Beating the Microbead: How private environmental governance has influenced the regulatory process of banning microbeads in the UK

Background

Microplastics pollution in marine environments is one of the top global emerging conservation issues (Sutherland et al., 2010), with science gradually emerging about its detrimental impacts on animal welfare and human health. Microbeads have been identified as one source of microplastic pollution intentionally added to personal care and cosmetics products (PCCPs) (UNEP, 2015).

So far, governments around the world were unable to provide reliable solutions to complex, transboundary problems such as marine pollution. In fact, the limitation of states to effectively manage and regulate the marine environment has created avenues for private actors and new kinds of sustainability governance arrangements that have emerged in the last decade, witnessing novel types of interactions between private and public actors (Groeneveld, Bush and Bailey, 2017). When actors from different spheres of society partner up for a common social cause, it changes the dynamics of decision-making and can have important implications, which are worth studying. Such intersectoral partnerships are hailed for their ability to overcome governance deficits and bridge the gap between different actors that need to collaborate to solve 'messy' problems (Van Huijstee, Francken, & Leroy, 2007).

Previous research suggests that private environmental governance has ambiguous effects in terms of democratic decision-making and transparency. This study advances our understanding of the type and impacts of private governance in the regulatory process of microbeads in the UK, drawing on the qualitative analysis of 3 expert interviews and 56 documents submitted to the government during the parliamentary inquiry phase.

Outcomes

The case study analysis suggests that private governance of microbeads, in the form of voluntary certification schemes and corporate self-regulation, has the potential to significantly influence regulatory processes through their influence on power and market dynamics, and their ability to create a common discourse. Concerns have been raised in the literature that what might be perceived as the creation of dialogue and participatory decision-making, is in fact a process of entrenching existing power structures, mirroring the domination of democratic procedures by powerful actors and thereby making private governance undemocratic. Analysis has revealed that the partnership assessed here has not suffered from the typical neo-marxist power imbalance between businesses and NGOs. Rather, power has been harnessed by less powerful actors for the advancement of sustainable goals.

Another concern in the literature was that through corporate self-regulation, businesses can privatize rule-making by setting their own definitions, time frames and goals. Nevertheless, the case study has revealed that despite such powerful strategies, businesses in the UK have not been able to influence the regulatory process in the same way that they have in the US. Further research on corporate power in policy-making could investigate the different factors that led to this outcome. For now, it can be concluded that power dynamics

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shape private governance, and that they have the *potential* to significantly influence the regulatory process.

The study has found that private governance shapes discourses about sustainability, and that, depending on whether the business is engaged in a partnership or not, its discourse either aligns with sustainability goals or diverges from it. All companies engaged in the certification partnership have integrated a common discourse about the definition of microplastics and the application of the precautionary principle. Thus, it is argued that the certification partnership has strengthened the sustainability discourse by creating a common platform for dialogue and collective action. Private governance can thus be a powerful tool for conceptual innovation (Glasbergen, 2011). On the other hand, the companies involved in corporate self-regulation apply wording that would leave loopholes if applied to legislation, and disregard the precautionary principle in their management of microplastic pollution. This implies that their core business traditions remain unchanged despite their publicly voiced intention to transform them to more sustainable practices. Nevertheless, closer analysis of the commitments reveals that they do not attempt to create a rhetoric which they do not intend to fulfil, but rather their rhetoric is already limited in its wording, thereby failing to fulfil adequate commitments.

Microplastic pollution cannot be addressed by one actor alone, nor by one country alone. It is a transboundary problem that requires multinational solutions and intersectoral solutions. Scientists have already put forward the idea of a plastic pollution treaty (Simon & Schulte, 2017; Raubenheimer & McIlgorm, 2017). Thus, further research could focus on the private governance of microbeads from an international perspective, investigating the role of partnerships in international campaigns and their contribution to multilateral agreements.

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