



June 1, 2015
Support –A10 for HB 3478

Chair Edwards, members of the Senate Committee on Environment and Natural Resources

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 in addition to the magnitude of issues they create for waste management. Surfrider Foundation is a grassroots, 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.

Our organization has worked with many environmental groups, municipal waste managers and recycling organizations for years on addressing solutions to the problems that plastic pollution poses. While many challenges remain in preventing plastic from entering our environment and impacting our wastestreams and management, HB 3478 takes a simple approach to eliminating a source of plastics that's completely controllable through its introduction in products intended to be washed down the drain.

Surfrider worked extensively with our partners during the introduction of this bill in the House to address concerns raised by municipal waste managers, recyclers, environmental groups and our broader constituency over the exemption and standards language for biodegradable plastics. We applaud the work of Representative Piluso and her staff in addressing those concerns through the proposed –A10 amendments and strongly support HB3478 with this amendment.

Attached is our previous testimony, which outlines primary drivers and interests for the –A10 amendments. We understand that the Personal Care Products Council favors amendments specifying standards for inclusion of biodegradable plastic microbeads and below we briefly outline again our concerns with including this in an HB 3478:

- 1) This is a bill to remove plastic microbeads from products not to create standards for the biodegradable plastics industry. It's about removing plastic from a product, not defining new types of plastics.
- 2) Inclusion of biodegradable standards would require state adoption of federal or international ATSM standards (which currently do not exist) or it would require rulemaking for Department of Environmental Quality; which subsequently would come with a fiscal impact for standards development and rulemaking process.
- 3) The problems with standards for biodegradable plastics go well beyond the marine environment and wastewater management. Plastic products promoted as

biodegradable and compostable are extremely problematic for waste managers and recyclers, especially those engaged within municipal or industrial composting. Opening up this bill to define and describe these standards will illicit pushback from these entities and invites a host of these other waste management and consumer issues to the table.

- 4) The Personal Care Products Council, which supported the original introduction of this legislation, has not been opposed to not defining these standards for inclusion in microbead bills in other states, so why should Oregon settle for less?

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 Guidelines¹. 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.

* ATSM D7081 for non-floating biodegradable plastics in the marine environment has been withdrawn. Further, this specification is problematic providing for too long of a degradation period to prevent bioavailability to wildlife and problems with wastewater management.

On behalf of our Newport, Coos Bay, Siuslaw and Portland Chapters and greater statewide membership in Oregon, we strongly support the adoption of proposed –A10 and passage of HB 3478 under these amendments.

Sincerely,

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¹ 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>