**DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS**

**The draft Environmental Protection (Microbeads) Regulations (Northern Ireland) 2018**

**Equality and Human Rights**

**Screening**

November 2017

Section A

Details about the policy / decision to be screened

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| Title of policy / decision to be screened:- The draft Environmental Protection (Microbeads) Regulations (Northern Ireland) 2018 which ban the manufacture and sale of rinse-off cosmetic products containing microbeads. |

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| Brief description of policy / decision to be screened:- Microbeads are small plastic particles used in many cosmetics and personal care products such as face scrubs and toothpastes. These are washed down the drain but are too small to be filtered out in sewage treatment systems and so enter our rivers and seas. Laboratory experiments have shown that marine organisms can ingest plastic particles and can pass them along the food chain. Microbeads are an avoidable form of pollution, as a number of suitable alternatives are available. This legislation to ban the manufacture and sale of rinse off cosmetic products containing plastic microbeads in Northern Ireland is part of a wider UK-wide policy with each Administration working to separate legislative timescales. The ban on manufacture came into force in England on 9 January 2018 with the ban on the sale becoming effective from 19 June 2018. Scotland and Wales are working towards having both bans effective from July, with Northern Ireland hoping to follow by having both bans effective as close to that date as possible. The ban is being introduced to protect the marine environment and ultimately human health from the effects of growing levels of marine plastic pollution. Government intervention will address public concerns, create a level economic playing field and signal to industry that it is not acceptable to pollute the marine environment with plastic debris. Secondary legislation will be brought forward under Article 32 of the Waste and Contaminated Land (NI) Order 1997. Market research undertaken in 8 council areas suggests that no business is either using or distributing cosmetic products containing microbeads. The financial implications of the policy are therefore likely to be low. Public awareness of the ban is high due to a number of articles in the national media and a number of manufacturers have taken voluntary steps to phase out the use of plastic microbeads in rinse off cosmetics. Therefore, levels of legacy stock are estimated to be low. However, a few retailers may have to dispose of legacy stock. |

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| Aims and objectives of the policy / decision to be screened:- The aims and objectives of the policy are to:-* Prevent greater harm to the environment by reducing the overall marine litter load.
* Protect the marine environment and reduce the risk and severity of impacts of microplastics, including economic impacts, food security and human health.
* Support the cosmetics industry by providing a level playing field, ensuring that all companies meet the same standards.
* Provide consumer confidence that products will not cause marine pollution.
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| **On whom will the policy / decision impact?**Consider the internal and external impacts (both actual or potential) Consider the internal and external impacts (both actual or potential) Staff –the ban is unlikely to impact directly on DAERA staff as it is proposed that it is enforced by local authority staff. However, if local authorities are unwilling to assume this responsibility, DAERA may have to act as the enforcing authority and staff would therefore be minimally impacted as enforcement effort is estimated to be low. xService users – consumers will no longer be able to buy these products. However, alternatives will be available which do not harm the environment. xxRural community - it is unlikely that there will be any impacts on the rural community.Other public sector organisations – staff in the Department of Justice could potentially be impacted by the policy. The proposed legislation will create two offences relating to the manufacture and sale of rinse off cosmetic products containing microbeads. Department of Justice staff could be impacted if prosecutions were to be taken under the legislation. However, it is anticipated that the number of prosecutions would be low and no real impact is anticipated as the ban applies only to people engaged in the manufacture and sale of such rinse off cosmetic products.xSimilarly, local authority staff are likely to be impacted by the legislation if they to act as authorised persons for the purposes of enforcing the legislation. It is anticipated that the regulatory effort would be low as market research undertakenby councilsin 8 council areas suggests that no business is either using or distributing cosmetic products containing microbeads**.** Local authority staff currently enforce Regulation (EC) No 1223/2009 which bans the use of 1,379 substances and restricts the use of a further 296, adding plastic microbeads to the list is unlikely to create a significant regulatory effort so the likely impact is low. Voluntary / community groups / trade unions: legislation to reduce the pollution load on the marine environment are likely to be welcomed by environmental NGOs.xothers, please specify |

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| Are there linkages to other NI Departments / NDPBs? Yes, there is a linkage with the Department of Justice as offences are being created. However, as the number of prosecutions is likely to be negligible it is probable that there will be no real impact on the Department of Justice. |

Section B

**Available evidence**

What evidence or information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below along with details of the different groups you have met and or consulted with to help inform your screening assessment.

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| --- | --- |
| **Section 75 category**  | **Details of evidence or information and engagement** |
| **Religious belief**  | **The policy and legislation have been informed by the 2016 Environmental Audit Commission inquiry into the impact of microplastics. The Committee took evidence from NGOs, the cosmetics industry, water companies and academics. It recommended a legislative ban on the use of plastic microbeads in cosmetics.** **The policy has also been informed by a UK-wide consultation seeking views on proposals to ban plastic microbeads which ran from December 2016 to February 2017. No issues impacting any of the Section 75 groups were raised.****This screening assessment will be posted on the Department’s website and can be made available in alternative formats on request.** |
| **Political opinion**  | **As above.** |
| **Racial group**  | **As above.** |
| **Age**  | **As above.** |
| **Marital status**  | **As above.** |
| **Sexual orientation** | **As above.** |
| **Men & women generally** | **As above.** |
| **Disability** | **As above.** |
| **Dependants** | **As above.** |
| **No evidence held? Outline how you will obtain it:** **There were no issues raised in connection with any Section 75 groups during the UK-wide policy consultation. If a need identified is identified following consultation on the draft legislation DAERA will endeavour to collect data.** |

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? What is the level of impact?**

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| **Section 75 category**  | **Details of likely impact** | **Level of impact? Minor/Major/None** |
| **Religious belief** | According to the 2011 census 45 percent of the population were either Catholic or brought up as Catholic, while 48 per cent belonged to or were brought up in Protestant, Other Christian or Christian-related denominations. A further 0.9 per cent belonged to or had been brought up in Other Religions and Philosophies, while 5.6 per cent neither belonged to, nor had been brought up in, a religion. DAERA is not aware of any likely impact on people in terms of their religious belief. | None |
| **Political opinion**  | DAERA is not aware of any likely impact on people in terms of their political opinion. | None |
| **Racial group**  | According to the 2011 census 1.8 percent of the usually resident population of Northern Ireland belonged to minority ethnic groups. DAERA is not aware of any likely impact on people in terms of their racial/ethnic grouping. | None |
| **Age** | DAERA is not aware of any likely impact of the policy on people in terms of their age. | None |
| **Marital status**  | DAERA is not aware of any likely impact of the policy on people in terms of their martial status. | None |
| **Sexual orientation** | DAERA is not aware of any likely impact of the policy on people in terms of their sexual orientation. | None |
| **Men and women generally**  | DAERA is not aware of a differential impact on men and women generally. | None |
| **Disability** | Data from the 2011 census suggests that 20.6 percent of the population reported that their day to day activities were limited because of a long-standing health problem or disability. DAERA is not aware of any likely impact of the policy on people who have a disability. | None |
| **Dependants**  | DAERA is not aware of any likely disproportionate impact of the policy on people who have or have not got dependants. | None |

1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

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| **Section 75 category**  | **If Yes, provide details**  | **If No, provide reasons** |
| **Religious belief** |  | No, the policy is intended to reduce levels of marine plastic pollution by banning a pollutant. It is likely to benefit population in general. DAERA has not identified any opportunities to better promote equality of opportunity in terms on religious belief through this policy. However, if an opportunity is identified during the consultation DAERA is prepared to revisit this. |
| **Political opinion**  |  | As above. |
| **Racial group**  |  | As above. |
| **Age** |  | As above. |
| **Marital status** |  | As above. |
| **Sexual orientation** |  | As above. |
| **Men and women generally**  |  | As above. |
| **Disability** |  | As above. |
| **Dependants** |  | As above. |

1. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? What is the level of impact?**

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| **Good relations category**  | **Likely impact?**  | **Level of impact? Minor/Major/None**  |
| **Religious belief** | There is unlikely to be any impact on good relations between people. This is because the policy will ban the use of a substance which contributes to marine plastic pollution in rinse off cosmetic products. | None |
| **Political opinion**  | As above. | As above. |
| **Racial group** | As above. | As above. |

1. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

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| --- | --- | --- |
| **Good relations category** | **If Yes, provide details**  | **If No, provide reasons** |
| **Religious belief** |  | No, the legislation will ban the use of a substance which contributes to marine plastic pollution. The policy will help reduce levels of marine plastic pollution. |
| **Political opinion**  |  | As above. |
| **Racial group**  |  | As above. |

Section C

DAERA also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy or decision provide an opportunity for DAERA to better **promote positive attitudes** towards disabled people?

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| No, the policy and legislation being screened applies to banning the manufacture and sale of rinse off cosmetic products containing plastic microbeads. The objective is to protect the marine environment and human health. It does not provide an opportunity for DAERA to better promote positive attitudes towards people with a disability. |

6. Does this proposed policy or decision provide an opportunity to actively **increase the participation** by disabled people in public life?

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| No, the policy and legislation being screened applies to banning the manufacture and sale of rinse off cosmetic products containing plastic microbeads. The objective is protection of the marine environment and human health. It does not provide an opportunity to actively increase the participation by people with a disability in public life. |

Consideration of Human Rights

7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below (place an X in the appropriate box) any potential *adverse impacts* that the policy or decision may have in relation to human rights issues.

|  |  |  |
| --- | --- | --- |
| Right to Life | **Article 2** | [ ]  |
| Prohibition of torture, inhuman or degrading treatment  | **Article 3** | [ ]  |
| Prohibition of slavery and forced labour | **Article 4** | [ ]  |
| Right to liberty and security  | **Article 5** | [ ]  |
| Right to a fair and public trial | **Article 6** | [ ]  |
| Right to no punishment without law | **Article 7** | [ ]  |
| Right to respect for private and family life, home and correspondence | **Article 8** | [ ]  |
| Right to freedom of thought, conscience and religion | **Article 9** | [ ]  |
| Right to freedom of expression | **Article 10** | [ ]  |
| Right to freedom of peaceful assembly and association | **Article 11** | [ ]  |
| Right to marry and to found a family | **Article 12** | [ ]  |
| The prohibition of discrimination | **Article 14** | [ ]  |
| Protection of property and enjoyment of possessions | **Protocol 1Article 1** | [ ]  |
| Right to education | **Protocol 1Article 2** | [ ]  |
| Right to free and secret elections | **Protocol 1Article 3** | [ ]  |

Consideration of Human Rights (cont)

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| 8. **Please explain any adverse impacts on human rights that you have identified** No adverse impacts on human rights have been identified. |

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| 9. **Please indicate any ways which you consider the policy positively promotes human rights** None have been identified. |

**Monitoring Arrangements**

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity. Please note the following excerpt from The Equality Commission for Northern Ireland in relation to monitoring:

*A system must be established to monitor the impact of the policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The public authority is required to publish the results of this monitoring. And they must be included in the public authorities´ annual review on progress to the Equality Commission. The Equality Scheme must specify how and where such monitoring information will be published. It is therefore essential that monitoring is carried out in a systematic manner and that the results are widely and openly published.*

*If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups.*

Outline what data you will collect in the future in order to monitor the impact of this policy or decision on equality, good relations and disability duties.

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| **Equality**  |  **Good Relations** | **Disability Duties** |
| The ban on the manufacture and sale of rinse off cosmetic products containing microbeads does not impact on equality. | The ban on the manufacture and sale of rinse off cosmetic products containing microbeads does not impact on equality. | The ban on the manufacture and sale of rinse off cosmetic products containing microbeads does not impact on equality. |
| Following the consultation if a need is identified DAERA will endeavor to collect data. | Following the consultation if a need is identified DAERA will endeavor to collect data. | Following the consultation if a need is identified DAERA will endeavor to collect data. |

Section D – Summary Sheet

Formal Record of Screening Decision

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| **Title of Proposed Policy / Decision being screened**      The draft Environmental Protection (Microbeads) Regulations (Northern Ireland) 2018 which ban the manufacture and sale of rinse-off cosmetic products containing microbeads. |

I can confirm that the proposed policy / decision has been screened for –

|  |  |
| --- | --- |
| x | equality of opportunity and good relations |
| x | disabilities duties; and |
| x | human rights issues |

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

\***place an X in the appropriate box below**

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| --- | --- |
| [ ]  | \***Screened In** – Necessary to conduct a full EQIA |

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| x | \***Screened Out** – No EQIA necessary (no impacts)* The policy being screened is a legislative ban on the manufacture and sale of rinse off cosmetic products containing plastic microbeads. The policy is likely to benefit the marine environment and people who live in Northern Ireland. It will reduce the plastic pollution load on the marine environment and help protect human health. It is unlikely to have any impacts on people in terms of their equality of opportunity, their rights as people with a disability or their human rights under the Human Rights Act 1998.
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| [ ]  | \* **Screened Out -** Mitigating Actions (minor impacts) |

**DAERA Equality** and **Human Rights**

# Screening Checklist

Before signing off this screening template please confirm that you have completed all the actions listed below.

I can confirm that all the actions listed below have been completed –

|  |  |
| --- | --- |
| x | I have explained any technical issues in plain English (easily understood by a 12 year old) |
| x | I have added evidence and explained my assessments in full |
| x | I have provided a brief note to justify my decision to ‘Screen In’ or ‘Screen Out’ |
| x | A copy of this screening template and the final decision has been sent to the Equality Unit for their consideration before it has been forwarded for sign-off  |

**Formal Record of Screening Decision** (cont.)

***Have you issued this document to Equality Unit prior to obtaining Grade 3 signature?***

**Yes, form**

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| **Screening assessment completed by (Staff Officer level or above) -** |
| Name: Susan Cramer | Grade: DP |
|  | Date: 28 March 2018 |
| Branch: Marine Strategy and Licensing Team |

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| Signature: *Susan Cramer* |

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| **Screening decision approved by (must be Grade 3 or above) -** |
| Name: David Small | Grade: Grade 3 |
|  | Date: 30 March 2018 |
| Branch: Deputy Secretary Environment, Marine and Fisheries Group |

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| --- |
| Signature: |

For more information about equality screening, contact –

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**November 2017**

