GOVERNOR′S VETO
AB 823 (Boerner)
As Enrolled September 5, 2025
2/3 vote

SUMMARY

This bill prohibits, by January 1, 2029, a person from selling, offering for sale, distributing, or offering for promotional purposes in the state any of the following: (1) a personal care product containing plastic microbeads used as an abrasive to clean, exfoliate, or polish, in a non-rinse-off product, (2) a cleaning product, as defined, containing plastic microbeads used as an abrasive to clean, exfoliate, or polish, or (3) a personal care product containing plastic glitter.

Major Provisions

1) Prohibits, by January 1, 2029, a person from selling, offering for sale, distributing, or offering for promotional purposes in the state:

   a) A personal care product containing plastic microbeads used as an abrasive to clean, exfoliate, or polish, in a non-rinse-off product;

   b) A cleaning product, as defined, containing plastic microbeads used as an abrasive to clean, exfoliate, or polish; or,

   c) A personal care product containing plastic glitter.

2) Authorizes a person to continue to sell existing stock of personal care products containing plastic glitter through January 1, 2030, if they were acquired and transported into the state before January 1, 2029.

Governor′s Veto Message
This bill would expand the 2015 Plastic Microbeads Nuisance Prevention Law, which bans plastic microbeads in personal care products that are rinsed off, to also ban the sale of non-rinse-off products, certain cleaning products, and personal care products containing plastic glitter.

I support efforts to protect California′s waterways, ecosystems, and public health from the real and significant harms caused by the prevalence of microplastics in our environment. However, I am not supportive of the approach this bill takes to ban specific ingredients, such as glitter, which may incidentally result in a prohibition on biodegradable or natural alternatives.

For this reason, I cannot sign this bill.

COMMENTS

Plastic. Plastics pose a threat to the environment from origin to end-of-life. Plastic production is responsible for three and a half percent of all greenhouse gas emissions—more than the entire aviation sector. In 2021, global plastics production was estimated at 390.7 million metric tons, a 4% increase from the previous year. The United Nations Environment Programme reports that only 9% of all plastic ever made has been recycled, 12% has been incinerated, and the remaining 79% has accumulated in landfills or the environment.

Once plastics enter the environment, they remain there for hundreds to thousands of years. Plastics do not break down into their constituent parts, but instead break down into smaller and smaller particles, or microplastics. Because they are so small, microplastics are carried in the air and in water, and are easily ingested or inhaled by living things and accumulate up the food chain. Microplastics have been found in the most pristine natural environments on earth, including in the deep ocean, Antarctic sea ice, and in the sand of remote deserts. Micoplastics are found in household dust and drinking water (bottled and tap), and humans are inhaling and consuming them. A March, 2024, study published in Science of the Total Environment identified microplastics in all human tissues sampled, with the polyvinyl chloride (PVC) being the dominant polymer. In February of this year, a study published in Nature Medicine found microplastics in human brains in higher concentrations than other body systems. This plastic accumulation increased 50% over the span of eight years. Shockingly little information exists about the potential health impacts of microplastics exposure. Research is emerging that links microplastics to a number of significant health issues, including cancer, dementia, hormone disruption, infertility, and cardiovascular disease.

Microplastics are intentionally added to leave-on cosmetics, household cleaners, and coatings, contributing to widespread environmental pollution and posing serious risks to human health. These microscopic plastic particles do not break down in the environment and often enter waterways, drinking water supplies, and food sources. Current law fails to regulate microplastics in these products, allowing continuous contamination and harm to vulnerable communities.

Plastic pollution and the impacts of plastics on human health fall disproportionately on marginalized communities. According to a 2021 report by the United Nations Environment Programme, "women, in particular, suffer from plastic-related toxicity risk due to higher aggregate exposure at home and even in feminine care products." Nearly all plastic is produced from fossil fuels and generates greenhouse gas emissions and toxic chemicals that impact air and water quality. About 14% of oil is used in petrochemical manufacturing, a precursor to producing plastic. By 2050, plastic production is predicted to account for 50% of oil and fracked gas demand growth. According to Feeding the Plastics Industrial Complex: Taking Public Subsidies, Breaking Pollution Limits, a report released on March 14, 2024, by the Environmental Integrity Project, "more than 66% of people within three miles of factories that manufacture the main ingredients in plastic products are people of color living in communities that are over-exposed to air pollution while schools and other public services are chronically underfunded." The report notes that these facilities receive billions in subsidies while repeatedly violating environmental laws and regulations.

OPC Microplastics Strategy. In 2022, the Ocean Protection Council (OPC) released the Statewide Microplastics Strategy (Strategy) to provide a multi-year roadmap for California to take a national and global leadership role in managing microplastics pollution. The Strategy states that California must take "decisive, precautionary action to reduce microplastic pollution, while scientific knowledge and understanding of microplastics sources, impacts, and successful reduction measures continue to grow."

The Strategy identifies a number of solutions focused on pollution prevention, pathway intervention, and outreach and education. These solutions are identified as "no regrets" actions based on feasibility, evidence, co-benefits, and overall benefit to society and the environment. These recommendations include: 1) Implementing the statewide requirement that single-use foodware and condiments be provided only upon request; 2) Encouraging state purchasing and

service contracts to require reusable foodware; 3) Enacting comprehensive statewide plastic source reduction, reuse, and refill goals by 2023; 4) Prohibiting the sale and distribution of EPS foodware and packaging by 2023; 5) Expanding the statewide microbead ban enacted by AB 888 (Bloom), Chapter 594, Statutes of 2015, to include microplastics that are intentionally added to specific consumer products, such as cosmetics, household and industrial detergents, and cleaning products, by 2023; and 6) Prohibiting the sale and distribution of single-use tobacco products that demonstrably contribute to plastic pollution.

This bill is consistent with the recommendation to expand the microbead ban enacted by AB 888 to additional consumer and industrial products.

DTSC candidate chemicals list. The Department of Toxic Substances Control′s (DTSC) Safer Consumer Products (SCP) Program was created in 2013 to advance the development, design, and use of products that are chemically safer for people and the environment. Under this program, DTSC identifies chemicals to be added to a candidate chemicals list, which is used to identify potential chemicals of concern in specific products (i.e., "priority products"). Candidate chemicals are those with known hazard traits and/or environmental or toxicological risks. Priority products are identified based on whether they contain one or more candidate chemicals that have the potential to harm people or the environment based on the potential for exposure and the potential for that exposure to cause "significant or widespread" adverse impacts. Priority products are designated through a formal regulations process. If a candidate chemical is identified as part of a designated priority product, it becomes a chemical of concern. Once identified, DTSC works to analyze alternatives to those chemicals and to encourage producers to use less toxic alternatives.

In 2023, DTSC proposed adding microplastics to the candidate chemicals list and identified specific considerations when evaluating products containing microplastics, including "the potential for the product to release microplastics to the environment during the use or end-of-life stages of the product′s life cycle." Adding microplastics to the candidate chemicals list does not create any new regulatory obligations on producers. It allows DTSC to evaluate product-chemical combinations that may release microplastics into the environment for future consideration as priority products. To date, microplastics have not been added to the candidate chemicals list.

According to the Author
Plastic microbeads are present in many everyday items. They are used in our makeup, our cleaning supplies, and our paints. As a result, our bodies are filled with 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.

Arguments in Support
A coalition of supporters state, "Whether it′s microplastics in our bodies or our waterways, it is clear California needs to act to eliminate the use of microplastics at the source rather than relying on clean up once they enter the environment. We ask that you support AB 823, prohibiting the sale of leave-on cosmetics, cleaning products, and coatings containing intentionally added microplastics."

Arguments in Opposition
A coalition of opponents state, "Incorporating the appropriate guiding framework based on sound science and considerations of product-specific needs into AB 823 would align California′s approach with internationally recognized standards and provide pathways for innovative product development, ensuring both environmental protection and consumer access to essential products. We stand ready to collaborate with you on this important legislation to find a pathway that is both protective of human health and the environment, while maintaining pathways for safer material innovation. Unfortunately, AB 823 in its current form would ban important consumer products and provide no pathway forward."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill expands the state′s existing ban on plastic microbeads in personal care products, which makes a violator liable for a civil penalty not to exceed $2,500 per day for each violation, and authorizes the penalty to be assessed and recovered in a civil action brought in any court of competent jurisdiction by the Attorney General or local officials.

1) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown amount to the courts, potentially in excess of $150,000, to adjudicate enforcement actions authorized by this bill. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately $1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2024-25 state budget provides $37.3 million ongoing General Fund to backfill declining revenue to the Trial Court Trust Fund.

2) Possible costs (General Fund, special funds) to the Department of Justice (DOJ) of an unknown amount. Actual costs will depend on whether the Attorney General pursues enforcement actions, and, if so, the level of additional staffing needed by DOJ to handle the related workload. If DOJ hires staff to handle enforcement actions permitted by this bill, the department would incur significant costs, likely in the low hundreds of thousands of dollars annually. If DOJ does not pursue enforcement as permitted by this bill, the department would not incur any costs.

VOTES

ASM NATURAL RESOURCES: 10-4-0
YES: Bryan, Connolly, Garcia, Haney, Kalra, Muratsuchi, Pellerin, Schultz, Wicks, Zbur
NO: Alanis, Ellis, Flora, Hoover

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 6-0-1
YES: Connolly, Ellis, Bauer-Kahan, Lee, McKinnor, Papan
ABS, ABST OR NV: Castillo

ASM APPROPRIATIONS: 11-1-3
YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache
NO: Ta
ABS, ABST OR NV: Sanchez, Dixon, Tangipa

ASSEMBLY FLOOR: 63-10-6
YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas
NO: DeMaio, Flora, Gallagher, Hadwick, Hoover, Macedo, Patterson, Ta, Tangipa, Wallis
ABS, ABST OR NV: Bains, Castillo, Dixon, Ellis, Michelle Rodriguez, Sanchez

SENATE FLOOR: 40-0-0
YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

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