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For a thriving New England

CLF Rhode Island 235 Promenade Street
Suite 560, Mailbox 28
Providence, RI 02908
P: 401.351.1102
F: 401.351.1130
www.clf.org

Via Electronic Mail

April 4, 2024

The Honorable David A. Bennett
Chair, House Environment & Natural Resources Committee
Room 101, State House
Providence, RI 02903

Re: CLF **Supports** House Bill No. 7515 – The Microplastics Reduction Act

Dear Chair Bennett:

Conservation Law Foundation ("CLF") appreciates the opportunity to comment on House Bill No. 7515, The Microplastics Reduction Act. We offer our enthusiastic support for this bill.

CLF is a member-supported non-profit advocacy organization working to protect public health and the environment and build healthy communities in Rhode Island and throughout New England. Through its Zero Waste Project, CLF aims to improve waste management through source reduction, recycling, and composting, and to protect our communities from the dangers posed by unsustainable waste management practices.

There are two major functions of this bill:

1. To ban **intentionally-added** microplastics; and
2. To Require the Department of Environmental Management ("DEM") to develop and implement a Microplastics Testing and Management Plan.

What Are Microplastics?

Microplastics are small plastic particles, generally defined as less than 5 millimeters in one dimension.[1]

Microplastics can be classified into two categories:

a) Microplastics intentionally added to products; and
b) Secondary microplastics.

[1] California State Policy Evidence Consortium, *Microplastics Occurrence, Health Effects, and Mitigation Policies: An Evidence Review for the California State Legislature* (Jan. 2023), *available at* https://uccs.ucdavis.edu/sites/g/files/dgvnsk12071/files/media/documents/CalSPEC-Report-Microplastics-Occurrence-Health%20Effects-and-Mitigation-Policies.pdf.

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Intentionally-added microplastics are found in some agricultural products like seed coatings and fertilizers, detergents, some cosmetics and fragrances, paints and coatings, waxes, and polishes.

Secondary microplastics are fragments degraded from larger products that contain plastics, which range from packaging to clothes to tires. Plastics don't biodegrade. Instead, they break up into smaller and smaller pieces, becoming microplastics.

While microplastics may not be as visible as the plastics littering our roads and beaches, they are a ubiquitous problem. Microplastics "are so small that they become caught up in the air we breathe, the water we drink, and the food we eat," and even in human tissue.[2] A 2023 University of Rhode Island study highlights the malignant presence of microplastics in our own backyard. Scientists calculated that there are "over 16 trillion pieces of plastic weighing near 1000 tonnes" stored in surface sediments in Narragansett Bay.[3]

Secondary microplastics present a more complex challenge. We need further fact-based study and criteria to understand the scope of, and sources responsible for, secondary microplastics pollution.

The solution to the problem of intentionally-added microplastics is quite simple: **ban them**.

Why Ban Intentionally-Added Microplastics?

In September 2023, the European Union ("EU") banned microplastics intentionally added to common products, including:

- The granular infill material used on artificial sport surfaces;
- Cosmetics, where microplastics is used for multiple purposes, such as exfoliation (microbeads) or obtaining a specific texture, fragrance or color; and
- Detergents, fabric softeners, glitter, fertilizers, plant protection products, toys . . .[4]

If the EU can ban intentionally-added microplastics, Rhode Island certainly can. There is no legitimate reason microplastics should be added to products when they are unnecessary. Manufacturers are now developing competing products that are certified as microplastics free.[5]

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[2] *Plastics and Human Health*, Beyond Plastics (last accessed Mar. 19, 2024), https://www.beyondplastics.org/fact-sheets/plastics-and-human-health.

[3] V.M. Fulfer and J.P. Walsh, *Extensive estuarine sedimentary storage of plastics from city to sea: Narragansett Bay, Rhode Island, USA*, Sci. Reps. 13, no. 10195 (2023), *available at* https://doi.org/10.1038/s41598-023-36228-8.

[4] Commission Regulation (EU) 2023/2055, *Protecting environment and health: Commission adopts measures to restrict intentionally added microplastics*, O.J. (L 238/67), *available at* https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023R2055.

[5] *Zero Plastic Inside*, Beat the Microbead (last accessed Mar. 19, 2024), https://www.beatthemicrobead.org/zero-products.

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The commercial market has proved it can adjust, innovate, and grow under a ban on intentionally-added microplastics.

The human health impacts of microplastics are very well documented. It is accepted "that microplastics can cause decreased fertility, decreased major organ function, chronic inflammation, neurotoxicity, intestinal barrier dysfunction, cell death, impaired hormonal function, potential harm to fetal development, and more."[6] Banning intentionally-added microplastics is the bare minimum preventative step to reducing these impacts.

Why Develop a Microplastic Testing and Management Plan?

Secondary microplastics present a particularly insidious problem that demands a nuanced approach. Such an approach must be built upon appropriate fact-based study and criteria so that we can proceed with a thorough understanding of the scope of, and sources responsible for, this problem.

Despite compelling negative environmental and human health impacts resulting from microplastics, Rhode Island does not mandate testing for microplastics in soils, marine environments, wastewater treatment facilities, stormwater, or even drinking water. The 1000 tonnes of microplastic waste stored in surface sediments of Narragansett Bay had to come from somewhere. Understanding the sources and makeup of this microplastic contamination is the essential first step to riding our ecosystem of microplastics. This bill will ensure that Rhode Island has a mechanism to systematically test for microplastics in soils, marine environments, wastewater treatment facilities, stormwater, and drinking water and thereby develop a science-based solution to address this issue.

We therefore ask that you support passage of House Bill No. 7515.

Thank you for your time and consideration of this testimony.

Respectfully submitted,

Richard Stang
Senior Attorney
Conservation Law Foundation

[6] Madeleine MacGillivray, *Now's the Time For Lawmakers to Care About Microplastics*, State of the Planet, News from the Columbia Climate School (Dec. 23, 2021), https://news.climate.columbia.edu/2021/12/23/nows-the-time-for-lawmakers-to-care-about-microplastics/.

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cc: Members of the House Environment & Natural Resources Committee
Representative Susan Donovan
Darrèll Brown, Vice President, Rhode Island, Conservation Law Foundation