Cosmetics Europe
the personal care association

Regeringskansliet / Swedish Government
Miljö- och energidepartementet / Ministry of the Environment and Energy
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Brussels, 05 April 2017

Subject: Response to the Swedish Government's Consultation addressing a ban on plastic particles in cosmetic products which are intended to be rinsed off

Dear Deputy Director Classon,

Thank you for inviting Cosmetics Europe to respond to the Swedish Government's Consultation on the use of plastic particles in wash-off cosmetic products.

The European cosmetics and personal care industry has taken positive action to address the issue of plastic microbeads. Indeed, in October 2015, in view of public concerns expressed over plastic litter in the marine environment and given the availability of alternative materials, Cosmetics Europe recommended to its membership to discontinue, in wash-off[i] cosmetic products placed on the market as of 2020: the use of synthetic, solid plastic particles used for exfoliating and cleansing (i.e. plastic microbeads[ii]) that are nonbiodegradable in the marine environment. The Cosmetics Europe recommendation built on voluntary initiatives already taken by individual member companies of our association. A Cosmetics Europe survey, conducted in 2016, and covering use during 2015, assessed the effectiveness of the industry voluntary actions.

We are pleased to share with you the results of the Cosmetics Europe membership survey*conducted in 2016[iii], which shows a rapid and substantial reduction in the use of plastic microbeads for exfoliating and cleansing purposes in wash-off cosmetic and personal care products. The survey, shows an 82% reduction, comparing use in 2012[iv] with the use in 2015, of plastic microbeads used for exfoliating and cleansing in wash-off cosmetic and personal care products. 3600 tons of plastic microbeads have been substituted and removed from wash-off cosmetic and personal care products between 2012[v] and 2015.

It should be noted that the tonnage reported represents the total amount of plastic microbeads as used in 2015. It does not reflect the volume of plastic microbeads used in wash-off cosmetic products that may potentially contribute to plastic marine litter, given that the

large majority of this volume will indeed be captured and removed by the waste water treatment plants prior to discharge. Indeed, scientific studies[vi, vii] suggest that up to 99% of microplastics would be captured by the waste water treatment plants.

This only reinforces the fact that the cosmetics and personal care sector is an extremely minor potential contributor[iv, viii] to the total amount of marine plastic debris: one report estimated this to have been between 0.1% and 1.5 % in 2012[iv]. Given the above 2016 survey results, any such potential minor contribution will also now have reduced significantly.

The pro-active and progressive commitments taken have resulted in a rapid and substantial reduction which demonstrates the strength and the effectiveness of the voluntary action taken by the European cosmetics and personal care industry.

Given the significant progress made to date, we anticipate we are on track to meet the objectives of the Cosmetics Europe recommendation of a phase-out of microbeads used for exfoliating and cleansing in wash-off products, before the 2020 deadline.

We represent a responsible and environmentally minded industry that is taking positive action on this matter. As such, Cosmetics Europe will annually monitor and report the findings of the effectiveness of the European industry's voluntary action until we have reached our objective and a complete phase-out of plastic microbeads for exfoliating and cleansing uses in wash-off cosmetic and personal care products is delivered.

It should be noted that the European Commission is considering Plastic Marine Litter including in this context intentionally added plastic microbeads to products, as part of its forthcoming Plastics Strategy due towards the end of 2017.

Should the Swedish Government consider that action at national level is the appropriate path, then Cosmetics Europe is of the view that:

- In line with the Better Regulation principles, the effectiveness of our industry's voluntary initiatives should be taken into consideration to ensure proportionate policies.
- It is imperative that any legislation is based on firm scientific evidence of risk to the marine environment.
- The appropriate ban should focus on the use of, plastic microbeads, i.e. any intentionally added, 5 mm or less, water insoluble, solid plastic particle used to exfoliate or cleanse in rinse-off personal care products. Cosmetics Europe is not aware of any scientific evidence demonstrating that ingredients from other products, outside rinse-off products that are intended to be washed off with water during use or within a few minutes of application and go down the drain straight away, present a risk to the aquatic environment.

  Indeed, if the scope of any potential legislative action was to be extended beyond plastic microbeads for exfoliating and cleansing uses in wash-off cosmetic and personal care products to also include leave-on cosmetic and personal care

products, this would not be based on Better Regulation principles and firm scientific evidence and would moreover require the reformulation of many thousands of products with consequential impact and yet, without real benefits for the marine environment.

- It is important that any possible regulatory action is aligned with other global legislations already in place, such as the USA Microbead-Free Waters Act of 2015.
- It is essential that any action is built on clear definitions. We take the liberty of attaching definitions developed by experts across the global cosmetics and personal care industry which our sector considers are the appropriate definitions to be used in any proportionate and scientifically based policy action on this topic.

We thank you for the opportunity of responding to the public consultation addressing a ban on plastic particles in cosmetic products which are intended to be rinsed off and remain at your disposal to discuss the results of our survey or any aspect we have outlined in this submission.

Yours sincerely,

Loïc Armand
President

John Chave
Director General

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*About the Cosmetics Europe 2016 Plastic Microbeads Survey

The survey is part of our ongoing commitments to monitor the effectiveness of the Cosmetics Europe's October 2015 Recommendation to its membership to discontinue, in wash-off cosmetic products placed on the market as of 2020: the use of synthetic, solid plastic particles used for exfoliating and cleansing (i.e. microbeads) that are nonbiodegradable in the marine environment.

Cosmetics Europe requested all its members to complete a survey regarding their individual use of solid plastic particles in cosmetic products. The survey was focused on products marketed in the European Union, Norway and Switzerland. Members were requested to provide the INCI Name of the materials used, the particle size and particle shape for the year of 2015. For the purposes of the survey, participants were asked to provide information on petroleum-based solid particles in cosmetic products of any size < 5mm.

The Cosmetics Europe survey was conducted in 2016 and covers the annual figures of the year 2015. The survey includes commercially sensitive information and therefore only the aggregated data included above can be made publicly available.

Cosmetics Europe is the European trade association for the cosmetics and personal care industry. Our members include cosmetics and personal care manufacturers, and also associations representing our industry at national level, right across Europe. Directly, or through our national membership, Cosmetics Europe represents the interests of more than 4600 companies both large and small and medium sized. In 2015, direct and indirect employment in the European cosmetics industry was approximately 2 million people. Cosmetic products are used by virtually all of Europe's 700 million people every day. For more information, please visit our website: www.cosmeticseurope.eu.

i A wash-off product is cosmetic product intended to be removed with water a short period of time after use e.g. in a bath or shower. In the USA these are referred to as rinse off products

ii A microbead is an intentionally added, 5 mm or less, water insoluble, solid plastic particle used to exfoliate or cleanse in wash-off cosmetic and personal care products. Wash off cosmetics products are: Shampoos, Rinse-off Hair Conditioners, Toothpastes, Scrub and Exfoliating Products, Shaving Foam, Shower Gels, Hand Soaps and Soap Bars.

iii The Cosmetics Europe 2016 survey covered tonnages used by Cosmetics Europe Members in 2015

iv Gouin et al 2015, "Use of Micro-Plastic Beads in Cosmetic Products in Europe and Their Estimated Emission to the North Sea Environment".

v 4360 tons were reported as used in 2012, ref: Gouin et al 2015, "Use of Micro-Plastic Beads in Cosmetic Products in Europe and Their Estimated Emission to the North Sea Environment".

vi Screening of microplastic particles in and downstream a waste water treatment plant: Magnussen and Norden 2014.

vii Microplastics in Danish wastewater, Sources, occurrences and fate, Environmental Project No. 1906, Ministry of Environment and Food of Denmark, Environmental Protection Agency, December 2016.

viii Sources of microplastics relevant to marine protection in Germany; Essel et al., 2015 Sources of microplastic pollution to the marine environment; Sundt et al., 2015 Microplastics: Occurrence, effects and sources of releases to the environment in Denmark; Lassen et al., 2015: Duis and Coors, Environ Sci Eur (2016) 28:2 "Microplastics in the aquatic and terrestrial environment: sources (with a specific focus on personal care products), fate and effects"; A report by the United Nations Environment Programme on plastic marine litter concludes, "Although the use of microplastics in [personal care products] may appear to represent a significant source, it is relatively small compared with other sources of… microplastics into the environment..."