

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 625

Introduced by Senator Galgiani

February 27, 2015

~~An act relating to waste management. An act to add Chapter 5.9 (commencing with Section 42360) to Part 3 of Division 30 of the Public Resources Code, relating to waste management.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 625, as amended, Galgiani. ~~Water pollution: synthetic plastic microbeads. Waste management: synthetic plastic microbeads.~~

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) prohibits any person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving a specified warning, or from discharging or releasing such a chemical into any source of drinking water, except as specified. Existing law prohibits the sale of expanded polystyrene packaging material by a wholesaler or manufacturer. Existing law prohibits a person from selling a plastic product in this state that is labeled with the term "compostable," "home compostable," or "marine degradable" unless, at the time of sale, the plastic product meets the applicable ASTM International standard specification.

This bill would prohibit, on and after January 1, 2020, a person, as defined, from selling or offering for promotional purposes in this state a personal care product containing synthetic plastic microbeads, as specified. The bill would exempt from those prohibitions the sale or promotional offer of a product containing less than 1 part per million (ppm) by weight of synthetic plastic microbeads, as provided.

1 (c) *Plastic pollution is an environmental and human health*
2 *hazard and a public nuisance.*

3 (d) *Personal care products such as facial scrubs, soaps, and*
4 *toothpaste increasingly contain thousands of synthetic plastic*
5 *microbeads, ranging from 50 - 500 microns, that are flushed down*
6 *drains or make their way into the environment by other means as*
7 *part of their intended use.*

8 (e) *Some synthetic plastic microbeads are not recoverable*
9 *through wastewater treatment facilities in the state and may be*
10 *released into the environment.*

11 (f) *Synthetic plastic microbeads have been found in surface*
12 *waters within the United States, as well as in fish, marine*
13 *mammals, and reptiles, and in the digestive and circulatory systems*
14 *of mussels and worms.*

15 (g) *There are economically feasible alternatives to synthetic*
16 *plastic microbeads used in personal care products, as evidenced*
17 *by the current use of biodegradable, natural, abrasive materials*
18 *in personal care products such as beeswax, shells, nuts, and seeds.*

19 42361. *As used in this chapter, the following terms have the*
20 *following meanings:*

21 (a) *“Person” means an individual, business, or other entity.*

22 (b) *“Personal care product” means an article intended to be*
23 *rubbed, poured, sprinkled, or sprayed on, introduced to, or*
24 *otherwise applied to, the human body or any part of the human*
25 *body for cleansing, beautifying, promoting attractiveness, or*
26 *altering the appearance, and an article intended for use as a*
27 *component of that type of article.*

28 (c) *“Synthetic plastic microbead” means an intentionally added*
29 *non-biodegradable solid plastic particle measuring five millimeters*
30 *in size or less in every dimension, that retains its shape during use*
31 *and after disposal, and that is used to exfoliate or cleanse in a*
32 *rinse-off personal care product.*

33 42362. *On and after January 1, 2020, a person shall not sell*
34 *or offer for promotional purposes in this state any personal care*
35 *product containing synthetic plastic microbeads.*

36 42363. *Section 42362 shall not apply to a person that sells or*
37 *offers for promotional purposes a personal care product containing*
38 *synthetic plastic microbeads in less than 1 part per million (ppm)*
39 *by weight.*

1 42364. (a) A person who violates or threatens to violate
2 Section 42362 may be enjoined in any court of competent
3 jurisdiction.

4 (b) (1) A person who has violated Section 42362 is liable for
5 a civil penalty not to exceed two thousand five hundred dollars
6 (\$2,500) per day for each violation in addition to any other penalty
7 established by law. That civil penalty may be assessed and
8 recovered in a civil action brought in any court of competent
9 jurisdiction.

10 (2) In assessing the amount of a civil penalty for a violation of
11 this chapter, the court shall consider all of the following:

12 (A) The nature and extent of the violation.

13 (B) The number of, and severity of, the violations.

14 (C) The economic effect of the penalty on the violator.

15 (D) Whether the violator took good faith measures to comply
16 with this chapter and when these measures were taken.

17 (E) The deterrent effect that the imposition of the penalty would
18 have on both the violator and the regulated community as a whole.

19 (F) Any other factor that justice may require.

20 (c) Actions pursuant to this section may be brought by the
21 Attorney General in the name of the people of the state.

22 (d) Civil penalties collected pursuant to this section shall be
23 paid to the office of the Attorney General and are available to that
24 office, upon appropriation by the Legislature, for the purpose of
25 enforcing this chapter.

26 42365. This chapter does not alter or diminish any legal
27 obligation otherwise required in common law or by statute or
28 regulation, and this chapter does not create or enlarge any defense
29 in any action to enforce the legal obligation. Penalties and
30 sanctions imposed pursuant to this chapter shall be in addition to
31 any penalties or sanctions otherwise prescribed by law.

32 42366. Commencing January 1, 2016, a city, county, or other
33 local public agency shall not adopt, amend, enforce, or otherwise
34 implement, a local ordinance, resolution, regulation, or rule
35 relating to the sale or offering for promotional purposes of
36 personal care products that contain synthetic plastic microbeads.

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 ~~legislation that would prevent water pollution from synthetic plastic~~
3 ~~microbeads.~~

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