



Welsh Government
Consultation – summary of responses

Implementing a ban on plastic microbeads in Wales

Proposals for implementing and enforcing a ban in Wales on the manufacture and sale of cosmetics and personal care products containing plastic microbeads

January 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Contents

1. Background.....3

2. Overview of responses.....3

3. Summary of responses3

4. Next steps.....6

5. List of Respondents7

1. Background

In August 2017 Lesley Griffiths, the then Cabinet Secretary for Environment and Rural Affairs took the decision to ban products containing plastic microbeads in rinse-off cosmetics and personal care products in Wales. This decision followed a joint consultation by all four UK administrations (Wales, England, Scotland and Northern Ireland), which closed on 28 February 2017.

A further consultation on proposals for implementing and enforcing a ban in Wales was launched 16 October and closed 8 January after a 12 week formal consultation period.

The consultation asked for comments from all interested parties and provided further information to all manufacturers and retailers, to make them aware of the ban and to give them sufficient time to make the necessary preparations.

This document contains a summary of responses to the Welsh Government consultation on proposals for implementing and enforcing a ban in Wales ([link to consultation](#)).

The Welsh Government would like to thank everyone for taking the time to respond to the consultation.

2. Overview of responses

In total 62 responses were received to the consultation with a wide range of respondents including industry manufacturers, retailers, local authorities, environmental non-government organisations and consumers. 57 Responses were received online and a further 5 responses received directly to the Welsh Government.

Respondents showed overall support for the proposals as outlined in the consultation document. Over 90% of respondents were in favour of the ban being enforced through a civil sanctions regime with the Local Authorities being responsible for its enforcement, which is likely to be carried out by the Trading Standards service.

3. Summary of responses

Of the 62 responses, the breakdown of stakeholder responses, by sector is:

Cosmetics / personal care product manufacturer	2
Cosmetics / personal care product retailer	1
Cosmetics / personal care product consumer	47
Environmental non-government organisation	10
Local authority/council	2
Legal organisation	0
Other	0

The consultation asked a number of questions:

1. Do you agree with our understanding of potential impacts on businesses in Wales?

93% of respondents agreed with our understanding of the potential impacts on businesses in Wales.

Comments from the 4 people who did not agree included, stating the importance of the ban and the consultation document did not detail how businesses would dispose of non-compliant stock before the ban comes into effect.

2. Do you agree Trading Standards are the most appropriate body to enforce a ban on microbeads?

91% of respondents agreed Trading Standards to be the most appropriate body to enforce the ban.

Comments included, a recognition the Cosmetics Regulation is enforced in the UK via the UK Cosmetic Products Enforcement Regulations 2013 which specifies the role of the authorities, the penalties and the enforcement process. Enforcement in the UK is carried out by Trading Standards.

Comments from the 5 people who disagreed included, being unsure whether Trading Standards had the necessary staff and powers, and considered they do not deal with environmental issues. Other comments included, suggestions for wider environmental legislation to ban all products containing plastic microbeads to prevent disposable plastics entering the natural environment.

3. Do you agree this enforcement regime and the approach is reasonable and proportionate?

95% of respondents agreed with the proposed enforcement regime. 3 people disagreed with the proposed enforcement regime. Comments included a suggestion to have incentives alongside enforcement. Others included suggesting microbeads should be banned in all products because all plastics are toxic to our environment.

4. Do you agree with the level of variable monetary penalties?

79% of respondents agreed with the level of variable monetary penalties. Comments from the 12 who disagreed suggested the penalties should be higher. Suggested maximum penalties ranged from £7,500 up to 100 x the proposed level, or the offence should be punishable with a substantial fine and imprisonment.

5. Do you agree with the proposals for the appeals mechanism?

89% agreed with the proposed appeals mechanism. Comments from the 6 people who did not agree suggested appeals should be time limited, or there should not be an appeals mechanism available and companies should be fully aware of environmental laws before manufacture.

We asked the following questions regarding how the ban will affect the Welsh language.

6. What effects do you think banning rinse-off products containing plastic microbeads would have on the Welsh language? How could positive effects be increased, or negative effects be mitigated?

7. Please also explain how you believe the proposed policy could be formulated or changed so as to:

- **have positive effects or increased positive effects on opportunities for people to use the Welsh language and to treat the Welsh language no less favourably than the English language;**
- **offer no adverse effects on opportunities for people to use the Welsh language and to treat the Welsh language no less favourably than the English language.**

64% answered these questions and the majority of respondents thought the microbead ban would have little or no effect on the Welsh language.

One respondent said positive effects could be increased through targeted marketing and advertising and promoting the ban through the Welsh language. Others said communication and legislation should be made available bilingually. One respondent said there is an opportunity for Welsh companies to develop products that use more natural and organic ingredients.

The final question gave respondents an opportunity to raise any other related issues.

8. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them

Comments received from the 17 people who responded to this question included:

- Extend the ban to leave-on products, not just rinse-off products.
- Consider extending the ban to all products which contain microbeads e.g. brighteners in washing powders, and glitter.
- Taxing people for not recycling their waste. Encourage systems which allow people to recover and re-use materials.
- Encourage big corporations to stop producing single-use plastic packaging through non-recycling tax.
- How will market and car boot traders be regulated?
- There should be a legal requirement that compliance be monitored.

- Suggestion for ways to show people how their actions have made environmental changes, such as competitions to observe changes in improved conditions.
- Provide consumer advice on how to dispose of microbead products which we no longer wish to use as throwing down the drain is not an option. UK Cosmetics, Toiletry and Perfumery Association (CTPA) welcomes the microbead ban in Wales and stated the industry has been acting voluntarily to remove plastic microbeads products since 2015 as part of a Europe-wide initiative.

4. Next steps

The next steps in the legislative process will be to notify the EU and World Trade Organisation's (WTO) members of our intention to implement the microbeads ban through secondary legislation.

The WTO agreement on technical barriers to trade aims to ensure regulations do not create unnecessary obstacles to international trade. The notification process gives the European Commission, Member States and WTO members, an opportunity to consider and provide comments on the proposals.

A notice will be published in the Western Mail and London Gazette to inform members of the public where they can view a copy of the draft legislation.

Once the notification process has been completed the draft legislation will be finalised and laid before the National Assembly for Wales.

If the Welsh Ministers approve the legislation the ban on the manufacture and sale of products containing plastic microbeads will come into effect from 30 June 2018.

Once the ban is in place it will be a criminal offence for anyone to manufacture, sell or offer to supply any rinse-off cosmetic or personal care products which contain plastic microbeads in Wales.

5. List of Respondents

Details of the 29 respondents who requested their details be withheld have not been included within this list.

Madeleine Gray
Karen Rogers
Cheryl Dobbinson
Ian Jones
M Decas
William Johnson
Philip McGregor
Chris Brown
Sarah Richard
Jo Ashburner
Huw Edgar-Evans
Ruth Sharratt
Carolyn Read
Dave Midwinter
Karen Laurence
Oliver Davies
Ann Jones
David Hughes
Nicola Shedden
Gaylor Boobyer
Georgina Gittins
Lisa Morgan
Dr Rosetta M Plummer
Mike Pitt

Dr Stephen Marsh- Smith – Afonydd Cymru, representing the six rivers trusts of Wales
Clare Reed – Wales Environment Link
Tony Young – Friends of the Earth Cymru
Ffion Matthews – Friends of the Earth Cymru
Janet Evans – Friends of the Earth, Conwy
Carole Jacob – Friends of the Earth, Torfaen
Michel Regelous – National Parks Wales - this is an officer response for Brecon Beacons, Pembrokeshire Coast and Snowdonia National Park authorities.
Mick Green – Whale and Dolphin Conservation
The Cosmetic, Toiletry and Perfumery Association (CTPA)