

Testimony of the  
**CONSUMER HEALTHCARE PRODUCTS ASSOCIATION**  
*concerning*  
**HOUSE BILL 5286**  
*presented to the*  
**JOINT ENVIRONMENT COMMITTEE**  
**STATE OF CONNECTICUT**  
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Good afternoon, Chairman Kennedy, Chairman Albis and distinguished members of the Joint Environment Committee, my name is Sean Moore and I am testifying today on behalf of the Consumer Healthcare Products Association (CHPA) concerning **House Bill 5286** – a bill that would prohibit the use of synthetic plastic microbeads in personal care products and over-the-counter medicines.

CHPA is the 133-year-old trade association representing the leading manufacturers and marketers of over-the-counter (OTC) medicines and dietary supplements. Every dollar spent by consumers on OTC medicines saves the U.S. healthcare system \$6-\$7, contributing a total of \$102 billion in savings each year. CHPA is committed to promoting the increasingly vital role of over-the-counter medicines and dietary supplements in America's healthcare system through science, education, and advocacy.

CHPA member companies understand that plastic pollution in the environment is of concern to regulators, policy makers, advocacy groups and the public. CHPA's member companies do not oppose the phase-out of plastic microbeads from over-the-counter (OTC) medications. In fact, many manufacturers have already begun proactively phasing-out the use of synthetic plastic microbeads.

CHPA supports uniform state solutions aimed at avoiding a patchwork of differing laws to address concerns related to synthetic plastic microbeads. To date, Illinois is the only state to have passed a law prohibiting the sale of products containing synthetic plastic microbeads<sup>1</sup>, though as many as 27 states will consider legislation on the issue in 2015. By mirroring the existing Illinois law, Connecticut can mandate microbeads be phased out of personal care products and over-the-counter medicines, while ensuring reasonable effective dates and uniform definitions for key terms. This would closely align with proposals that have been approved by the Hawaii House of Representatives, the Indiana House of Representatives, and both houses of the legislatures in Colorado, Maine and New Jersey. Additionally, the Illinois law was adopted as suggested state legislation by the Council of State Governments.

To this end, CHPA proposes to amend H.B. 5286, as discussed below, to align the policy with the Illinois law.

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<sup>1</sup> Illinois Public Act 098-0638 – Signed into law June 9, 2014

CHPA proposes amending the legislation so that it provides a uniform timeframe for implementation.

Consumers demand products that perform effectively and consistently. The January 1, 2017 timeframe proposed in the bill does not provide manufacturers adequate time to identify and phase-in viable alternatives to plastic microbeads. Many manufacturers have ceased developing new products containing plastic microbeads and are working to formulate comparable replacement products. When altering the formulation of an OTC medication, manufacturers require more lead time than is provided in H.B. 5286.

Changing OTC formulations requires manufacturers to first complete the necessary product research and development and complete clinical trials and stability testing in accordance with good manufacturing practices and regulations. After approving a new formulation, the ingredient supply chain must be realigned to assure sufficient supply for production. New labels and marketing materials must be designed; many label claims are based on comparative studies, which will need to be redone. Machinery may need to be recalibrated or replaced, and at the same time, existing inventories must be cleared at both the wholesale and retail level to avoid unintentional violations.

Adopting the effective dates included in the Illinois law is critical and would provide manufacturers the time necessary to replace plastic microbeads in all of the affected product lines. As such, CHPA recommends including the following timelines in H.B. 5286:

- a. Beginning December 31, 2017, no person shall manufacture for sale a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.
- b. Beginning December 31, 2018, no person shall accept for sale a personal care product, except for an over-the-counter drug, that contains synthetic plastic microbeads.
- c. Beginning December 31, 2018, no person shall manufacture for sale an over-the-counter drug that contains synthetic plastic microbeads.
- d. Beginning December 31, 2019, no person shall accept for sale an over-the-counter drug that contains synthetic plastic microbeads.

CHPA proposes amending the legislation so that it provides universal definitions.

Given that fully half the country is considering legislation on this emerging issue, and because our members' products are marketed nationally, it is exceedingly important to maintain uniformity between state laws. CHPA recommends amending H.B. 5286 to provide the following definitions, which align with the Illinois law:

**"over-the-counter drug"** means a drug that is a personal care product that contains a label that identifies the product as a drug as required by 21 CFR 201.66. An "over-the-counter drug" label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

**"personal care product"** means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of any such article, including but not limited to hand and body soaps, exfoliates, shampoos, toothpastes, and scrubs. "Personal care product" does not include a product for which a prescription is required for distribution or dispensation.

**"plastic"** means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during life cycle and after disposal.

**"synthetic plastic microbead"** means any intentionally added non-biodegradable solid plastic particle measured less than five millimeters in size and is used to exfoliate or cleanse in a rinse-off product.

I have attached a mock-up of H.B. 5286 that outlines the changes necessary to bring the bill into line with the Illinois law. CHPA is opposed to the passage of H.B. 5286 unless amended as discussed above.

We respectfully encourage the committee to amend House Bill 5286 to align with the approach being taken by other states. CHPA sincerely appreciates your consideration of our position on this important issue. I am happy to answer any questions you might have.