



COMMITTEE ON DEMOCRATS
ENERGY & COMMERCE
RANKING MEMBER FRANK PALLONE, JR.

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CONTACT
Christine Brennan—(202) 225-5735

Statement of Ranking Member Frank Pallone, Jr.
House Energy and Commerce Committee
Health Subcommittee
Hearing on “Examining Microbeads in Cosmetic Products”

(As Prepared for Delivery)

May 1, 2015

Thank you, Mr. Chairman, for holding this morning’s hearing examining microbeads in cosmetic products. The hearing also gives us an opportunity to discuss legislation that I have introduced with Chairman Upton, the “Microbead-Free Waters Act of 2015.” I would like to welcome our witnesses and thank them for sharing their knowledge with the committee today, particularly New Jersey State Senator Linda Greenstein. Senator Greenstein is a leader in New Jersey who worked hard to pass a state law banning the manufacture and sale of cosmetic products containing plastic microbeads.

Cosmetic products, like face and body washes, contain tiny plastic particles – or microbeads – that are used as exfoliants. While these plastic particles are not harmful to the user of the product, studies have shown that microbeads can easily escape the screens in wastewater treatment plants and enter our nation’s lakes, rivers, and oceans. A study by the 5 Gyres Institute, an organization dedicated to research and advocacy on the issue of plastic pollution,

found high concentrations of plastic microbeads in samples pulled from Lake Erie. In some cases, they found that plastic microbeads numbered more than 450,000 per square kilometer. This plastic does not belong in our nation's waters, and certainly not in such extreme amounts.

This high concentration of plastic microbeads in our country's lakes and other bodies of water is cause for concern for a number of reasons. Particles this small often float on the surface of the water and can attract other pollutants that collect on the water's surface. If consumed by fish and other organisms, these chemicals accumulated on the surface and inherent in the plastic itself can then travel up the food chain, potentially being transferred to humans who consume these fish, bivalves, and crustaceans.

I have serious concerns about fish and other aquatic life potentially ingesting these plastic particles and the effect this could have on humans who consume these fish. While many of us strive to eat local seafood caught by fishermen in our communities, we often eat seafood from other areas of the country. So until a national standard is set, we cannot be certain these particles are kept out of our nation's waters and are not being accidentally consumed by fish harvested from other regions of the country.

Further, there have been anecdotal reports by dentists and dental hygienists of plastic microbeads from toothpaste being found lodged in a patient's gum line, which could trap bacteria and lead to gingivitis. While no clinical study has demonstrated negative oral health effects, I remain concerned about the potential risks.

Last month, Chairman Upton and I introduced the "Microbead-Free Waters Act of 2015," legislation that requires FDA to prohibit the sale or distribution of cosmetics containing synthetic

plastic microbeads beginning January 1, 2018. I would like to thank Chairman Upton for joining me in this effort and I look forward to working with him to move this bill to markup. Our legislation builds on efforts already moving forward in many states, including a law banning plastic microbeads in my home state of New Jersey.

The legislation, as it is currently drafted, allows FDA to define a synthetic plastic microbead. The bill also does not currently address over the counter (OTC) drug products containing microbeads, of which toothpaste and acne creams are the most common examples. I remain open to including these products in the legislation. However, I also understand that there are concerns because FDA requires an 18 month stabilization period for reformulated OTC products, so it may be difficult to replace microbeads from these products on the same timeline. I hope to hear more about this potential challenge from our witnesses today.

I commend companies, such as Proctor & Gamble and Johnson & Johnson, who have already begun proactively phasing out the use of plastic microbeads in their products. But I believe we must set a federal standard that requires all companies selling cosmetics and personal care products to remove plastic microbeads from these goods. That is why I introduced the “Microbead-Free Waters Act” – to provide certainty at the federal level that these polluting plastics will finally be removed from our face scrubs, soaps and other personal care products.

Mr. Chairman, I would like to once again thank you for holding this morning’s hearing on this important issue. We’ve been able to come together on an issue to advance a commonsense solution that benefits our constituents and the environment. Thank you.