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## [H.R. 1321, Microbead-Free Waters Act of 2015](#)

### FLOOR SITUATION

On Monday, December 7, 2015, the House will consider [H.R. 1321](#), the Microbead-Free Waters Act of 2015, under suspension of the rules. The bill was introduced on March 4, 2015, by Rep. Frank Pallone (D-NJ) and is co-sponsored by Rep. Fred Upton (R-MI) and was referred to the Committee on Energy and Commerce, which ordered the bill reported by voice vote on November 18, 2015.

### SUMMARY

H.R. 1321 would phase out the manufacture and sale of rinse off personal care products and over-the-counter drugs containing synthetic plastic microbeads by July 1, 2019. The ban will be phased in using the following timeline: the ban on manufacturing products with these microbeads will start on July 1, 2017; the ban on sales of cosmetics with microbeads will start on July 1, 2018; the ban of manufacturing over-the-counter drugs with microbeads will start July 1, 2018; and the ban on sales of over-the-counter drugs with microbeads will start July 1, 2019. H.R. 1321 would preempt state and local laws regulating or banning the use of such microbeads in products.

### BACKGROUND

Microbeads are synthetic particles made of plastic that are used as abrasives and exfoliants in hundreds of consumer and personal care products such as facial and body scrubs, shampoos, and toothpaste. The particles are very small—less than 5 millimeters in size—and individual products can contain hundreds of thousands of microbeads.

Microbeads are often washed down the drain after use and end up in the municipal sewer systems. However, because they are so small most wastewater treatment plant technologies are not capable of removing them from the waste water. Plastic microbeads have been found in bodies of water worldwide.<sup>1</sup> Several consumer-product companies like Johnson and Johnson, Procter and Gamble and Unilever have said they plan to stop using microbeads in their personal hygiene products.<sup>2</sup>

<sup>1</sup> See CRS Report, [“Microbeads: An Emerging Water Quality Issue.”](#) July 20, 2015.

<sup>2</sup> See Holland Sentinel article, [“Our View: How your body wash is damaging the Great Lakes.”](#) December 3, 2015.

Nine states have passed laws that, to varying degrees, ban the use of microbeads in consumer and pharmaceutical products and many states are considering legislation. This includes California, Colorado, Connecticut, Illinois, Indiana, Maine, Maryland, New Jersey, Wisconsin, and six counties in New York.

“To date, research to assess the extent and effects of microbeads in aquatic environments has been limited but is increasing. Recent studies have drawn attention to concentrations of plastic particles in the [Great Lakes](#) and [Lake Champlain](#). In 2014, the U.S. Geological Survey began a [study of microplastics in rivers](#), sampling 29 Great Lakes tributaries across six states.”

According to the Committee, many states and local governments have legislated to ban the use of microbeads in these personal care products, which has created a patchwork of timelines for phasing out microbeads. By providing one timeline with clear standards for innovators and manufacturers this bill will alleviate confusion and inconsistent standards and findings the patchwork of State and local laws have created.

### **COST**

A Congressional Budget Office (CBO) cost estimate is currently not available, but enacting H.R. 1321 is not expected to have any significant cost to the federal government. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

### **STAFF CONTACT**

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.