

**From the Permanent Secretary**  
Denis McMahon



Department of  
**Agriculture, Environment  
and Rural Affairs**

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Dear Suzanne,

## **PROPOSALS TO BAN THE USE OF PLASTIC MICROBEADS IN COSMETICS AND PERSONAL CARE PRODUCTS: PROPOSED ENFORCEMENT MECHANISM**

I am writing to ask if you would be willing to allow council staff (Environmental Health Officers) to be authorised by the Department as "authorised persons" for the purposes of enforcing legislation to ban the manufacture and sale of rinse-off cosmetic products containing plastic microbeads.

Microbeads are tiny pieces of plastic which are added to products such as shower gels, toothpaste and face scrubs. These are then washed down the drain and are deposited in the marine environment. The ban is good news for the environment as it signals that government is serious about tackling the problem of marine plastic pollution.

DAERA is part of a UK-wide project to ban the manufacture and sale of cosmetic products containing microbeads. The ban on the manufacture in England became effective from 9 January. This will be followed by the ban on the sale of rinse-off cosmetic products containing microbeads becoming effective on 19th June 2018. Scotland and Wales expect to introduce both bans by July 2018, pending the outcome of consultation, EU notification processes and legislative procedures.

In Northern Ireland, DAERA is seeking to introduce both bans later in 2018 using powers contained at Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997.

Engagement with the Cosmetic, Toiletry and Perfumery Association suggests that all companies contacted in a 2016 survey had stopped manufacturing rinse-off cosmetic products containing plastic microbeads ahead of the ban in England commencing on 9 January 2018. The companies either have no stocks remaining or were confident that stocks would be exhausted by July 2018. The ban is therefore regarded as a quick win. Consequently, it is anticipated that the effort associated with enforcing the legislation would

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## Appendix 1

be low, particularly in Northern Ireland, where market intelligence suggests that there are no manufacturers using plastic microbeads.

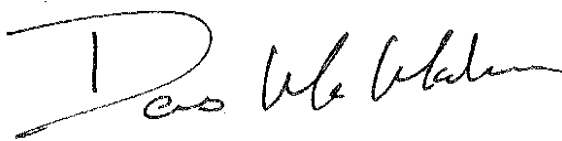
In other UK Administrations, the ban will be enforced by local authorities. This is because local authorities currently enforce Regulation (EC) No 1223/2009 on cosmetic product ingredients. In Northern Ireland these are enforced by council Environmental Health officers as part of the consumer protection function. There are 1379 substances that are currently banned from cosmetics, and a further 296 substances that are restricted. DAERA understands that councils have good intelligence of the manufacturers, importers and distributors and has made contact with officers responsible for enforcing consumer protection legislation. Market research undertaken across council areas suggests that there are no business using or distributing cosmetic products containing microbeads. Initial soundings on the effort required to enforce the ban are positive.

You will be aware there has been growing media and public concern over the global problem of plastic pollution in the marine environment. The Westminster Environmental Audit Committee published two reports on its inquiry into disposable packaging; Plastic Bottles: Turning Back the Plastic Tide published Friday 22 December 2017 and the Disposable Packaging: Coffee Cups published on Friday 5 January 2018 which have generated substantial media interest. Public interest in the problem of marine plastic pollution has also been heightened by the recent BBC Blue Planet II programme.

I am aware that councils in Northern Ireland undertake outstanding work in raising public awareness of environmental issues such as the importance of biodiversity, and play a leading role in delivering the Waste Management Strategy. Helping to enforce the ban would be a further opportunity for councils to demonstrate and gain credit for improving the quality of our shared environment.

On the basis that the enforcement required will be minimal, I would be grateful if you could indicate whether you are content that your officers take on this role. I would appreciate a response by 16 April 2018 to help ensure that the ban is introduced in Northern Ireland within comparable timescales to other parts of the UK.

Yours sincerely



**Denis McMahon**  
**Permanent Secretary**

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