

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT ENVIRONMENTAL PROTECTION
(MICROBEADS) (ENGLAND) REGULATIONS 2017

Monday 18 December 2017

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The Committee consisted of the following Members:

Chair: IAN AUSTIN

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| † Allan, Lucy (<i>Telford</i>) (Con) | † Lynch, Holly (<i>Halifax</i>) (Lab) |
| † Andrew, Stuart (<i>Pudsey</i>) (Con) | † McCarthy, Kerry (<i>Bristol East</i>) (Lab) |
| Bryant, Chris (<i>Rhondda</i>) (Lab) | † O'Brien, Neil (<i>Harborough</i>) (Con) |
| † Coaker, Vernon (<i>Gedling</i>) (Lab) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Coffey, Dr Thérèse (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) | † Pow, Rebecca (<i>Taunton Deane</i>) (Con) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Shah, Naz (<i>Bradford West</i>) (Lab) |
| † Henderson, Gordon (<i>Sittingbourne and Sheppey</i>) (Con) | † Smith, Henry (<i>Crawley</i>) (Con) |
| † Jayawardena, Mr Ranil (<i>North East Hampshire</i>) (Con) | † West, Catherine (<i>Hornsey and Wood Green</i>) (Lab) |
| † Lewer, Andrew (<i>Northampton South</i>) (Con) | Sean Kinsey, Nina Foster, <i>Committee Clerks</i> |
| | † attended the Committee |

First Delegated Legislation Committee

Monday 18 December 2017

[IAN AUSTIN *in the Chair*]

Draft Environmental Protection (Microbeads) (England) Regulations 2017

4.30 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I beg to move,

That the Committee has considered the draft Environmental Protection (Microbeads) (England) Regulations 2017.

It is a pleasure to serve under your chairmanship, Mr Austin. We will be debating legislation to tackle microbeads in the use of rinse-off personal care products. “Blue Planet II” has shone a spotlight on our seas, and it is clear that they are in danger from many issues, including plastic waste. Plastic has become integral to our modern-day lifestyles, but millions of tonnes of plastic enter the global ocean every year, which is why we must take greater care and action to reduce if not eliminate pollution of our marine environment.

The draft regulations will ban the manufacture and sale of rinse-off personal care products containing plastic microbeads. Significantly, the ban is twofold. First, it will ensure that products containing microbeads may no longer be produced in England. Secondly, it will ensure that such products may not be sold or exported from the country. That will reduce the unnecessary release of plastic into the marine environment and lessen the harm to marine organisms caused by that form of microplastic. The ban has been worked on in conjunction with the devolved Administrations, and they too will introduce similar bans on manufacture and sale, likely in July.

Microbeads are small plastic particles. For the purposes of the draft regulations, “microbead” means “any water-insoluble solid plastic particle of less than or equal to 5 mm in any dimension”.

Microbeads are added to many personal care products for their exfoliating effect. It has been suggested that one shower alone can send 100,000 microbeads into the water system and, subsequently, into our seas and the marine animals that live there. Personal care products containing microbeads are calculated to add 35,000 tonnes of plastic a year to the marine environment. Once released, those microbeads are impossible to recover.

Vernon Coaker (Gedling) (Lab): The impact assessment talks about “other products”, which will not be covered by the regulations. Will the Minister tell us, now or later in her remarks, what the other products containing microbeads that will not be covered by the regulations are?

Dr Coffey: I shall certainly endeavour to do so. I have at least one example, and I am sure the hon. Gentleman will prompt me again if I do not cover the extent of the regulations.

It is extraordinarily difficult to directly measure the effect of microbeads per se on the marine environment. However, as microbeads are a form of microplastic, evidence concerning microplastics can be used to inform our view of the environmental impacts of microbeads. It is thought that ingestion of microplastics by some marine organisms can reduce digestion of food, affect reproduction adversely and be passed along marine food chains. Evidence indicates that chemical pollutants can leach from and attach to microplastics, risking increased exposure to toxins when ingested by marine organisms.

I want to recognise the efforts that the industry has made to address the problem of microbeads. A number of manufacturers and retailers have already stopped using microbeads in their products or have committed to do so. We want to ensure, however, that all companies follow that approach. The draft regulations will also create a level playing field for industry and certainty for consumers. Natural alternatives to microbeads do exist. They are readily available and, indeed, were used successfully in personal care products before plastic microbeads were introduced.

We considered whether the ban should extend to other products, including leave-on toiletries and cleaning products. Our initial assessment is that leave-on toiletries tend to be wiped off and the material discarded via normal waste streams, but we have asked the Hazardous Substances Advisory Committee to review the evidence on that. As for cleaning products, the trade bodies have shown that no such products for sale in this country include microbeads. Some countries have opted to ban only those plastic particles added for exfoliating and cleansing purposes, but our objective is to minimise marine microplastic pollution. Therefore, our ban covers all microplastic particles in those rinse-off cosmetics and personal care products. That is what makes it one of the toughest bans in the world.

The approach we have taken is based on clear evidence and, as a result, has support from a wide range of stakeholders. Only by working together can we be the first generation ever to leave the environment in a better state than we inherited it. I would like to think that that approach is another strong example of the proud and continuing leadership role that the United Kingdom has played in protecting the marine environment, not just around our coastline but throughout the world, including our overseas territories. With this legislation we will deliver one of the strongest bans—if not the strongest—on microbeads in the world. I commend the draft regulations to the Committee.

4.34 pm

Holly Lynch (Halifax) (Lab): May I join the Minister in saying what a pleasure it is to serve under your chairmanship this afternoon, Mr Austin? I am grateful to the Minister for her introduction to the new measures. The Labour party welcomes this statutory instrument and agrees that it takes positive steps towards tackling the growing problem of plastic pollution in our seas and oceans.

A recent poll suggests that there is real appetite for such measures, with 85% of the public wanting action to stop plastics polluting our seas. I would imagine that that figure is in no small part due to David Attenborough’s visually stunning yet desperately alarming series, “Blue

Planet II”, which has meant that marine degradation is being discussed in living rooms all over the country. We welcome much of the content of the SI and will be supporting it today, but there are some omissions from the proposals before us, so I will take this opportunity to seek clarification and reassurance from the Minister on elements of them.

It would be remiss of me not to pay tribute to the members and Chair of the Environmental Audit Committee for their influential report published last year that thrust the issue on to the parliamentary agenda. It brought to our attention the fact that up to 219,000 tonnes of microplastics are entering the European marine environment every year. Microplastics are not simply pollutants in our oceans and waterways. Recent research found that 83% of drinking water samples collected across the world were polluted with plastic particles. The United States had the highest contamination rate, at 94%. European nations, including the UK, Germany and France, had the lowest contamination rate, yet plastic fibres were still detected in 72% of the samples tested.

The small size of microplastics means that they are easily ingested by marine life, with plastics found in fish and sea creatures living as far as 7 miles beneath the surface of the sea. Consumers are rightly concerned that these plastics are entering the food chain, so we must explore any and all measures to keep plastic waste from being ingested by the fish eaten in homes all over the UK.

I was pleased to see that the Government have changed some of the language around the definition of microbeads. In the consultation document from February, microbeads were described as being less than

“5 mm in size in every dimension”.

I welcome the amendment of that description to

“less than or equal to 5 mm in any dimension”.

That will assist us in going further and delivering a more comprehensive solution.

Getting into the detail of the SI, there are a number of areas where we would appreciate some clarification. Will the Minister provide further detail on the definition of “plastic” in the regulations? Does she understand the definition to include a full range of the different types of polymers, biodegradable plastic alternatives and any combinations of those materials? There are concerns about the different types of plastic, which I will address in turn if the Committee will bear with me. Semi-synthetic polymers are mostly derived from naturally occurring polymers by chemical modifications, but despite that they still have the same detrimental effect when they enter our seas and oceans. Will they be covered by the ban?

Combinations of synthetic and natural polymers are produced when blended plastics have been created from mixtures of synthetic polymers and naturally occurring polymers, such as starch, cellulose or wood. These blended products can still be expected to become plastic litter in marine environments, so will the Minister say whether they are covered by the regulations? Not producing a list of specific synthetic polymers is the right call. Environmental groups share my concern that any attempt to do so would risk allowing those who do not appreciate the spirit of the law to seek like-for-like replacements, which would allow the problem to continue.

Will the Minister also clarify whether the proposed definition of microbead covers semi-solid particles, such as synthetic waxes used in personal care products? I am aware of concerns among environmental groups that these substances, such as polyethylene waxes, are equally non-degradable and could continue to pose a threat to the marine environment even after the ban we are discussing today.

My greatest reservation about the regulations not closing off enough loopholes concerns the decision to restrict the measures to rinse-off cosmetics and personal care products. I am disappointed that the regulations do not take the totality of substances containing microplastics that have the potential to be washed down the drain and work back from there to deliver a truly comprehensive ban. I am sure the Minister will be aware of the polling conducted by YouGov on behalf of environmental groups, which found that many products classified as leave-on under cosmetics regulations are routinely washed down the drain. It found that 60% of people who use such products as sun lotion wash it off directly down the drain. When the evidence base is there, why are such products not in the scope of the regulations?

Cleaning products are not covered by the partial ban either. Although UK-manufactured cleaning products may not contain significant quantities of microplastics, I am concerned that imported products often do. Again, environmental groups have expressed concern about the availability of such products on the UK market. A coalition of environmental groups outlined that point earlier this year in a letter to the Secretary of State for Environment, Food and Rural Affairs. They stated:

“Based on the available scientific evidence, there is no justification for limiting a ban...to just one industry and not others in light of the stated intention to reduce the risk and severity of impacts of microplastics and to provide a level playing field for industry.”

They argued that the Government should go further, stating that

“extending the ban to cover cleaning products would ensure that microplastic ingredients are not used in current or future formulations and would ensure a level playing field.”

It is vital that the Minister addresses those concerns.

I would like to take the opportunity to probe further on the enforcement of this measure. We all know that new environmental protections are only as good as the enforcement measures that are put in place. It is envisaged that the regulations will be enforced by local authorities and their trading standards officers. What training and guidance will be given to those officers? At the moment, I am not satisfied that they will have the resources to police the microbead ban, given the existing pressures on that service and the cuts it has endured.

I am uneasy about the assertion that non-compliance rates are expected to be so low that, after the initial £38,000 cost of the familiarisation year, enforcement will cost only £660 a year. Although I was pleased to read in the impact assessment that

“72% of major cosmetics companies are expected to have ceased to sell cosmetic products containing microbeads by 2017,”

I am of course concerned about the remaining 28%.

The Environmental Audit Committee specifically drew attention to the problem of labelling. It is currently not possible to tell from packaging whether a product contains microbeads. If the ban is to be upheld, enforcement

[Holly Lynch]

bodies will need greater clarity about what cosmetic products contain without having to resort to chemical analysis, which I imagine would cost significantly more than £660 per annum. Can the Minister clarify whether further thought is being given to product labelling? That would help both consumers and enforcement agencies to make informed decisions.

Although I welcome the SI and we will not object to it, it is a shame that the Government are satisfied with being able to say that it is the first piece of legislation of its kind, rather than that it is the best and most comprehensive ban it can be. More broadly, I read the fairly scant detail on the BBC today about the Secretary of State's anticipated four-point plan to tackle plastic pollution. I hope that, following the plastics consultation announced in the Budget last month, there may be opportunities to go further in dealing with what is undoubtedly one of the biggest environmental challenges of our time.

4.43 pm

Kerry McCarthy (Bristol East) (Lab): It is a pleasure to see you in the Chair for what I believe is your first outing, Mr Austin. I hope you will find it a rewarding experience that you will want to repeat.

I, too, support the SI, although a little reluctantly. As my hon. Friend the Member for Halifax said from the Front Bench, it is not ambitious enough. As part of our debates in the Chamber last week about the European Union (Withdrawal) Bill, we discussed whether the House should have the ability to amend statutory instruments. If that had been possible, I would have tabled amendments to the draft regulations. Given the scale of the microplastics problem, we need to be ambitious and radical, and we need to be ahead of everyone else.

Other countries are introducing similar bans. The USA has the Microbead-Free Waters Act of 2015, which covers only rinse-off products. New Zealand is bringing in a ban on the sale of personal care products containing microbeads from July next year, and Taiwan is doing the same. Canada plans to ban microbeads in shower gels, toothpaste and face wash by 1 July 2018, and in natural health products and non-prescription drugs from 1 July 2019. My first question to the Minister is: have we looked at what Canada is trying to do to see whether we can replicate that here?

It is almost obligatory to mention "Blue Planet" in such discussions. I point out on behalf of my hon. Friend the Member for Bristol West, who is a Whip and cannot speak in the debate, that the BBC's natural history unit is in her constituency. We both have many constituents who take great pride in being involved in that unit, which is truly the jewel in the BBC's crown. While I am in self-congratulatory mode, I will also say that the report of the Environmental Audit Committee—of which I am a member—on microbeads was trailblazing and important. I will now get on to the less self-congratulatory and more depressing stuff.

Our starting point should be to look not at what is easy to ban but at the harm done by microbeads and all microplastics. I have no idea how these things are calculated, but it is estimated that there are 5.25 trillion plastic particles weighing nearly 269,000 tonnes in the ocean, and we have heard that 100,000 microbeads can be

washed down the sink in a single application of a rinse-off product. For example, Neutrogena's Deep Clean, which is an exfoliating scrub, has 300,000 microplastic ingredients in just one tub. That is the scale of the situation.

When microplastic gets into the ocean, small animals mistake it for food and risk starvation either because they believe their stomachs are full—instead their stomachs are full of plastic—and they starve as a result, or because of blockages in their intestines, causing death. Microplastic can also be ingested by filter feeders such as bristle worms, sea stars, sea urchins, sea slugs and many other things that my researcher listed for me but that I cannot pronounce so will not read out. They become prey for larger marine creatures, so the microplastic accumulates further up the food chain and eventually ends up in the human food chain too.

Microplastic also starves coral species by clogging their digestive systems—in essence, starving the coral reduces its growth and spread. We know about the plight of coral reefs because of ocean acidification and ocean warming, but microplastic is another factor that causes great harm. As has been said, over time microplastics will accumulate toxins attracted to their surface—pesticides, flame retardants, motor oil and other industrial chemicals—so they too are entering the food chain.

The scale of the problem is immense. As my hon. Friend the Member for Halifax and organisations such as Greenpeace have said, the ban should not be limited only to rinse-off products. It should also include products such as sunscreens and deodorants. The Minister said that there is not much evidence that they enter the water—she said that they are wiped off—but clearly, if people go for a swim wearing sunscreen and deodorant, that will get into the water pretty quickly or when they have a shower back in their hotel room.

There are plenty of products that people can use that do not contain harmful microbeads. I find this frustrating. There is a ban on animal testing of cosmetic products. It is easy to find alternatives to such products and the same is true of products containing microbeads. Why do we let the market simply lead the way and say that consumers are able to choose? Labelling is an issue and consumers may not necessarily know what they are really buying. Why do we not take the example of the best companies, which have phased out such products, and say that everyone else has to follow suit?

Following the ban on testing cosmetics on animals, people are now pushing for a ban on such testing with household products, and I think that the same should apply to products containing microplastics. Although the UK cleaning products industry says that it does not use microplastic ingredients in any product, that is not true of products of non-UK manufacturers that can be sold and used here. I do not see why the ban cannot be extended to them.

The Plastic Soup Foundation, which campaigns for plastic-free oceans, also supports a ban on microbeads in leave-on as well as rinse-off products. It has called for reconsideration of the exemption of polymers from REACH—the registration, evaluation and authorisation of chemicals scheme. The Minister has appeared before the Environmental Audit Committee to talk about what happens to REACH post-Brexit, which is a whole other can of worms that we could open. Does she think that polymers should be included under REACH or whatever

the British equivalent will be once we leave? The foundation is calling for the European Union to impose and enforce a ban on all polymer ingredients that are persistent, bioaccumulative and toxic to ecosystems.

I have used the term “microplastics” rather than “microbeads” throughout because, if we look at the harm they can cause to our aquatic environment, we will see that it is pretty meaningless to separate the two. Only a very small percentage of microplastics in our oceans are made up of microbeads. A 2016 Japanese study put the figure at 9.7% and European studies have put it as low as 0.1% or, at the most, 4.1%.

Most microplastics in our oceans are larger plastics that have broken down from bottles, packaging, old fishing nets and so on—in other words, anything that has not been recycled or disposed of correctly—so a ban on microbeads is clearly not enough to make significant inroads into reducing plastic pollution in the ocean. We must look at the bigger picture, tackle the amount of single-use plastics used and produced, introduce a deposit return scheme for plastic bottles and so on.

The Environment Secretary announced a four-point plan today, but the slowness with which the Government are approaching this agenda is frustrating. I have asked questions in the Chamber about what they are doing about plastics pollution, and they have very proudly said, “We put the tax on plastic bags and are introducing a ban on microbeads,” but that is simply a drop in the ocean. We must go much further, much more quickly.

4.51 pm

Mr Ranil Jayawardena (North East Hampshire) (Con): It is a pleasure to follow the hon. Member for Bristol East, whose passion is beyond question. It is also a pleasure to follow not only the Minister but the hon. Member for Halifax, and to hear the consensus in this arena. I must confess that I have been watching “Blue Planet II” delayed, having recorded it, but I watched the final episode yesterday. People want us to tackle this issue in this place, and I am pleased that the Government are taking clear action to do just that.

I want to make three brief points. I note that the industry has taken voluntary action to deliver much change already. Why? Because consumers have acted. Consumer power is absolutely critical in this sphere. We all know that, as we seek their support at the ballot box, and we must demonstrate to them through action such as this that we are listening to their views. That is what we are trying to do with these regulations. It is great news that more than 70% of producers have already removed microbeads. The Government have engaged with the industry and consumers have made their views known to it, but we must do more. These regulations are a great next step.

We do not want overburden business and consumers. We want to ensure that consumers can afford the products they need and that businesses are able to adapt, which is why it is great that there are so many alternatives that can be used instead of microbeads. The Government have analysed the issue and I am pleased that they do not expect additional costs as a result of any product reformulation to be any more than zero. It is important that the net impact on suppliers is zero, as we do not want to overburden consumers or put up barriers that prevent people from buying the things they need. The alternatives will therefore be used.

It is positive that the offences created by the regulations are crystal clear. It will be an offence not only to manufacture but to supply. The clarity that the Government have instituted is most welcome not only to consumers across the country but, most importantly in my case, to people across North East Hampshire. I commend the Minister, the Secretary of State and the Government on taking this action.

4.53 pm

Vernon Coaker: The hon. Member for North East Hampshire is absolutely right to say that the Committee is unanimous in welcoming these regulations, but clearly we are all impatient. We all want more to be done yesterday. Nobody is being churlish about welcoming these regulations, but it is incumbent on the Committee to challenge the Government to do even more. With that in mind, I welcome the action the Government are taking and their attempts to make progress.

The various notes about the regulations mention protecting the environment, and people have talked about “Blue Planet II” and so on, but this is not about protecting the environment; it is about saving the environment. We are at a crossroads as a country and globally, and we have to make some clear decisions. Unlike the hon. Gentleman, I have not watched the last episode of “Blue Planet II”, which deals with some of the major environmental consequences. One can watch it and feel that the situation is absolutely terrible and unbelievable and that we have to do something about it, but that is not enough. We are all shocked and horrified, which is why it is good that the Government have introduced these regulations.

The Minister was right, as was my hon. Friend the Member for Halifax, about encouraging consumer confidence. Consumers can make a huge difference, but they need information, so labelling is important, as it is in many areas, in enabling people to make particular choices when they go into a shop.

The Minister talked about our setting an example to other countries, which is absolutely right. Will she say a little more about how we intend to do that? We can do it through the various international bodies we belong to, notwithstanding Brexit. We can do it through the United Nations. However, the Government need a plan for how they intend to set the example. The regulations apply to England. I understand the devolved nature of these matters but if we are talking about a UK-wide approach, will the Minister explain how our actions relate to those being taken by Scotland, Wales and Northern Ireland?

I want to say something to the hon. Member for North East Hampshire: is it not disappointing that, given the outrage in this country and the way in which everybody speaks about the need to protect the environment, not every single major cosmetic company has already taken voluntary action? That is not only disappointing; it is absolutely incredible. There are major cosmetic companies on the list. There is no secret about which have signed and which have not, because the information is on the impact assessment. It is brilliant that 70% have done so, but why not the other 28% or 30%? It is astonishing. The managing directors and shareholders will have stood up at their board meetings and talked about their social conscience and the need for companies to reflect on their social responsibilities. I bet many of them have watched “Blue Planet”, but that is not enough.

[Vernon Coaker]

That is why I welcome the regulations: they say to the small number of companies—just over a quarter of them—that have not voluntarily moved that we are going to legislate.

I hope this resonates loud and clear: it is not good enough in 2017—nearly 2018—for major companies that make large sums of money to ignore their social responsibilities when it comes to something that every single person in this country demands that we do more about. The Minister should name those companies—I will not do it, unless she wants me to do so—that are listed in the public information available to the Committee in the impact assessment. Big companies have not acted and they should be held to account.

Catherine West (Hornsey and Wood Green) (Lab): Does my hon. Friend agree that ordinary citizens feel a real sense of urgency when they watch those programmes and become educated about the environment? However, there is a real lack of ambition in the extent of this proposal and in the industry's willingness to match how passionately people feel about this.

Vernon Coaker: My hon. Friend is absolutely right, and that was the major contribution I wanted to make. We can talk about that passion for reform and say that it is a good thing. The 70% of the major cosmetics companies that have already taken action should be complimented and held up as examples of what can be done. They obviously have to make a profit and do all the things we expect in the market economy we live in. However, as I say—I cannot labour this point enough—big companies have a social responsibility. It is good that the Government are bringing the regulations forward, but in a sense it is not only disappointing but makes one deeply ashamed of some of the ways in which people operate. They watch these environmental programmes, see animals tangled up or being poisoned and feel as affected by it as we all are, yet they take decisions in those companies that fail to recognise those consequences.

I will make a couple of other points, which were also raised by my hon. Friend the Member for Halifax. Will the Minister say a little more about the plastic microbeads not included in the scope of the regulations? Will she also say a little more about the further work that will be done by the Hazardous Substances Advisory Committee to see what action can be taken on other categories of products that might contain microbeads? I think all of us want to see that done as quickly as possible.

As the Minister will know, the impact assessment talks of 680 tonnes of microbeads used each year in the UK. If each microbead is less than 0.5 mm in size, goodness only knows how many microbeads must be needed to make 680 tonnes; I do not even know how they would measure that. Anyway, it must be an incomprehensible number, and that is just for usage in the UK each year. Has the Minister made any assessment of how much the regulations before the Committee will reduce that 680 tonnes? I am one for concrete examples, and it would be interesting, if that amount has somehow been measured as 680 tonnes, to know whether there is a scientific estimate of what the reduction in that amount will be.

As I understand it, some major retailers have said that they will not sell their own brands from now on. In the time between now and when the regulations come

into effect, will they still be able to sell brands other than those they have manufactured? In other words, can they stop selling their own brands but sell products made by somebody else?

I see it will be 21 days from when the regulations are made before many of them come into effect, and 60 days for the other bits. Will the Minister say a little more about how quickly, after the regulations come into force, we can expect trading standards to actually use the powers and take action against people who might not be adhering to the legislation? In other words, it is clearly 21 days—or 60 days for some—until the regulations come into force. How long does the Minister think the transition phase will be, between day one when the regulations come into force and every single one of those other 28% of companies complying with the legislation and not selling products containing microbeads?

The regulations make one think about the consequences for human health if sea creatures are eating these things. That point is beyond the scope of the regulations, but it is worth making. I will finish where I started. I hope that my remarks are in no way seen as my saying that the regulations are not important, because they really are. As my hon. Friend the Member for Halifax said, the Opposition support the regulations; I and other Committee members clearly support what the Government are doing on this, and there is clearly more work to be done on what is not included in the regulations.

The Government and Parliament need to use the regulations as an example of the sort of legislation that Parliament will pass if industry and others fail to put their own house in order. It should act as a wake-up call. It is not good enough to be horrified; people need to act. They need to act now.

5.5 pm

Dr Coffey: I will try to restrict my reply to the regulations. I could wax lyrical about marine litter and microplastics for a long time, but I assure the hon. Member for Halifax that if the particles in wax are less than 5 mm, they are included in the scope of the ban.

With regard to the definition of plastic, REACH does not define what plastics are but defines individual products. We felt that was not an effective way to achieve our aim, so the broader, well-known definition of plastic is used to ensure that we cover every single product. With regard to what products microbeads are used in and looking at other countries, as I articulated earlier, the very fact that we are banning any plastic particle less than or equal to 5 mm—we are not saying that it is only those microbeads that have a particular effect that are banned—is going further than the other countries mentioned. For the sake of doubt, nor have we limited the scope of what a rinse-off product is; it includes, but is not limited to, shower gels, body washes, intimate washes, liquid soaps, solid soaps and beaded hand cleaners. That will include things such as the Neutrogena product but also industrial products. Our farmers use Swarfega and similar, and the same will happen there. I could go on with a variety of things, including toothpaste, mouthwash, depilatory creams and gels, and similar elements.

We have asked the Hazardous Substances Advisory Committee to review the issue—the hon. Lady referred to this—of leave-on toiletries that can be absorbed or

shed and are not designed to be washed off. I do not have a specific timeline for that at the moment, because the other thing we asked for in the consultation was a wider view on other products. The challenge with microplastics is that they extend to many sources. For example, the recycling of a lot of our plastic bottles goes to create things such as synthetic fleeces, which are popular with vegans because they are a way of keeping warm without using wool. Of course, they are also used extensively by people who are not vegans.

Kerry McCarthy: Will the Minister give way?

Dr Coffey: No. That is another example of products that have become part of everyday life. However, when they go through a washing machine, microfibrils and microplastics are released. The regulations also extend to things such as tyres, because in tyre wear we see microplastics generated, washed on to the road, then into our water courses and so on. It is a challenge across a wide range of products. In particular, we focused on this because we know the evidence is already there. We know that our existing sewage treatments cover particles from about 6 mm upwards, so this is a specific way to try to address the problem by stopping at source the very generation of microbeads in products that are widely used. We wanted to tackle that.

If the hon. Member for Halifax has evidence that cleaning products with microbeads are available, she should please let me know and we can look at that. So far, the evidence we have seen is that no such cleaning products are available for sale. We need to ensure that, dare I say it, we regulate to address the problem in hand and not just create regulations for their own sake.

With regard to the devolved nations, yes, the consultation was UK-wide between the four Governments. We cannot dictate the processes by which they bring the ban into effect, but we are working with them to try to ensure that we coincide the ban that will come in due course.

As the hon. Member for Gedling knows, the 21 days will kick in from when the regulations are voted through the House—I think they have gone through the House of Lords today. Then, in essence, manufacture will become an offence, and then sale will become an offence. I suggest to the Committee that it will become more difficult for people to buy such products for resale in their shops. Of course, today the products are legal, so people can choose to sell them but, as we have seen, many companies have already taken action.

I point out that the regulations also cover the import of products, so if they are imported they still cannot be sold—that deals with that challenge. In terms of international actions, it might surprise the Committee

to know that we had to get permission from the European Union and the World Trade Organisation. We initiated that on 28 July. We had to have a three-month process for objections, and there were none. We also have to go through other regulatory processes where we make the case, which is one of the reasons it takes so long. I think it was my hon. Friend the Member for Camborne and Redruth (George Eustice) who brought the issue to the attention of the Environmental Audit Committee when giving evidence some time ago. Members are right to pay tribute to that Committee, but that is an explanation of why it takes quite so long to reach the point we have got to today.

I do not think the regulations are necessarily the end of the process. I am sure that the Committee will want to be assured that we are taking appropriate action. We are addressing wider issues of microplastics getting into the environment. We need to continue to work with industry to ensure that it has time to develop alternatives.

The 680 tonnes is the amount used in cosmetics, and we recognise that not all of it ends up in the marine environment. I would not want to throw out a figure just to satisfy the hon. Member for Gedling. The point is that we are removing these microbeads at source so that there is at least a reduction from what we have today.

Vernon Coaker: Will the Minister give way?

Dr Coffey: I think I have covered all the questions that I have been asked so far, and I recognise that the hon. Gentleman did not want to be churlish. We are going to press on and try to pass the regulations today, and I hope that they will then go through the House.

We have considered the regulations at considerable length. They are a good step and they are the toughest ban announced in the world so far, to the best of my knowledge. Enforcement will be down to local councils, but we believe clearly and strongly that manufacturers will know that it is an offence to create microbeads. Individual large stores and our wholesalers, from which smaller stores often buy their products, will also know that it is an offence to sell these products. I am confident that the supply chain for these products will collapse. I commend the regulations to the Committee.

Question put and agreed to.

Resolved,

That the Committee has considered the draft Environmental Protection (Microbeads) (England) Regulations 2017.

5.12 pm

Committee rose.

