

SENATE BILL REPORT

SB 5609

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 19, 2015

Title: An act relating to protecting waterways from pollution from synthetic plastic microbeads.

Brief Description: Protecting waterways from pollution from synthetic plastic microbeads.

Sponsors: Senators Bailey, Ranker, Hatfield, Baumgartner, Liias and Rolfes.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/12/15, 2/19/15 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 5609 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Braun, Brown and Honeyford.

Minority Report: Do not pass.

Signed by Senators McCoy, Ranking Minority Member; Cleveland and Habib.

Minority Report: That it be referred without recommendation.

Signed by Senator Ranker.

Staff: Jan Odano (786-7486)

Background: There have been many scientific studies on the fate of microplastics in the marine environment showing that microplastic debris is widespread and has accumulated in the oceans and sediments worldwide. Microplastics have been observed in most marine habitats; all marine organism groups are at risk of interacting with this plastic debris. Because of the ubiquity of microplastics, these studies raise concerns about the consequences for the health of marine animals from ingestion of microplastics.

Microbeads are a microplastic comprised of synthetic spherical plastic particles used as an abrasive in many personal-care and beauty products, such as facial scrubs, soaps, and toothpastes. Microbeads are washed down the drain after use, escape water treatment plants because they are too small to filter, and are discharged into rivers, lakes, and oceans.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Other states have or are considering legislation to prohibit the manufacture and sale of products containing microbeads. Illinois enacted a ban that begins to go into effect 2018. New York, California, and Ohio are considering bans on microbeads in personal care products. Certain manufacturers of personal care products containing microbeads have committed to phase out plastic microbeads from their products.

The Food and Drug Administration (FDA) sets labeling requirements for over-the-counter drugs. The labels, in part, must include active ingredients, use, warnings and directions, as well as inactive ingredients.

Summary of Bill (Recommended Substitute): Beginning January 1, 2018, the manufacture of a personal care product containing synthetic microbeads is prohibited.

Beginning January 1, 2020, the sale and distribution of a personal care product or an over-the-counter drug containing synthetic microbeads, and the manufacture of such an over-the-counter drug, is prohibited.

City, county, and other municipal ordinances regarding synthetic microbeads in personal care products and over-the-counter drugs are pre-empted.

Definitions include the following: synthetic plastic microbeads means a non-biodegradable solid plastic particle measuring less than 5 millimeters and used to exfoliate or cleanse; and an over-the-counter drug means a drug requiring specific labeling by the FDA.

EFFECT OF CHANGES MADE BY ENERGY, ENVIRONMENT & TELECOMMUNICATIONS COMMITTEE (Recommended Substitute): Removes examples of personal care products and clarifies that the local pre-emption applies to microbeads in personal care products and over-the-counter drugs.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This will solve the problem of microbeads entering the waterways where fish can ingest the plastic. National and international personal care product companies have voluntarily committed to discontinue the use of microbeads. They need adequate time to achieve compliance. This represents model legislation developed through national meetings and with the National Conference of State Legislatures. There are similar proposals in 16 states with consistent standards applied in each. Consistency is necessary to avoid patchwork legislation.

OTHER: Microplastics are a pervasive problem in the oceans and they are found in the most remote areas. Microplastics are too small for wastewater treatment facilities to filter. There

needs to be a definition for biodegradable. Some of the biodegradable plastics do not degrade. All plastic microbeads should be prohibited.

Persons Testifying: PRO: Senator Bailey, prime sponsor; Melissa Gombosky, Personal Care Products Council; Scott Sigmon, Consumer Health Products Council.

OTHER: Bruce Wishart, Puget Soundkeeper Alliance, WA Environmental Council; Jared Axelrod, Vulcan.