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## Environment Committee

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### SSB 5609

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

**Sponsors:** Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Bailey, Ranker, Hatfield, Baumgartner, Liias and Rolfes).

#### Brief Summary of Substitute Bill

- Phases out the manufacturing and wholesale purchase of personal care products and over-the-counter drugs containing synthetic plastic microbeads over the course of five years.
- Prohibits local governments from adopting similar regulations for products containing synthetic plastic microbeads.

**Hearing Date:**

**Staff:** Jason Callahan (786-7117).

**Background:**

The Department of Ecology (Department) has enforcement responsibilities for a number of product prohibitions, product content requirements, and product labeling provisions. These include limitations on the use of polybrominated diphenyl ethers, plastics, metal content of packages, phosphorous content in detergents, mercury in lamps, bisphenol A, brake friction materials, and children's products containing lead, cadmium, or phthalates.

**Summary of Bill:**

The manufacturing and wholesale purchase of personal care products and over-the-counter drugs containing synthetic plastic microbeads is phased out over the course of five years. The phase out is a two-step process. The first step is a prohibition on the production or manufacturing of personal care products containing synthetic plastic microbeads. This prohibition takes effect on January 1, 2018.

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*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.*

The second step of the phase out occurs on January 1, 2020. On that day, the production and manufacturing of over-the-counter drugs containing synthetic plastic microbeads is prohibited. Also, beginning on January 1, 2020, no person may knowingly accept for sale either an over-the-counter drug or a personal care product containing synthetic plastic microbeads.

The timing and scope provisions of the phase out specifically preempts any ordinance on the same topic adopted by a local government in the state.

For the purposes of the prohibition, the term "synthetic plastic microbeads" means non-biodegradable plastic particles that are intentionally added. To qualify for the definition, the microbeads must be less than 5 millimeters in size and be intended for use as an exfoliant.

Violations of the prohibition on synthetic plastic microbeads in over-the-counter drugs and personal care products are enforced by the Department through a civil penalty of between \$1,000 and \$10,000 per violation. The Department may also bring an injunctive action in court to prevent or end a violation of the prohibition.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.