

Restrictions on the Manufacture, Import, and Sale of Personal Care and Cosmetics Products Containing Plastic Microbeads

Overview of Draft

In order to facilitate exfoliation and cleaning, enterprises have commonly added solid plastic microbeads to personal care and cosmetics products based on considerations of cost and product effectiveness. However, since solid plastic microbeads possess the characteristics of small size, small mass, and large quantity, after they are rinsed off, they cannot be effectively collected, removed, or disposed of, and consequently enter water bodies and the environment via the sewage collection system. In the marine environment, the microbeads readily adsorb harmful substances and may accumulate within the bodies of aquatic organisms, causing harm to the environment and ecosystem.

In view of the fact that solid plastic microbeads do not naturally decompose in water bodies or the environment, and their small particle diameter makes them difficult to eliminate, various countries have gradually imposed controls on plastic microbeads contained in products, such as facial cleanser, body wash, and toothpaste. Because plastic microbeads constitute one of the additive components in products, many countries have preferred to adopt restriction at the source, while regulating the microbeads at the product stage, which achieves the goals of effective management and reducing impact on various parties. For instance, the United States completed legislation of the *Microbead-Free Waters Act of 2015* on December 28, 2015, and this act prescribed the successive bans on the manufacture, import, and sale of cosmetics containing plastic microbeads starting from July 1, 2017.

In light of international management trends, and in order to reduce the use of products containing plastic microbeads at the consumer-end by

inducing domestic manufacturers to adjust their raw material composition and change to environmentally-friendly substitute materials, and inducing importers to purchase products not containing plastic microbeads, the Environmental Protection Administration, Executive Yuan has accordingly drafted the *Restrictions on the Manufacture, Import, and Sale of Personal Care and Cosmetics Products Containing Plastic Microbeads (Draft)* as authorized by Article 21 of the *Waste Disposal Act*; the *Restrictions* prescribe the restriction in stages of the manufacture, import, and sale of personal care and cosmetics products containing plastic microbeads, with the provision of a transition period for the controlled materials; the key points of the *Restrictions* are as follows:

1. Definition of the name of the Announcement (Announced Item I)
2. Types of controlled personal care and cosmetics products, and their scope. (Announced Item II)
3. Limitations on the audit of product manufacture, import, and sale (Announced Item III)
4. Time-limited improvement measures imposed when noncompliant products are found (Announced Item IV)

Draft of the *Restrictions on the Manufacture, Import, and Sale of Personal Care and Cosmetics Products Containing Plastic Microbeads*

Public Announcement

Announcement	Explanation
Subject: The " <i>Restrictions on the Manufacture, Import, and Sale of Personal Care and cosmetics Products Containing Plastic Microbeads (Draft)</i> " with the provisions of Item II taking effect from January 1, 2020, and the remaining provisions taking effect from July 1, 2018.	<ol style="list-style-type: none">1. Name of Announcement and date of implementation.2. In view of the rights of manufacturers and importers who have received a "medicated cosmetics permit" from the Ministry of Health and Welfare prior to the date this Announcement takes effect, and in view of the time needed to adopt response measures in conjunction with this Announcement, it is accordingly specified that personal care and cosmetics products containing plastic microbeads may not be manufactured or imported beginning on July 1, 2018; this will provide enterprises a transition period of at least 20 months from the date of the pre-announcement of this Draft.3. In view of the time needed to sell those personal care and cosmetics products containing plastic microbeads that have been manufactured and imported legally prior to the date this Announcement takes effect, in reference to the approach and control schedule adopted by the United States, it is hereby specified that the second stage of controls will take effect from January 1, 2020, at which time full-scale control will be achieved by the prohibition of the sale of personal care and cosmetics products containing plastic microbeads.
Basis: Article 21, <i>Waste Disposal Act</i>	Legal basis.
Announced items: I. Terms used in this Official Announcement are defined as follows:	<ol style="list-style-type: none">1. Definition of terms used in this Announcement.2. The definitions of cosmetics are in

<p>A.“Cosmetics” means those products termed cosmetics in the <i>Statute for Control of Cosmetic Hygiene</i>.</p> <p>B.“Personal care products” means those products used for cleaning one's body, and which must be rinsed off with water after use.</p> <p>C.“Toothpaste” means products generally used to protect the surface of people's teeth and surrounding tissue, specifically semi-solid or powder blended products that take the form of a paste, cream, or gel.</p> <p>D.“Plastic microbeads” means solid plastic particles used for exfoliation or cleaning of the body wherein the scope of particles diameter is smaller than 5 mm.</p> <p>E.“Manufacturer” means an enterprise that engages in the manufacture of personal care and cosmetics products.</p> <p>F.“Importer” means a business that engages in the importation of personal care and cosmetics products.</p> <p>G.“Vendor” means a business that engages in the sale (including wholesaling, retailing, and presentation as gifts or prizes, etc.) of personal care and cosmetics products.</p>	<p>accordance with the regulations of Article 3 of the <i>Statute for Control of Cosmetic Hygiene</i>, which is the governing law concerning cosmetics in Taiwan, and the types and scopes of cosmetics party in accordance with the central health competent authority's relevant announcements.</p> <p>3. The definition of toothpaste is in accordance with the regulations of <i>Chinese National Standards (CNS) 15492</i>.</p> <p>4. The definition of plastic microbeads is adopted from the United States' <i>Microbead-Free Waters Act of 2015</i>; the materials used in those microbeads currently commonly seen on the market consist of polyethylene (PE), polypropylene (PP), polyethylene terephthalate (PET), polymethyl methacrylate (PMMA), and nylon.</p>
<p>II. Manufacturers, importers, and vendors may not manufacture, import, or sell the following personal care and cosmetics products containing plastic microbeads:</p> <p>A. Cosmetics used for washing hair, cosmetics used for bathing, cosmetics used for face-washing, and soap as defined in relevant provisions of the <i>Statute for Control of Cosmetic Hygiene</i>.</p> <p>B. Toothpaste.</p>	<p>1. Types of personal care and cosmetics products containing plastic microbeads controlled pursuant to this Announcement and scope of controlled items.</p> <p>2. This Announcement specifies the types of cosmetics whose manufacture, import, and sale are restricted in accordance with the "List of Cosmetic Scope and Types" announced under authorization in Article 3 of the <i>Statute for Control of Cosmetic Hygiene</i>, and also includes those personal care products to which plastic microbeads may be added under the scope of control.</p>
<p>III. The competent authority may dispatch personnel (carrying identification documents) to enter manufacturer's,</p>	<p>1. The competent authority may enter operating premises in order to perform audits and sampling inspection of the</p>

<p>importer's or vendor's premises to inspect personal care and cosmetics products manufacturing, importation or vending operations, and may request a maximum of 3 inspection samples of each product of the same type and relevant information, and the manufacturer, importer or vendor may not refuse, seek to evade, or obstruct such inspection.</p>	<p>state of manufacture, import, and sale of personal care and cosmetics products.</p> <p>2. With regard to sampling and testing for the presence of plastic microbeads in personal care and cosmetics products, enterprises must provide up to a limit of three samples for testing; of these samples, one shall be used to provide a basis for legal enforcement in connection with the current inspection, another may be used for re-testing, and the competent authority shall preserve one sample in order to avoid subsequent disputes.</p>
<p>IV. After the competent authority has performed inspection and testing of personal care and cosmetics products whose manufacture, import, or sale is restricted, when plastic microbeads have been found, the competent authority may require the vendor to take down the products, and order the manufacturer or importer to recall the product in question from stores, and return or dispose of the product (in accordance with the provisions of the <i>Waste Disposal Act</i>), within a specified time limit.</p>	<p>Regulations governing improvement within a limited time period if sample testing discovers controlled personal care and cosmetics products.</p>