

Subject: Subject line: [Submission to the consultation on a ban on the sale and manufacture of plastic microbeads in personal care products in New Zealand]

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Dear Hon. Dr. Nick Smith,

I strongly support the Government's proposal to introduce a legislative ban on microbeads in New Zealand, which should be implemented as soon as possible. I also strongly agree with the proposal's main objective of providing "certainty that the impacts of microbeads on New Zealand's environment and human health are managed". To achieve this, it is essential that the ban does not allow for industry loopholes and ineffective, voluntary self-regulation, as have been evident in bans on microbeads in other countries. Therefore, I urge the Ministry for the Environment to include the following recommendations in the legislation:

Scope of products

I agree with the intention to "define the scope of products as broadly as possible", in order to eliminate all non-critical sources of microbeads that could end up in our waterways and oceans. I advise the Government to follow the guidelines on microbeads legislation, developed by Flora and Fauna International and advocated by the Environmental Audit Committee:

- Any definition of 'microbeads' must include all solid plastic ingredients smaller than 5mm used for any purpose. There should be no lower size limit included in the definition;
- The legislation should cover all products that are washed down the drain. This includes a wide range of cosmetic and personal care products as well as cleaning products, make-up, and other product categories;
- Legislation should not allow so-called 'biodegradable' plastics to be used as alternatives, as [the conditions required for these materials to degrade in the marine environment are rarely met and they are thus not a solution to the problem](#);
- There should be a clear and prompt timeline for phasing out these ingredients, and a date after which products containing microplastics must not be sold. This should be within two years of the ban.

I also urge the Government to not allow for substitutions with materials of persistent, water-insoluble solid or wax-like nature that could cause similar harms to aquatic species.

Importance of leading with a strong legislative ban

I am very pleased that the Ministry is proposing a legislative ban on microbeads within a two-year time frame and wants New Zealand to be a leader in marine stewardship. Voluntary self-regulation has been proven ineffective both in New Zealand and globally, and should not be considered as an alternative to a legislative ban. [In 2013, Johnson & Johnson pledged to ban polyethylene microbeads, while still keeping other harmful plastics in their products and later opposing the 2015 California ban on microbeads.](#) New Zealand environmental organisation, Plastic Diet, also recently exposed that [Progressive and Foodstuffs had failed to act on their own policies against microbeads, and still had many products for sale.](#) For these reasons, I support the implementation of an outright and total legislative ban from a deadline of 2018.

Importation of products from overseas and Australia

To lead with the most effective legislation against microbeads, the Government must ensure that all potential sources of microbeads are managed. This includes products that could be imported from overseas for personal use. Therefore, I urge the Government to prohibit the importation of the products in scope under section 3 of the Imports and Exports (Restrictions) Act 1988. I also encourage the Government to explore all options under the Trans-Tasman Mutual Recognition Act (i.e. exemptions for health, safety and environmental reasons) to restrict microbead products from entering New Zealand via Australia. Nearly a quarter of our cosmetic products enter our shops via Australia, and given the lack of a legislative ban on microbeads in Australia, there is no way to guarantee that these products do not contain microbeads.

Yours sincerely,

Anton Bowker