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November 20, 2015

The Honorable Fred Upton
Chairman
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20250

The Honorable Frank Pallone
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20250

Dear Chairman Upton and Ranking Member Pallone:

On behalf of the National Association of Clean Water Agencies (NACWA), I would like to thank you for your efforts to ban plastic microbeads with [H.R. 1321](#), the *Microbead-Free Waters Act of 2015*. NACWA represents nearly 300 public wastewater utilities throughout the nation that work to protect our critical water resources. These utilities are increasingly concerned about the impacts of consumer products on wastewater treatment processes and on the water environment.

While utilities can regulate the discharges from industries and businesses to the sewer system through their industrial pretreatment programs, they have no authority to control discharges of pollutants from residential sources. Preventing pollution from consumer products must therefore be accomplished through state or federal laws or regulations addressing their use. NACWA applauds your amendment to strengthen the bill by expanding the definition of banned plastic microbeads to include other types such as "biodegradable plastic" microbeads which are also potentially dangerous to the water environment.

NACWA recommends that the scope of products covered by the current bill be clarified. As currently written, it is not clear if plastic microbeads would be allowed in personal care products that are not classified as rinse-off cosmetics. Microbeads may be found in other cosmetic products, such as anti-aging creams, that are not intended to exfoliate or cleanse and will not be immediately rinsed off.

NACWA is concerned about the preemption of state law provision contained in the bill. While we agree that this legislation should provide for the preemption of state laws that are less restrictive, states should retain the ability to be more restrictive if necessary to protect their waters. NACWA looks forward to the opportunity to discuss the state preemption issue with you further.

NACWA Letter for the Microbead-Free Waters Act

November 20, 2015

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Thank you again for your leadership on this important water quality issue and we look forward to working with you to ensure passage of a bill that will prohibit microbeads in all products that may be rinsed or washed into sewer systems. Please contact Patricia Sinicropi, NACWA's Legislative Director at psinicropi@nacwa.org, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Krantz', with a large, sweeping flourish underneath.

Adan Krantz
CEO