



February 28, 2017

Microbeads Consultation
Ministry for the Environment
PO Box 10362
Wellington 6143

Proposal to ban the sale and manufacture of plastic microbeads in personal care products in New Zealand

1. Thank you for the opportunity to make a submission to the Ministry on this proposed ban.
2. The Public Health Association of New Zealand (PHA) is a national association, with members from the public, private and voluntary sectors, which provides a forum for information and debate about public health in Aotearoa New Zealand. Public health action aims to improve, promote and protect the health of the whole population through the organised efforts of society. Our organisation's vision is 'Good health for all - health equity in Aotearoa', or 'Hauora mō te katoa – oranga mō te Ao', and we work to increase health equity.
3. Our main concern is the wellbeing of New Zealanders, so our submission is confined to considering the effects of plastic microbeads on public health, and the impact a ban of these products will have on health.
4. The PHA supports the Ministry's proposal to ban the use and manufacture of plastic microbeads in personal care products in New Zealand. We believe the proposed ban is a sensible and important move to prevent harmful and unnecessary pollutants from getting into our environment. We agree that while New Zealand, on a global scale, is not a major contributor to pollution caused by plastic microbeads, it is important that New Zealand works in concert with other countries to eliminate contamination from this source.
5. We all strongly urge that this is done through a legislative ban. Voluntary self-regulation of the industry has been shown to be ineffective, and will not achieve the desired goals.

6. However, while we support the government's preference to use a broad definition for the purposes of the ban to include all personal care products containing microbeads, regardless of size, use and function, we urge the Ministry to go further and extend the ban to include all products containing microbeads that are designed to wash down our drains.
7. Specifically, the definition must encompass all solid plastic ingredients smaller than 5 mm and used for any purpose, not just exfoliation (as specified in the USA). There should be no minimum size limit in the definition.
8. We are concerned that under the Trans-Tasman Mutual Recognition Act (TTMRA) products containing plastic microbeads will still be able to be imported into New Zealand from Australia, despite a ban. A significant percentage of our cosmetics comes from Australia, which has not yet introduced a ban. We therefore urge the government to exercise its ability under the TTMRA to make a regulation to exempt these products on the grounds of protecting health and safety and preventing harm to the environment.
9. The potential threat to human health from plastic microbeads is still unclear. While the mechanism of transfer from plastic microbeads in products washed down drains to eventually being ingested by humans is known, the so-called 'marine-plastic pathway', the extent of the problem and the potential for harm is still unknown. There is some concern that very small particles of plastic could behave the same way as other nanoparticles, which are able to pass through the placenta and the blood-brain barrier and may be absorbed in the gastrointestinal tract and lungs where they could cause damage.¹ Scientists have concluded that "While current research cannot quantify the amount, plastic in the ocean does appear to contribute to [persistent, bioaccumulative, and toxic substances] in the human diet."¹
10. Plastic microbeads in products are only a small fraction of the plastic getting into our oceans and waterways, but banning their sale and manufacture can still contribute to decreasing the overall amount of plastic pollution and it is a measure which is not difficult to take and will be readily accepted by consumers and businesses who want to make ethical and environmentally responsible choices.
11. In terms of the proposed timeframe for implementation of the ban, we would like to see the ban implemented as quickly as is practicable and no later than the end of 2018. The government should give a definite and clear timeline for phasing out the use and sale of products containing plastic microbeads and a date after which they cannot be sold. We suggest within two years of the ban.
12. It is important that the legislation stipulates that any alternatives to plastic microbeads must be established by adequate testing as safe and truly biodegradable. The law must not allow so-called 'biodegradable' plastics to be used, as these do not in fact break down in the marine environment and will only exacerbate the problem.

13. The need for this legislation also raises a broader issue - the needs for a legislative and regulatory regime which provides much greater assurance that new substances which can cause long-term and serious dangers to the environment and human health are not distributed before reasonable risk assessment.

14. We note the assurances made in the Regulatory Impact Statement that there are 'systems and processes in place' to prevent microbeads from industrial uses being released into the environment. However, in the absence of any detail or reference to this system/process and how it is monitored, it is difficult to credit such assurances.

15. Plastics in our waterways and the marine environment is a huge and growing problem that needs to be urgently addressed by governments everywhere. The harm to public health from these pollutants is ongoing and the full extent of it is not known. All countries should do what they can to reduce plastic pollution and we support Government's action. A total legislative ban on plastic microbeads in all products designed to wash down drains, while a small measure, is a practical step in the right direction. However, this should be seen in the context of the much greater problem of how to reduce the risks of untested and unmonitored products.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'W. Lindberg', with a long horizontal stroke extending to the right.

Warren Lindberg
Chief Executive Officer

References

1. Seltentrich N. New link in the food chain? Marine plastic pollution and seafood safety. Environmental health perspectives. 2015 Feb 1;123(2):A34-41.