



## Waste Minimisation (Microbeads) Regulations 2017

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 4th day of December 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 23(1)(b) of the Waste Minimisation Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made after complying with section 23(2)(b) and (3) of that Act.

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## Regulations

### 1 Title

These regulations are the Waste Minimisation (Microbeads) Regulations 2017.

### 2 Commencement

These regulations come into force 6 months after the date of their notification in the *Gazette*.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**medical device** and **medicine** have the meanings given to them in section 2(1) of the Medicines Act 1981

**microbead** means a water-insoluble plastic particle that is less than 5 mm at its widest point

**prohibited wash-off product** has the meaning given in regulation 5

**wash-off product** means a product that is intended to be rinsed off during or after use.

### 4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

### 5 Prohibited wash-off product defined

In these regulations, a **prohibited wash-off product**—

- (a) means a wash-off product that contains microbeads for 1 or more of the following purposes:
  - (i) exfoliation of all or part of a person's body:
  - (ii) cleaning of all or part of a person's body:
  - (iii) abrasive cleaning of any area, surface, or thing:
  - (iv) visual appearance of the product; but
- (b) does not include a medical device or medicine.

### 6 Person must not sell prohibited wash-off product

A person must not sell a prohibited wash-off product in New Zealand.

### 7 Person must not manufacture prohibited wash-off product

A person must not manufacture a prohibited wash-off product in New Zealand.

## **Schedule 1**

### **Transitional, savings, and related provisions**

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#### **Part 1**

##### **Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael Webster,  
Clerk of the Executive Council.

#### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force 6 months after the date of their notification in the *Gazette*, are made under the Waste Minimisation Act 2008. These regulations prohibit the manufacture and sale of wash-off products (other than medical devices or medicines) that contain microbeads for 1 or more of the following purposes:

- exfoliation of all or part of a person's body:
- cleaning of all or part of a person's body:
- abrasive cleaning of any area, surface, or thing:
- visual appearance of the product.

Section 65 of the Waste Minimisation Act 2008 provides that a person who knowingly contravenes these regulations commits an offence and is liable on conviction to a fine not exceeding \$100,000.

To avoid doubt, these regulations do not affect the sale of goods that may be sold in New Zealand by virtue of the Trans-Tasman Mutual Recognition Act 1997 (*see* section 10 of that Act).

#### **Regulatory impact assessment**

The Ministry for the Environment produced a regulatory impact assessment in August 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <http://www.mfe.govt.nz/node/23632>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 7 December 2017.

These regulations are administered by the Ministry for the Environment.