



An Bille um Micreachlocha (Toirmeasc), 2019
Microbeads (Prohibition) Bill 2019

Meabhrán Mínitheach
Explanatory Memorandum



**AN BILLE UM MICREACHLOCHA (TOIRMEASC), 2019
MICROBEADS (PROHIBITION) BILL 2019**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to prohibit the manufacture, or placing on the market of certain cosmetic and cleaning products containing plastic microbeads. For the purposes of this Bill, placing on the market means sell; offer or expose for sale; advertise; distribute free of charge, import; export; or supply for any of those purposes (whether or not for profit).

The Bill also prohibits the disposal of substances containing plastic microbeads down the drain or directly into freshwater or marine environments.

The prohibition on manufacture or placing on the market is intended to cover products containing plastic microbeads where there is a clear pathway to watercourses and wastewater systems, such as water-soluble products that are designed to be rinsed or washed off down the drain where they may potentially end up in freshwater or marine environments.

The Bill exempts medicinal products, sun-screening products, products used for the purposes of education or research, and products in transit through the State. The Bill also provides for the Minister to have the power to exempt products containing plastic microbeads, for a specified industrial cleaning process, if the product is essential to the process and no substitutes free of microbeads exist.

The Bill provides that the Environmental Protection Agency (the Agency) is responsible for implementation of this legislation. Authorised persons under the Environmental Protection Agency Act, 1992 and Customs Officers are also authorised persons under the Microbeads (Prohibition) Bill 2019, which sets out their enforcement powers.

It is proposed that a person convicted under the legislation would receive a Class A fine and/or a prison sentence of up to six months on summary conviction, or a fine of up to €3,000,000 and or a prison sentence of up to five years on indictment.

Provisions of the Bill

Section 1: Interpretation

Section 1 provides definitions of key terms used in the Bill.

Section 2: Prohibition

Section 2 makes it an offence to manufacture or place on the market rinse-off cosmetic and cleaning products containing plastic microbeads.

Section 3: Exemptions

Section 3 provides for exemptions for medical products, sunscreen products, materials being used to research offences set out in section 2. It also provides that the Minister may make regulations exempting certain essential industrial cleaning agents where no substitutes free of microbeads exist.

Section 4: Disposal of substances containing plastic microbeads

Section 4 makes it an offence to dispose of substances containing plastic microbeads down the drain or directly into any freshwater or marine environment or body of water.

Section 5: Authorised persons

Section 5 sets out the powers of authorised persons.

Section 6: Prosecution of Corporate Bodies

Section 6 provides for the prosecution of company officers or members of a body corporate for offences under this Bill.

Section 7 - Penalties

Section 7 provides for the imposition of fines and/or imprisonment on person(s) found guilty of an offence under this Bill.

Section 8: Recoupment of prosecutor's costs and expenses

Section 8 provides that the Agency may bring summary proceedings for an offence and for the court to have the power to order the person(s) found guilty of committing an offence under this Act, to pay the Agency's costs and expenses.

Section 9: Review of Enforcement activities

Section 9 provides for the Minister to request enforcement activity reports from the Agency.

Section 10: Expenses

Section 10 provides for administrative costs for the proposed legislation to be paid out of Voted expenditure.

Section 11: Short title and commencement

Section 11 allows commencement of different provisions of the Bill at different times.

*An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil,
Meitheamh, 2019.*