



April 7, 2015

Environmental Concerns – HB 3478

Chair Vega Pederson, members of the House Committee on Energy and Environment

Thank you for the opportunity to provide testimony on HB 3478, a bill that would phase out the use of synthetic plastic microbeads in personal care products. The Surfrider Foundation's Oregon Chapters have high environmental concerns over the use and ultimate fate of these products in our oceans and waterways. Surfrider Foundation is an environmental non-profit organization that is dedicated to the protection and enjoyment of the world's oceans, waves and beaches. In Oregon, we operate through an extensive volunteer chapter network engaging in campaigns and programs, including our Rise Above Plastics Program, which aims to keep plastic pollution out of our oceans and waterways.

Many consumer products sold in the United States, including Oregon, such as facial scrubs, shampoos, soaps, toothpastes and deodorant, contain microplastic particles as abrasives and exfoliants. These particles are made of Polyethylene (PE), Polypropylene (PP), Polyethylene Terephthalate (PET), Polymethyl methacrylate (PPMA) and Nylon. In most cases, microplastic particles are intended to be washed down the drain after use. However, most wastewater treatment facilities are incapable of capturing them, as they are too small, do not biodegrade, and float. As a result, microplastics are entering our waterways, and ultimately polluting our oceans. Microplastic particles are found in all oceanic gyres, bays, gulfs and seas worldwide.

This is cause for alarm for many reasons. First, plastic does not biodegrade into elements or compounds commonly found in nature like other organic materials, but instead photodegrades into smaller pieces of plastic causing land and water pollution that is virtually impossible to remediate. Second, microplastic debris absorbs toxic, environmentally persistent chemicals such as DDT, PCBs, PAHs, and flame retardants found in our waterways. In 2011, the National Oceanic Atmospheric Association found that plastic debris accumulates pollutants such as PCBs up to 100,000 to 1,000,000 times the levels found in seawater<sup>1</sup>. Thus, aside from the negative effects of plastic consumption by marine life, such as intestinal clogging and starvation, fish can become contaminated by the plastic's absorbed toxins, which bioaccumulate up the food chain negatively impacting animals who feed on fish, including some humans.

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<sup>1</sup> National Oceanic and Atmospheric Association, "What We Know About: Plastic Marine Debris." Sept. 2011, *available at*:

[http://marinedebris.noaa.gov/sites/default/files/Gen\\_Plastic-hi\\_9-20-11\\_0.pdf](http://marinedebris.noaa.gov/sites/default/files/Gen_Plastic-hi_9-20-11_0.pdf)

While Surfrider members, volunteers and supporters believe that HB 3478 aims to eliminate the foregoing concerns of synthetic plastic microbeads, as the bill is currently written, we feel the policy will have little to no impact on the use of these additives and their pervasive nature within our aquatic and marine environments. Specifically, the exclusion of “biodegradable” microbeads is misleading at best and without definition, creates an expansive loophole for the plastics and personal care products industry, which will render any attempts to mitigate the foregoing environmental problems futile.

Plastics claimed to be biodegradable tend to not actually biodegrade into benign substances, but to break down into smaller pieces that exacerbate the plastic pollution problem. The term “biodegradable” has been abused by marketers and investigated by the U.S. Federal Trade Commission for violation of their Green Guidelines<sup>2</sup>. Further, as with traditional plastics, “biodegradable” plastics contain chemical additives that may be unknown and additionally dangerous. There are already viable safer, non-polluting alternatives, such as natural apricot shells, oatmeal and cocoa beans, all of which have been traditionally used to reach the same personal care and cosmetic goals.

Should such amendments be introduced which either strike biodegradable exclusion or further define biodegradable specifically and appropriately within the marine and aquatic environment, we feel this bill could be a positive step in beginning to curb plastic pollution that threatens Oregon’s valuable watershed and ocean resources.

On behalf of our Newport, Coos Bay, Siuslaw and Portland Chapters and greater statewide membership in Oregon,

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<sup>2</sup> FTC Cracks Down on Misleading and Unsubstantiated Environmental Marketing Claims. Press Release, Oct. 2013. <http://www.ftc.gov/news-events/press-releases/2013/10/ftc-cracks-down-misleading-unsubstantiated-environmental>