



Microplastics draw increasing scrutiny from US state lawmakers and regulators

Actions in New Jersey and California highlight potential for future restrictions, experts say

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New Jersey lawmakers have recently introduced legislation that would require labelling and eventual prohibitions for certain products that contain or generate microplastics.

The bill, combined with a separate regulatory listing in California, offers a glimpse into how US states may approach regulating the small synthetic particles in the future, according to observers tracking emerging chemicals policy.

The Protecting Against Microplastics Act (AB 5452), introduced in the New Jersey Legislature in September, would establish phased disclosure, labelling and eventual sales restrictions for several categories of products that contain intentionally added microplastics or have the "potential to generate synthetic polymer microparticles or secondary microplastics".

And earlier this year, California [listed microplastics](#) as candidate chemicals under its Safer Consumer Products (SCP) scheme despite [industry objections](#) concerning the

listing's [breadth](#), scientific basis and inclusion of secondary microplastics. The listing allows state regulators to evaluate whether to designate items containing microplastics as priority products, a move that would require companies to withdraw the goods from California shelves or [conduct an analysis](#) evaluating potential safer alternatives.

While the actions are still in their early stages, taken together, experts say they suggest microplastics are becoming an important regulatory issue that will see increased attention in the coming years.

State-level microplastics focus

Philip Moffat of Verdant Law said he expects to see more state-level legislative proposals around microplastics in the future.

"We'll certainly see more microplastics-related legislation and regulation proposed at the state level, particularly in

[states](#) that have already restricted PFAS and other chemicals in consumer products or adopted extended producer responsibility (EPR) obligations for plastic packaging,” Moffat said. “Whether those proposals [are enacted](#) is a different question.”

California’s SCP listing is “particularly important” because it allows regulators in the state to [evaluate products](#) that contain or generate the particles and could eventually lead to product-specific restrictions, Moffat said.

Lynn Bergeson and L Claire Hansen of Bergeson & Campbell agreed that state-level activity around microplastics is “a trend to watch”, particularly as federal and international efforts struggle to advance.

They pointed to [stalled negotiations](#) around the UN [plastics treaty](#) and the absence of comprehensive US federal action on microplastics as factors likely to encourage states to pursue their own approaches.

“Similar to other emerging health and environmental issues [PFAS, EPR], global fixes are elusive, pressuring states to experiment with solutions”, they said. “This will incentivise states both to invest in research and legislate solutions to diminish microplastic content in consumer products and public water sources.”

‘Important parallels to PFAS’

Environmental groups said growing public awareness of microplastics may drive regulatory action in a way similar to [recent momentum](#) around PFAS.

Sarah Doll, national director of Safer States, said microplastics are already becoming “an increasingly significant focus of state policy” as lawmakers examine sources of exposure and potential health impacts.

“I think there are important parallels to PFAS,” Doll said. “Public concern about PFAS grew as people learned these toxic chemicals were in their drinking water, food and everyday products. We’re seeing something similar with microplastics, but the problem is even easier to visualise.”

Microplastics may resonate with consumers because they can understand how plastics break down and enter the environment, potentially creating stronger public pressure for policy responses, according to Doll. Because of that, she expects more legislation aimed at monitoring microplastics in drinking water and the environment, eliminating intentionally added microplastics and reducing plastic pollution at its source.

Paulita Bennett-Martin, senior strategist of policy initiatives at the 5 Gyres Institute, likewise said increasing state-level

activity is unsurprising given [growing public concern](#) about the particles.

“Microplastics is a high-priority policy area, and it is a clear frontier to tackle,” Bennett-Martin said. “It warrants being the next PFAS or more.”

Federal agencies and lawmakers have also taken a greater interest in microplastics.

The EPA and the Department of Health and Human Services (HHS) [recently launched](#) research initiatives focused on the particles, while a group of Democrat lawmakers separately [urged the EPA](#) to regulate microplastics under TSCA after a bipartisan group previously [introduced legislation](#) to require the Food and Drug Administration (FDA) to study the particles in food.

‘Difficult’ questions ahead

But amid the increased attention, fundamental questions remain unresolved.

Moffat said that “even defining a microplastic is difficult”, noting that various jurisdictions have adopted different definitions for the particles.

California alone uses different definitions for separate regulatory programmes, he said, while REACH employs [its own definition](#) focused on synthetic polymer microparticles.

And while it is “comparatively straightforward” to regulate microplastics that are intentionally added to products, Moffat said efforts such as AB 5452 in New Jersey and California’s SCP listing that seek to restrict secondary microplastics – those generated unintentionally through use, wear and degradation – present “a much greater” implementation challenge.

While the fate of New Jersey’s proposal is currently unclear, Bergeson and Hansen said that “at the least, it is a sign of what is in businesses’ future” regarding increased scrutiny on microplastics.

Bobby DeMuro

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FURTHER INFORMATION

[NJ AB 5452 webpage](#) →

[NJ AB 5452 bill text](#) →

[CA DTSC microplastics listing](#) →

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