MICROPLASTICS UNDER THE MICROSCOPE: FEDERAL AND CALIFORNIA PROPOSALS TARGET MICROPLASTICS

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US Policy and Regulatory Alert

On 17 July 2025, a bipartisan bill aimed at uncovering the potential human health implications of exposures to microplastics in the food and water supply was introduced into Congress. Introduced by Rep. Janelle Bynum (D-OR), Senators Jeff Merkley (D-OR) and Rick Scott (R-FL), and Rep. Greg Steube (R-FL), the aptly named Microplastics Safety Act would direct the US Food and Drug Administration to compile information about the impacts of microplastics exposure on human health and submit a report to Congress that outlines risks to children's health, the endocrine system, and reproductive health along with detailing any associations between microplastics exposures and cancer and other chronic illnesses.

Although FDA has recently stated that “current scientific evidence does not demonstrate that levels of microplastics and nanoplastics detected in food pose a risk to human health” lawmakers are demanding more concrete answers about the impacts of microplastic exposures on health and recommendations for legislative and administration actions to address the same. However, the lack of standardized definitions, reference materials, sample collection and preparation procedures, and appropriate quality controls may present significant obstacles to satisfying the bill's objectives and truly understanding any risks associated with microplastics exposures.

The Microplastics Safety Act follows closely on the heels of California's Department of Toxic Substances' proposal to add microplastics to the candidate chemicals list of California's Safer Consumer Products Program. Priority products, or those containing at least one chemical from the candidate list, may face additional regulation in California to limit impacts and exposures.

With these recent developments foreshadowing that state and federal regulation of microplastics may be on the horizon, manufacturing and consumer products companies should pay close attention to the evolving legal and regulatory landscape of these ubiquitous materials. Our Emerging Contaminants team is well positioned to assist in matters relating to the evolving legal and regulatory landscape surrounding microplastics given our collective experience in such areas as polymer chemistry and plastics manufacturing, government agency administration and policy development, regulatory compliance, and litigation defense.

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