

# REGULATIONS PROHIBITING REEF-TOXIC SUNSCREENS

## Section 1: General Provisions

### 1.1 Long and Short Title.

The long title of these Regulations is “Regulations Prohibiting Reef-Toxic Sunscreens;” the short title of these Regulations is “Sunscreen Regulations.”

### 1.2 Authority, Purpose, and Scope.

- A. Pursuant to Title 24, Chapter 12, Subchapter VII of the Palau National Code (PNC), known as the Responsible Tourism Education Act of 2018 (“the Act”), the Minister of Natural Resources, Environment and Tourism hereby adopts and promulgates these Regulations. These Sunscreen Regulations give effect to and implement the Act, which bans entering with, importing, selling, and manufacturing reef-toxic sunscreens in the Republic of Palau (the Republic).
- B. The purpose of these Regulations is to protect Palau’s pristine marine environment from the harmful effects of reef-toxic sunscreen. Scientific studies indicate that several chemical sunscreen ingredients are toxic to coral reef ecosystems and ongoing research continues to reveal new threats posed by additional chemical sunscreen ingredients. Palau’s coral reefs provide important fishing grounds and ecosystem services, and its famous dive and snorkel sites are essential to the Republic’s economy. In recognition of the importance of these coral reef ecosystems, these Regulations adopt a precautionary approach to sunscreen by banning all active ingredients and preservatives known or suspected to be reef-toxic. If future scientific research studies reveal that new ingredients should be banned or proves that any ingredients prohibited by these Regulations are not reef-toxic, the Minister may amend these Regulations to alter the list of banned ingredients. This approach safeguards Palau’s natural heritage while remaining flexible and responsive to scientific advancements.
- C. Through these regulations, MNRET shall:
  - i. provide the list of banned reef-toxic sunscreen ingredients;
  - ii. explain the circumstances under which reef-toxic sunscreens will be confiscated;
  - iii. explain the circumstances under which civil penalties will be imposed; and
  - iv. define the civil penalties for violations of the Act.

### 1.3 Definitions.

Under these Regulations:

- A. **Active ingredient** means the part of a substance or compound that produces its biological or chemical effect.

- B. **Banned ingredient** means any chemical sunscreen active ingredient or preservative listed in the Appendix of this regulation.
- C. **Consumer unit** means a tube, bottle, stick, pot, jar, aerosol or non-aerosol spray, canister, or other container of sunscreen intended for use by any person.
- D. **Customs** means the Division of Customs within the Bureau of Revenue, Customs and Taxation.
- E. **Customs Regulations** means the Customs Regulations for the Republic of Palau Ministry of Finance, Bureau of Revenue, Customs and Taxation, Division of Customs.
- F. **Distribute for sale** means the action or process of supplying goods to any retailer.
- G. **Import** means to bring or cause to be brought any article of tangible property manufactured, grown, produced, or created outside of the Republic of Palau into the Republic.
- H. **Manufacture** means to produce a product for use or sale from raw materials, or to alter an imported product.
- I. **Offered for sale** includes all items in a retailer's inventory.
- J. **Person** means any natural person, firm, corporation, partnership, or other organization or group however organized.
- K. **Port of entry** means any official, temporary, or provisional port or location for customs transactions established in accordance with Title 13, Chapter 11 of the PNC and the Customs Regulations promulgated thereunder.
- L. **Preservative** means a substance added to sunscreen to prevent decay.
- M. **Reef-toxic sunscreen** means sunscreen containing any banned ingredient.
- N. **Retailer** means any person, shop, or business that sells goods to the public.
- O. **Sale** means a transaction between two or more parties in which the buyer receives goods in exchange for money or other goods paid to a seller.
- P. **Sunscreen** means a skincare product sold for topical application formulated to prevent sunburn, decrease the risk of certain cancers and pre-cancerous conditions, or prevent premature skin aging by absorbing or reflecting ultraviolet radiation.
- Q. **Water vessel** means every description of watercraft used or capable of being used as a means of transportation on water, including but not limited to cruise ships, commercial ships, pleasure boats, sailboats, or yachts.

## **Section 2: International Arrival with Reef-Toxic Sunscreens Prohibited**

### 2.1 Customs Declaration Form.

The Customs Declaration Form shall require arriving passengers to declare any sunscreen in their possession in accordance with the Customs Regulations.

### 2.2 Prohibition of entry with reef-toxic sunscreen.

It is unlawful for any person to bring reef-toxic sunscreen into the Republic for any reason.

### 2.3 Confiscation of reef-toxic sunscreen.

- A. All reef-toxic sunscreen found by Customs during the entry inspection process at any port of entry shall be confiscated.
- B. Customs may develop a procedure to return confiscated sunscreens to visitors upon their departure from the Republic.

### 2.4 Ports of entry.

- A. Palau International Airport.
  - i. One or more clearly marked disposal bins shall be placed near the airport baggage claim area, but before the customs inspection station, where arriving passengers may surrender reef-toxic sunscreens.
  - ii. Signs shall be posted in the airport arrivals area informing arriving passengers about the prohibition of reef-toxic sunscreens.
- B. All other ports of entry.
  - i. Customs shall incorporate inspections for reef-toxic sunscreen into all examinations conducted in accordance with the Customs Regulations for arriving passengers disembarking from any water vessel.

## **Section 3: Import, Manufacture, and Sale of Reef-Toxic Sunscreens Prohibited**

### 3.1 Import, manufacture, and sale prohibited.

It is unlawful for any person to import, manufacture, sell, offer for sale, or distribute for sale reef-toxic sunscreen in the Republic.

### 3.2 Confiscation.

Customs or law enforcement officers shall confiscate all reef-toxic sunscreens found during any type of lawful inspection, examination, or search.

### 3.3 Civil penalty.

Any person who violates this section shall be subject to the civil penalties in Section 7 of these Regulations.

## **Section 4: Identification of Reef-Toxic Sunscreen**

Customs and law enforcement officers shall exercise reasonable discretion when identifying reef-toxic sunscreen. If a sunscreen is not in the original manufacturers packaging with all ingredients listed or the original label is absent or illegible, officers shall confiscate the sunscreen. If officers cannot determine whether a sunscreen is reef-toxic because the label is printed in a foreign language, the officers shall confiscate the sunscreen.

## **Section 5: Disposal**

Reasonable precautions should be taken to prevent any confiscated or surrendered reef-toxic sunscreen from entering the Republic's marine environment.

## **Section 6: Amendments to the Banned Ingredient List**

The Minister of MNRET may add or remove banned ingredients added by Regulation from the list in the Appendix on the basis of adequate scientific data.

## **Section 7: Civil Penalties**

### 7.1. Violations.

- A. Each consumer unit of sunscreen sold, distributed for sale, manufactured, or imported shall count as a separate violation of these Regulations.
- B. Each violation of these regulations shall result in a fine of up to \$100 per consumer unit of reef-toxic sunscreen.
- C. A person shall be fined separately for each individual violation. For example, if a person imports reef-toxic sunscreen then sells it, they shall be fined separately for the import and sale of each consumer unit of sunscreen.

### 7.2 Fines.

- A. Sale - For consumer units sold or offered for sale, the maximum total fine shall be \$5,000 per enforcement action.
- B. Distribution for sale - For consumer units distributed for sale, the maximum total fine shall be \$5,000 per enforcement action.
- C. Manufacture - For consumer units manufactured, the maximum total fine shall be \$10,000 per enforcement action.

D. Import - For consumer units imported, the maximum total fine shall be \$10,000 per enforcement action.

**APPENDIX**

\*\*The following is the Republic of Palau's official list of banned sunscreen ingredients. Any sunscreen that contains one or more of these ingredients is a reef-toxic sunscreen. It is prohibited for any person to bring reef-toxic sunscreen into the Republic, as well as for any person to import, manufacture, sell, offer for sale, or distribute for sale reef-toxic sunscreen. The Minister of MNRET may add or remove banned ingredients added by regulation from this list on the basis of adequate scientific data.\*\*

<i>Chemical Class</i>	<i>Chemical Abstract Service (CAS) Registry Number</i>	<i>International Nomenclature of Cosmetics Ingredients (INCI)</i>	<i>United States Approved Name (USAN)</i>	<i>Australian Approved Name (AAN)</i>	<i>IUPAC Name</i>	<i>Other Names/ Common Trade Names</i>
<b>Anthranilates</b>						
	134-09-8	Menthyl Anthranilate	Meradimate	Menthyl Anthranilate	5-Methyl-2-(1-Methylethyl)Cyclohexanol-2-Aminobenzoate	Cyclohexanol
	In addition to the ingredient listed above, all other anthranilates are banned.					
<b>Benzimidazole sulfonic acid derivatives</b>						
	27503-81-7	Phenylbenzimidazole Sulfonic Acid	Ensulizole	Phenylbenzimidazole Sulfonic Acid	2-Phenylbenzimidazole-5-sulphonic acid	
	180898-37-7	Disodium Phenyl Dibenzimidazole Tetrasulfonate	Bidisolizole disodium	Disodium Phenyl Dibenzimidazole Tetrasulfonate	Monosodium salt of 2-2'-bis-(1,4-phenylene)1H-benzimidazole-4,6-disulphonic acid)	Neo Helioplan AP, DPDT, Bismidazylate
	In addition to the two ingredients listed above, all other benzimidazole sulfonic acid derivatives are banned.					
<b>Benzophenone-based chemicals</b>						
	131-57-7	Benzophenone-3	Oxybenzone	Oxybenzone	2-Benzoyl-5-methoxyphenol	BZ-3
	4065-45-6	Benzophenone-4	Sulisobenzone	Sulisobenzone	2-Hydroxy-4-methoxybenzophenone-5-sulfonic acid	
	131-53-3	Benzophenone-8	Dioxybenzone	Dioxybenzone	2,2'-Dihydroxy-4-Methoxybenzophenone	
	302776-68-7	Diethylamino Hydroxybenzoyl Hexyl Benzoate		Diethylamino Hydroxybenzoyl Hexyl Benzoate	Benzoic acid, 2-[-4-(diethylamino)-2-hydroxybenzoyl]-, hexylester	Uvinul A+, DHHB
	In addition to the four ingredients listed above, all other benzophenone-based chemicals are banned.					
<b>Benzylidene Derivatives</b>						
	15087-24-8	3-Benzylidene Camphor			(3E)-3-benzylidene-1,7,7-trimethylbicyclo[2.2.1]heptan-2-one	
	36861-47-9	4-Methylbenzylidene Camphor	Enzacamene	4-Methylbenzylidene Camphor	3-(4'-Methylbenzylidene)d-1 camphor	
	56039-58-8	Benzylidene Camphor Sulfonic Acid		Benzylidene Camphor Sulfonic Acid	alpha-(2-Oxoborn-3-ylidene)-toluene-4-sulphonic acid	
	52793-97-2	Camphor Benzalkonium Methosulfate		Camphor Benzalkonium Methosulfate	N,N,N-Trimethyl-4-(2-oxoborn-3-ylidenemethyl) anilinium methyl sulphate	Mexoryl SO
	113783-61-2	Polyacrylamidomethyl Benzylidene Camphor			Polymer of N-(2 and 4)-[2-oxoborn-3-ylidene)methyl]benzyl acrylamide	
	207574-74-1	Polysilicone-15		Polysilicone-15	Dimethicodiethylbenzmalonate	Parasol SLX
	92761-26-7	Terephthalylidene Dicapthor Sulfonic Acid	Ecamsule	Ecamsule	3,3'-(1,4-Phenylenedimethylene)bis[7,7-dimethyl-2-oxo-bicyclo-(2,2,1)hept-1-yl methanesulfonic acid]	Mexoryl SX
	In addition to the seven ingredients listed above, all other benzylidene derivatives are banned.					
<b>Cinnamates</b>						
	104-28-9	Cinoxate	Cinoxate	Cinoxate	2-Ethoxyethyl-p-Methoxycinnamate	
	71617-10-2	Isoamyl p-Methoxycinnamate	Amiloxate	Isoamyl Methoxycinnamate	Isopentyl-4-methoxycinnamate	
	5466-77-3	Ethylhexyl Methoxycinnamate	Octinoxate	Octyl Methoxycinnamate	2-Ethylhexyl 4-Methoxycinnamate	Eusolex 2292, Uvinul MC80
	In addition to the three ingredients listed above, all other cinnamates are banned.					
<b>Dibenzoyl Derivatives</b>						
	70356-09-1	Butyl Methoxydibenzoylmethane	Avobenzene	Butyl Methoxydibenzoylmethane	1-(4-tert-Butylphenyl)-3-(4-methoxyphenyl) propane-1,3-dione	BMDM, Parsol 1789
	In addition to the ingredient listed above, all other dibenzoyl derivatives are banned.					

Diphenyl Acrylic Acid Derivatives						
	6197-30-4	Octocrylene	Octocrylene	Octocrylene	2-Cyano-3,3-diphenyl acrylic acid, 2-ethylhexyl ester	Octocrilene
	In addition to the ingredient listed above, all other diphenyl acrylic acid derivatives are banned.					
Para-Aminobenzoic Acid (PABA) Derivatives						
	21245-02-3	Ethylhexyl Dimethyl PABA	Padimate O	Padimate O	4-Dimethyl-amino-benzoate of ethyl-2-hexyl	Octyl dimethyl PABA
	150-13-0	PABA	Aminobenzoic Acid	Aminobenzoic Acid	4-Aminobenzoic Acid	
	116242-27-4	PEG-25 PABA			Ethoxylated ethyl-4-aminobenzoate	
	In addition to the three ingredients listed above, all other PABA derivatives are banned.					
Salicylates						
	118-60-5	Ethylhexyl Salicylate	Octisalate	Octyl Salicylate	2-Ethylhexyl 2-Hydroxybenzoate	Eusolex OS, Neo Helioplan OS
	118-56-9	Homosalate	Homosalate	Homosalate	3,3,5-Trimethylcyclohexyl 2-Hydroxybenzoate	
	2174-16-5	TEA-Salicylate	Trolamine Salicylate	Triethanolamine Salicylate	2-[bis(2-hydroxyethyl)amino]ethanol;2-hydroxybenzoic acid	
	In addition to the three ingredients listed above, all other salicylates are banned.					
Triazine/ Triazole Derivatives						
	187393-00-6	Bis-Ethylhexyloxyphenol Methoxyphenyl Triazine	Bemotrizinol	Bemotrizinol	(1,3,5)-Triazine-2,4-bis((4-(2-ethylhexyloxy)-2-hydroxy)-phenyl)-6-(4-methoxyphenyl)	Tinosorb S, MMBT
	154702-15-5	Diethylhexyl Butamido Triazone	Iscotrizinol		Benzoic acid, 4,4((6-(((1,1-dimethylethyl)amino)carbonyl)phenyl)amino) 1,3,5-triazine-2,4-dyl)diimino)bis-,bis-(2-ethylhexyl)ester)	
	88122-99-0	Ethylhexyl triazone		Octyl Triazone	2,4,6-Triamino-(p-carbo-2'-ethylhexyl-1'oxi)-1,3,5-triazine	Uvinul T 150
	103597-45-1	Methylene Bis-Benzotriazolyl Tetramethylbutylphenol	Bisocotrizole	Methylene Bis-Benzotriazolyl Tetramethylbutylphenol	2,2'-Methylene-bis-6-(2H-benzotriazol-2yl)-4-(tetramethylbutyl)-1,1,3,3-phenol	Tinosorb M, BEMT
	55514-22-2	Phenylene Bis-Diphenyl-triazine			3,3'-(1,4-Phenylene)bis(5,6-diphenyl1,2,4-triazine)	
	155633-54-8	Drometizole Trisiloxane		Drometizole Trisiloxane	Phenol,2-(2H-Benzotriazol-2-yl)-4-Methyl-6-(2-Methyl-3-(1,3,3,3-Tetramethyl-1-(Trimethylsilyl)Oxy)-Disiloxanyl)Propyl)	Mexoryl XL, DTS, Silatriazole
	31274-51-8	Tris-biphenyl triazine		Tris-biphenyl triazine	1,3,5-Triazine, 2,4,6- tris[1,1'-biphenyl]-4-yl-	
	In addition to the seven ingredients listed above, all other triazine/ triazole derivatives are banned.					
Parabens						
	99-76-3	Methylparaben	Methylparaben	Methylparaben	Methyl 4-hydroxybenzoate	Methyl paraben
	120-47-8	Ethylparaben	Ethylparaben	Ethylparaben	Ethyl 4-hydroxybenzoate	Ethyl paraben
	94-26-8	Butylparaben	Butylparaben	Butylparaben	Butyl 4-hydroxybenzoate	Butyl paraben
	94-18-8	Benzylparaben	Benzylparaben	Benzylparaben	Benzyl 4-hydroxybenzoate	Benzyl paraben
	94-13-3	Propylparaben	Propylparaben	Propylparaben	Propyl 4-hydroxybenzoate	Propyl Paraben
	4247-02-3	Isobutylparaben	Isobutylparaben	Isobutylparaben	Isobutyl 4-hydroxybenzoate	Isobutyl paraben
	4191-73-5	Isopropylparaben	Isopropylparaben	Isopropylparaben	Isopropyl 4-hydroxybenzoate	Isopropyl paraben
	In addition to the seven ingredients listed above, all other parabens are banned.					
Other Preservatives						
	3380-34-5	Triclosan	Triclosan	Triclosan	5-Chloro-2-(2,4-dichlorophenoxy)phenol	Trichlorohydroxydiphenylether
	101-20-2	Triclocarban	Triclocarban	Triclocarban	1-(4-Chlorophenyl)-3-(3,4-dichlorophenyl)urea	Triclocarbanum, Triclocarban anhydrous
	122-99-6	Phenoxyethanol	Phenoxyethanol	Phenoxyethanol	2-Phenoxyethanol	Phenoxyethanolum