

Voluntary industry phase-out of solid plastic microbeads from 'rinse-off' personal care, cosmetic and cleaning products

Monitoring and Assurance protocol

Objectives

The aim of the monitoring and assurance protocol (Protocol) is to contribute to the protection of the aquatic environment by ensuring the ongoing effectiveness of the phase-out of solid plastic microbeads from 'rinse-off' personal care, cosmetic and some cleaning products (referred to as 'products' in this protocol). Once in the water, microbeads can have a damaging effect on marine life, the environment and human health. The best way to reduce their overall impact is to prevent them from entering the environment.

This Protocol outlines measures taken to date and details actions to June 2022 to support the continued success of the phase-out of microbeads and to ensure they do not re-enter the market through imports or new products. The measures outlined in the Protocol are to be implemented by Accord Australasia Limited, the national industry association representing manufactures and suppliers of hygiene, cosmetic and specialty products, their raw material suppliers and service providers.

Background

At the Meeting of Environment Ministers (MEM) held on 25 November 2016, ministers agreed to support a voluntary industry phase-out of plastic microbeads found in 'rinse-off' personal care, cosmetics and some cleaning products by July 2018. The voluntary phase out was led by Accord and overseen by the Commonwealth Department of Environment and Energy and the NSW Environment Protection Authority.

In response to this MEM decision, Accord launched its BeadRecede campaign in February 2017. BeadRecede is essentially a two-pronged campaign. Firstly, it acted to raise industry awareness and encourage companies that may produce or sell in-scope products containing solid plastic microbeads to comply with the phase-out. Secondly, it has offered government agencies a convenient one-stop-shop for broad industry outreach and for consolidation of six-monthly progress reports.

Progress to date

Accord, through its BeadRecede campaign has contacted and received responses from the bulk of companies producing in-scope products sold in the Australian market. Accord also identified and targeted the heavy-duty industrial hand wash market, which has not been included in comparable overseas phase-outs.

Eighty percent of companies contacted have completed their product reformulations and phased-out solid plastic microbeads. Figures obtained by Accord from BeadRecede data surveys show that as at October 2017 there had been an 82 percent reduction in the number of microbead-containing products on the Australian market since late 2014.

In January 2018, the Commonwealth Department of Environment and Energy reviewed the written responses that companies provided to Accord in response to the BeadRecede initiative. These responses outlined actions companies had taken, or committed to take, to comply with the phase-out by 2018. Company responses indicated they are replacing microbeads with natural biological materials such as cellulose, jojoba wax, bamboo beads, polenta and fruit/nut kernels. Commonwealth officials were satisfied that the responses reviewed supported a conclusion that the voluntary phase-out would be effective by mid-2018.

An independent assessment commissioned by the Department of Environment and Energy of the sale of cosmetic, personal care and some cleaning products that could potentially contain microbeads was undertaken between November 2017 and February 2018. This assessment covered both 'rinse-off' and 'wipe-off' products (which are outside the scope of the phase-out). The assessment found:

- 94 per cent of all products surveyed did not contain microbeads or other non-soluble plastic polymers
- The majority of the products identified as still containing solid plastic microbeads or other non-soluble plastic polymers were not rinse-off products and would not reach the marine environment under normal use and therefore fall outside the scope of the phase-out
- Some categories of rinse-off products, such as body washes, did not contain any microbeads or other non-soluble polymers.

While the independent assessment was carried out subject to some limitations, such as difficulty accessing some retail outlets and online sales platforms, the results support Accord's findings that few 'rinse-off' personal care cosmetic and cleaning products containing microbeads were still available in the Australian market as at February 2018.

Scope

The scope of the phase-out includes all personal care, cosmetic and cleaning products designed to be rinsed off the skin, hair or mouth with water during use or after use and therefore reasonably capable of entering the aquatic environment through normal use of the product. The protocol does not extend to:

1. Cosmetic products that are wiped-off, such as make up and lipsticks, as those products are not designed to be rinsed off.
2. Non-solid plastic ingredients (e.g. liquids or polyethylene waxes, which may be used for purposes such as a film former, softening or aesthetic film in hair fixatives, conditioners and thickeners).
3. Plastic microbeads contained in industrial cleaning products used in closed systems (e.g. air blasting media used in manufacturing process cleaning).
4. Plastic microbeads in medicines.
5. Plastic fibres from washing clothes.
6. Pre-production plastic pellets used to manufacture plastic products.

Actions to be undertaken by Accord within six months

Accord will undertake the following actions within the first six months (to 1 July 2019) of the implementation of the protocol:

- Publish a copy of this protocol on the BeadRecede website.
- Work with companies to remove microbeads from all 'rinse-off' products still on the market.
- Identify and secure commitment to the phase-out from Accord non-member companies. While good progress has been made in securing wide commitment to the phase-out among member companies, there are likely to be relevant non-member companies which have not yet been identified.
- Continue to work to ensure that cosmetic, personal-care and cleaning products regulated as therapeutic goods (other than medicines) under the *Therapeutic Goods Act 1989 (Cth)*, are effectively phased-out by 1 July 2019.
- Undertake further engagement with pharmacies, as to date the response from pharmacies has been low.
- Clarify and report on whether two non-soluble plastic polymers identified in the independent assessment – Polymethyl methacrylate and Methyl methacrylate cross polymer, are film-forming synthetic non-soluble plastic polymers rather than microbeads.
- Provide a written report to the Department of Environment and Energy outlining the steps taken to achieve each of the above requirements within eight months (by 1 September 2019) of the implementation of the Protocol.

Actions to be undertaken by Accord until June 2022

Accord will undertake the following actions on an ongoing basis up to and including June 2022:

Communication and Education

- Working relationships have been established with individual companies and industry associations involved in the manufacture and import of products covered by the voluntary phase out. Accord will continue to work with these organisations to ensure that the appropriate information is available to these parties to enable them to comply with the phase out. Engagement will be targeted at:
 - Accord members and non-members in the cosmetic and skin care sectors,
 - Accord members and non-members in the pharmacy, and retail sectors; and
 - Accord members and non-members in the industrial hand wash sector, including the heavy industry and the mining sectors.
- Accord will maintain and update information on the BeadRecede website to ensure that industry and the community are aware of the requirements of the phase-out.

- The website will provide up-to-date links to relevant policy and educational information on the Department of Environment and Energy and NSW EPA websites (as well as any relevant materials on the websites of other state or territory jurisdictions).
- The website will also include information on resources the public can use to determine if a product may contain microbeads. It will also provide information on how members of the public can alert Accord and relevant agencies to any products they may have concerns about.
- Accord will promote the phase-out by publishing articles in leading industry journals in all states and territories.
- Accord will liaise with other industry bodies including: Australian Food and Grocery Council, Australian Society of Cosmetic Chemists, Australian Self Medication Industry, Direct Sellers Association of Australia and Chemistry Australia to promote and monitor the success of the phase out.

Monitoring and progress reporting

Accord will:

- Undertake a yearly survey to identify new entrants or new products into the cosmetic, personal care and cleaning market (including industrial/institutional hygiene sectors). Any new entrants identified will be notified of the BeadRecede initiative and the phase-out. Accord will work with new entrants and existing companies containing microbeads to ensure in-scope products do not contain solid plastic microbeads.
- Network with relevant industry bodies and companies to monitor the progress of the phase out and to identify in-scope products containing microbeads in the:
 - Pharmacy, mass market and speciality retail sectors
 - Commercial and industrial/institutional hygiene sectors.
- Provide the Department of Environment and Energy with yearly progress reports on data obtained from Accord members and non-members, at the end of each calendar year, including:
 - number and types of products removed from the market
 - volume of products being supplied with or without microbeads
 - ingredients used in products as a substitute for solid plastic microbeads
 - the percentage of businesses (importers and manufactures of non-TGA products) that have committed to the phase out and the form of commitment
 - market share of those companies committed to phasing out
 - the percentage of suppliers of non-TGA products that have reduced baseline use of microbeads by 100%

- details of any new commitments by industry (including individual companies) that commit to remove microbeads from their products
- details of any companies whose products still contain microbeads and whether the company has committed to phasing-out microbeads.
- Notify the Department of Environment and Energy of any products on the market which still contain microbeads and whether the company is willing to phase out microbeads.

Parallel imports

- Under the Commonwealth *Copyright Act 1968* and the *Trade Marks Act 1995*, and the *Designs Act 2003*, parallel importation of branded product is allowed in Australia. There are also protections in the *Competition and Consumer Act 2010* for parallel imports.
- While the BeadRecede campaign has obtained commitments to phase out solid plastic microbeads from major global companies on the Australian market, the above laws could foreseeably see products containing microbeads coming into Australia from other markets via import agencies or retailers.
- Accord will work with brand name companies to undertake in-market surveillance of parallel imports and report any findings to the Department of Environment and Energy.