which is appropriate to the cosmetics and personal care industry and addresses actual harm to the marine environment
- 4) Phased-in with adequate time for companies to comply

In accordance with these principles, PCPC supported legislation at the federal level in the United States, called the “Microbeads-Free Waters Act of 2015,” that was signed by President Obama on 28th December, 2015. The legislation resulted in the phase-out by July 2018 of “any solid plastic particle that is less than five millimeters in size and is intended to be used to exfoliate or cleanse the human body” that were included in “rinse-off” cosmetic products.”

We strongly believe that the scope of the U.S. law covers those ingredients that contribute to marine plastic debris, and therefore we urge the Ministry to adopt the same scope in any proposed legislation. We are not aware of any evidence that shows ingredients from other product categories, such as makeup or other leave-on products, contribute to plastic marine litter. Therefore, we are concerned that the definition proposed in the consultation may lead to confusion and implicate products beyond those intended for cleansing and exfoliating purposes.

Above all, we believe it will be critical for the Ministry to follow a harmonized approach regarding the timeline for implementing the prohibition on microbeads. In the United States, all stakeholders recognized the need to phase-out the use of microbeads in a timely manner, while also giving companies a realistic period during which to reformulate their products to meet regulatory requirements. Given the challenges and significant costs of reformulating personal care products, companies, especially SME’s, need at least two years from enactment of the legislation to reformulate products using acceptable alternative ingredients and to then bring those products to market. An additional one-year should be given for those products already on the market to be allowed to be sold.

It is important to note that the cosmetics and personal care products industry has committed to a number of voluntarily initiatives to phase out the use of microbeads in cosmetic products. For example, in 2015, the industry association Cosmetics Europe formalized a recommendation to its membership to discontinue the use of microbeads in rinse-off products by 2020. A survey conducted by Cosmetics Europe demonstrated that this goal has already been substantially achieved as of 2016. A voluntary initiative has also been agreed with the government of New South Wales and the federal Minister of Environment in Australia, and industry associations around the world are working with their members to consider other initiatives.

Thus, our industry has shown leadership on environmental protection by taking swift, early action to address concerns about microbeads. Even though our products are a miniscule source of marine litter, we are committed to working with environmental and conservation NGOs, scientists and others to find solutions to plastic litter in oceans and waterways.

Once again, we appreciate the opportunity to provide these comments and also fully support the more detailed comments submitted by the Cosmetic, Toiletry & Fragrance Association of New Zealand.

Sincerely,



Francine Lamoriello
Executive Vice President,
Global Strategies