

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 823 (Boerner)
Version: May 23, 2025
Hearing Date: July 8, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Solid waste: plastic microbeads: plastic glitter

DIGEST

Expands the Plastic Microbead Nuisance Prevention Law, which bans microbeads in personal care products that are rinsed off, to also ban the sale, offer for sale, distribution, or offer for promotional purposes in this state of non-rinse personal care products, personal care products containing glitter, and cleaning products beginning January 1, 2029. The bill authorizes the continuing sale, offer for sale, distribution, or offer for promotional purposes in this state an existing stock of personal care products containing plastic glitter that were acquired and transported into the state before January 1, 2029.

EXECUTIVE SUMMARY

Microplastics are small plastic particles with a diameter less than 5mm that are increasingly being found to cause environmental issues and health concerns. In 2015, the Legislature enacted the Plastic Microbeads Nuisance Prevention Law (AB 888 (Bloom, Ch. 594, Stats. 2015)) to prohibit the sale of personal care products that contain plastic microbeads on and after January 1, 2020. That law prohibits the sale of rinse-off, personal care products that contain plastic microbeads used to exfoliate or cleanse. A violation of that law is punishable by a civil penalty. This bill expands the Plastic Microbeads Nuisance Prevention Law to ban the sale of non-rinse personal care products, personal care products containing glitter, and cleaning products beginning January 1, 2029, except as specified. The bill is sponsored by Californians Against Waste, Clean Water Action, Breast Cancer Prevention Partners, and 5 Gyres. The bill is supported by numerous environmental and public health advocacy organizations. No timely opposition was received by the Committee. The bill passed the Senate Environmental Quality Committee on a vote of 7 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the California Integrated Waste Management Act of 1989 (IWMA), administered by the Department of Resources Recycling and Recovery (CalRecycle), to regulate the disposal, management, and recycling of solid waste. Establishes under the IWMA a state policy goal that at least 75% of solid waste be source reduced, recycled, or composted by 2020. (Public Resources Code (Pub. Res. Code) §§ 40000 et seq.)
- 2) Enacts the Plastic Microbead Nuisance Prevention Law, which prohibits, on and after January 1, 2020, the sale or offering for promotional purposes any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. (Pub. Res. Code §§ 42360 et seq.)
 - a) Defines “personal care product” as an article intended to be rubbed, poured, sprinkled, or sprayed on, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and an article intended for use as a component of that kind of article, but does not include prescription drugs. (Pub. Res. Code § 42361(b).)
 - b) Defines “plastic microbead” as an intentionally added solid plastic particle measuring five millimeters or less in every dimension. (*Id.* at subd. (c).)
 - c) Exempts personal care products that contain less than 1 part per million plastic microbeads by weight. (Pub. Res. Code § 42363.)
- 3) Establishes civil penalties up to \$2,500 per day for a person who violates or threatens to violate the Plastic Microbead Nuisance Prevention Law.
 - a) Authorizes the Attorney General, a district attorney, a city attorney, or a city prosecutor in a city or city and county having a full-time city prosecutor to bring an action to enforce these provisions.
 - b) Requires the court to consider the following when assessing a civil penalty under these provisions:
 - i. the nature and extent of the violation;
 - ii. the number of, and severity of, the violations;
 - iii. the economic effect of the penalty on the violation;
 - iv. whether the violator took good faith measures to comply with these provisions and when these measures were taken;
 - v. the deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole; and
 - vi. any other factor that justice may require.

- 4) Requires, on or before December 31, 2024, the California Ocean Protection Council (OPC) to adopt and implement a Statewide Microplastics Strategy related to microplastic materials that pose an emerging concern for ocean health.
 - a) Specifies that the goal of the Statewide Microplastics Strategy is to increase understanding of the scale and risks of microplastics on the marine environment and to identify proposed solutions to address the impacts of microplastics. (PRC § 35635(b).)
- 5) Requires, under the Porter-Cologne Water Quality Control Act, that the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards implement a program to control discharges of preproduction plastic (i.e. resins and colors for plastics). Directs the State Water Board to address the discharges of this plastic from these point and nonpoint sources. (Wat. Code § 1336.)
- 6) Requires the State Water Board to adopt a definition of microplastics in drinking water by July 1, 2020, adopt a standard methodology to test drinking water for microplastics, and adopt testing and reporting requirements. (Health & Saf. Code § 116376.)
- 7) Defines “designated product” to mean a finished product that is an air care product, automotive product, general cleaning product, or a polish or floor maintenance product used primarily for janitorial, domestic, or institutional cleaning purposes, except as specified. (Health & Saf. Code § 108952.)

This bill:

- 1) Expands the Plastic Microbead Nuisance Prevention Law to ban the sale, offer for sale, distribution, or offering for promotional purposes in this state, on and after January 1, 2029, any of the following:
 - a) a personal care product containing plastic microbeads that are used as an abrasive to clean, exfoliate, or polish, in a non-rinse-off product;
 - b) a cleaning product containing plastic microbeads that are used as an abrasive to clean, exfoliate, or polish; and
 - c) a personal care product containing plastic glitter.
- 2) Authorizes a person to sell, offer for sale, distribute or offer for promotional purposes in this state an existing stock of personal care products containing plastic glitter that were acquired and transported into the state before January 1, 2029.
- 3) Defines the following terms for these purposes:
 - a) “Cleaning product” has the same meaning as “designated product” in Section 108952 of the Health and Safety Code.
 - b) “Person” means an individual, business, or other entity.

- c) “Personal care product” means an article intended to be rubbed, poured, sprinkled, or sprayed on, introduced to, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and an article intended for use as a component of that type of article.
- d) “Personal care product” does not include a prescription drug, as defined in Section 110010.2 of the Health and Safety Code.
- e) “Plastic microbead” means an intentionally added solid plastic particle measuring five millimeters or less in every dimension.

COMMENTS

1. Stated need for the bill

The author writes:

The plastic pollution crisis is here – not just in faraway places. This isn’t just an environmental issue. It is a public health emergency. Tiny microplastics – so small they are invisible to the naked eye – have infiltrated our waterways, soil, food, and bodies. Plastic microbeads are present in many everyday items. They are used in our makeup and our cleaning supplies. As a result, our bodies are filled with toxic microplastics. They are in our lungs, bloodstream, placental tissue, breast milk, reproductive organs, and even brains. It’s time to put an end to these unnecessary and dangerous microplastics. With AB 823, we have a chance to protect our oceans, our communities, and our health.

2. Plastic Microbeads can cause environmental and health issues

In 2015, the Legislature enacted the Plastic Microbeads Nuisance Prevention Law (AB 888 (Bloom, Ch. 594, Stats. 2015)) to prohibit the sale of personal care products that contain plastic microbeads on and after January 1, 2020. That law prohibits the sale of rinse-off, personal care products containing plastic microbeads used to exfoliate or cleanse, and makes a violation punishable by a civil penalty of up to \$2,500 per day. The Attorney General, a district attorney, a city attorney, or a city prosecutor in a city or county having a full-time city prosecutor are authorized to bring an action to enforce the Plastic Microbeads Nuisance Prevention Law.

This bill expands the Plastic Microbead Nuisance Prevention Law to additionally ban the sale, offer for sale, distribution, or offer for promotional purposes in this state of non-rinse personal care products, personal care products containing glitter, and cleaning products beginning January 1, 2029. The bill authorizes the continuing sale, offer for sale, distribution, or offer for promotional purposes in this state of an existing stock of personal care products containing plastic glitter that were acquired and transported into the state before January 1, 2029. The civil penalty provision under the

Plastic Microbead Nuisance Prevention Law would apply to non-rinse personal care products, personal care products containing glitter, and cleaning products.

The Senate Environmental Quality Committee analysis of this bill notes that:

[...]microplastics are ubiquitous in the environment and are found in some of the most remote areas on earth, including arctic sea ice, the deep ocean, mountain peaks in national parks, and human embryos. Of particular concern for living organisms, microplastics' small size allows them to bioaccumulate up the food chain. Plastics in water, for instance, can be consumed by fish and shellfish and become part of their tissue. The fish and shellfish can in turn be eaten by humans or other animals: with each step up the food web, the concentration of microplastics accumulates. Microplastics can also act as vectors for pollutants such as pesticides and heavy metals, effectively "piggybacking" these harmful pollutants wherever the microplastics go, including into the living tissues of plants, animals, and humans. Current studies have found microplastics in human lungs, brains, and placentas. A recent study suggests that human brains may contain an amount of microplastics equivalent to a plastic spoon. The study also indicated that microplastic levels in the brain have increased by 50% since 2016.^{1''2}

Alternatives to plastic microbeads are numerous, including crushed walnut shells, oats, sugar, and jojoba seeds.³ Alternatives to plastic glitter are available as well, such as mica minerals, and further innovations continue to occur.⁴ This bill will provide for further environmental protections for the state and its residents.

3. Statements in support

A large coalition environmental and public health advocacy organizations, including the sponsors, write in support stating that this bill will:

[...] support California's fight against microplastic pollution by prohibiting the sale of leave-on cosmetics and cleaning products containing intentionally added microplastics used as abrasives or glitter.

Our organizations share an increasing concern about this pervasive pollutant that is found in oceans, rivers, soil, the air we breathe, and in our bodies. AB 823 prohibits the sale and distribution of leave-on cosmetics and cleaning products containing intentionally added microplastics, preventing millions of tons of plastic from entering the environment. By eliminating the unnecessary addition of microplastics

¹ Nihart et al., (Feb. 2025) *Bioaccumulation of microplastics in decedent human brains*, Nature Medicine, available at <https://www.nature.com/articles/s41591-024-03453-1.pdf>.

² Sen. Env. Quality Comm. analysis AB 823 (2025-26 reg. sess.) as amended May 23, 2025 at pp. 2-3.

³ *Id.* at p. 5.

⁴ *Ibid.*

to products, this bill will protect California's waterways, protect vulnerable communities, and promote safer alternatives, while building upon previous legislation leave-on cosmetics and cleaning products containing intentionally added microplastics used as abrasives or glitter.

We must take urgent action to prevent further harm from microplastics. AB 823 ensures California remains at the forefront of tackling plastic pollution while safeguarding human health and the environment for future generations.

SUPPORT

5 Gyres Institute (sponsor)
Breast Cancer Prevention Partners (sponsor)
Californians Against Waste (sponsor)
Clean Water Action (sponsor)
350 Bay Area Action
350 Sacramento
7th Generation Advisors
Active San Gabriel Valley
Algalita Marine Research and Education
Alliance of Nurses for Healthy Environments
American College of Ob-Gyn's District IX
Ban Sup (Single Use Plastic)
Black Women for Wellness Action Project
Blue Ocean Warriors
Breast Cancer Over Time
California Black Health Network
California Domestic Workers Coalition
California Environmental Voters
California Nurses for Environmental Health and Justice
California Product Stewardship Council
California Public Interest Research Group
Catholic Charities of Stockton
Center for Environmental Health
Chicobag Company
Cleaneearth4kids.org
Climate Action California
Coastal Corridor Alliance
Community Water Center
Courage California
Defend Our Health
Del Norte Solid Waste Management Authority
Dr. Bronner's
Ecology Center

Environmental Justice Communities Against Plastics
Environmental Working Group
Erin Brockovich Foundation
Facts Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Friends of the Earth
Green Science Policy Institute
Greenlatinos
Habits of Waste
Innersense Organic Beauty
Integrated Resource Management
Intelligent Nutrients
Just the Goods
Just Transition Alliance
Los Angeles County Sanitation Districts
Los Angeles Waterkeeper
Mamavation - Non-toxic Products for Healthy Families
Monterey Bay Aquarium
National Stewardship Action Council
Natural Resources Defense Council
Naturepedic
Occidental Arts and Ecology Center
Ocean Conservancy
Pacific Beach Coalition
Pacoima Beautiful
Physicians for Social Responsibility
Physicians for Social Responsibility - Los Angeles
Plastic Free Future
Plastic Pollution Coalition
RethinkWaste
Salinas Valley Solid Waste Authority
San Francisco Baykeeper
Save Our Shores
Save the Bay
Social Eco Education
Sierra Club California
Skinowl
SoCal 350 Climate Action
SurfRider Foundation
Sustainable Rossmoor
The Last Plastic Straw
U.S. Green Building Council, California
Zero Waste Marin
Zero Waste San Diego

Zero Waste Sonoma

1 individual

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 888 (Bloom, Ch. 594, Stats. 2015) enacted the Plastic Microbeads Nuisance Prevention Law prohibiting the sale of personal care products that contain plastic microbeads on and after January 1, 2020.

PRIOR VOTES

Senate Environmental Quality Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 63, Noes 10)

Assembly Appropriations Committee (Ayes 11, Noes 1)

Assembly Environmental Safety and Toxic Materials Committee (Ayes 6, Noes 0)

Assembly Natural Resources Committee (Ayes 10, Noes 4)
