

US legislators propose crackdown on toxic cosmetics

In a bid to “close gaping holes” in cosmetics regulation, American legislators are proposing that the United States Food and Drug Administration (FDA) be given the authority to ensure that personal-care products, including cosmetics, are free of harmful ingredients and that their labels fully disclose all components.

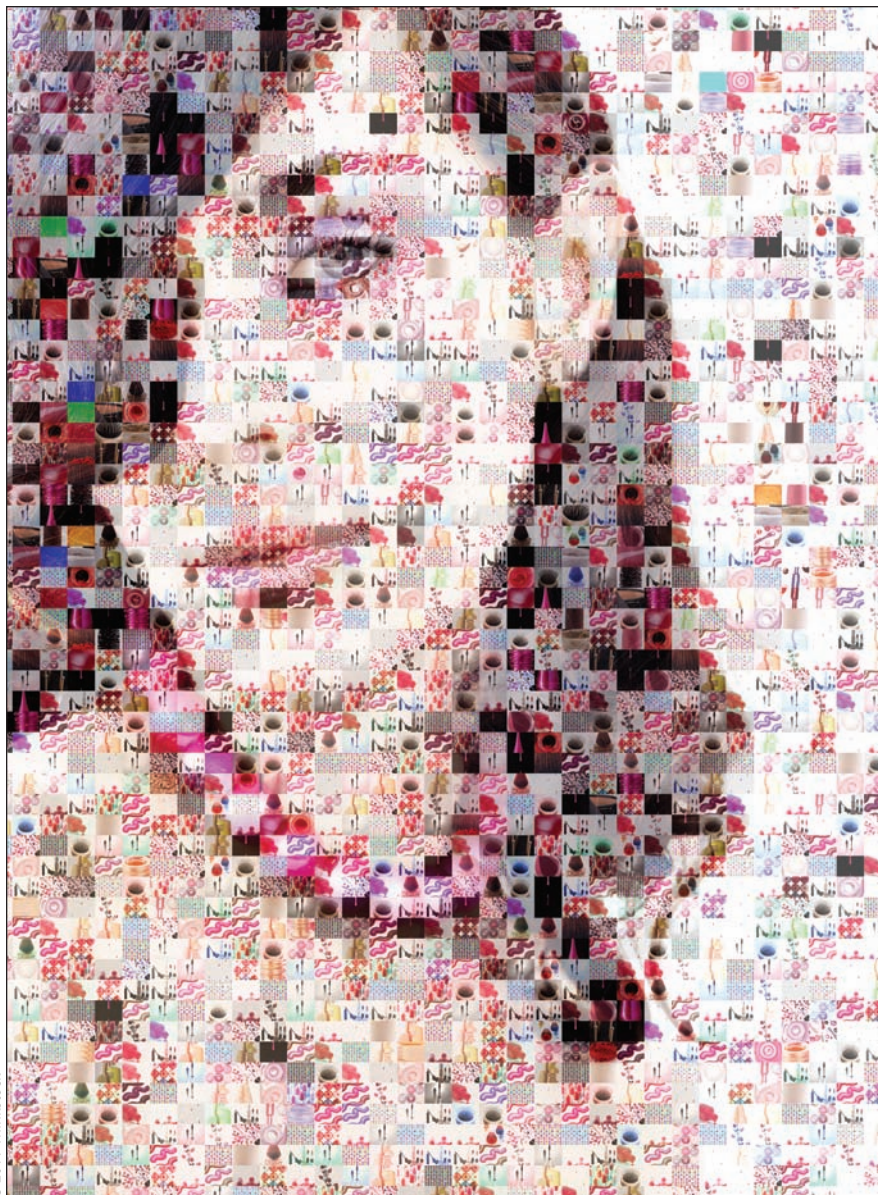
The proposed “Safe Cosmetics Act of 2011” would give FDA the authority to demand safety assessments of cosmetics ingredients, issue recalls of unsafe products and ban the use of ingredients linked to cancer, birth defects and other ailments (safecosmetics.org/section.php?id=74). Introduced by Democratic representatives Janice Schakowsky, Edward Markey and Tammy Baldwin, the legislation would effectively end some years of beauty industry self-regulation.

“Lead in lipstick and carcinogens in baby shampoo — that’s what happens when a multibillion-dollar industry regulates itself,” argues Janet Nudelman, director of program and policy for the Breast Cancer Fund, the San Francisco, California-based nonprofit advocacy group that spearheaded a drive for legislation. “We’re still seeing the fallout of that Brazilian Blowout hair straightener that was shown to contain 10% formaldehyde by weight, even though it was being marketed as formaldehyde free.”

Beauty salon workers and consumers suffered such injuries as eye and nervous system disorders, respiratory tract problems, chest pain, vomiting and rash as a result of using the straightener but it remains on the market because the FDA is not authorized to recall cosmetics, Nudelman explains.

The existing “Food, Drugs and Cosmetics Act of 1938” requires companies to list most of the ingredients they use on product labels, and to substantiate the safety of their products before marketing (www.fda.gov/Cosmetics/GuidanceComplianceRegulatoryInformation/ucm074162.htm).

But the FDA says manufacturers are responsible for ensuring that products



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Various studies have indicated that toxic heavy metals are contained in the vast majority of cosmetics products.

are labelled properly and that it “does not have the resources or authority under law for the pre-market approval of cosmetic product labelling” and must go through the courts to remove misbranded products from the market (www.fda.gov/Cosmetics/CosmeticLabelingLabelClaims/default.htm).

The proposed legislative changes would compel companies to:

- Fully disclose all ingredients used in

personal-care products, including the components of previously exempted catch-alls such as “fragrance;

- Submit all available data about the safety of ingredients for FDA assessment and public disclosure;
- Conduct further safety testing deemed necessary by FDA;
- Report consumer adverse reactions; and
- Phase out blacklisted ingredients.

Companies making more than US\$2 million per year would be required to register with the FDA, while those making more than US\$10 million would be required to pay fees to support the cost of regulation.

Not surprisingly, the proposed legislation has ruffled industry feathers, including those of the Personal Care Products Council, the industry's trade association, which argued that the changes impose "costly and unnecessary restrictions on business" (www.ctfa.org/newsroom/20110624).

"The problem with the act is that it's just hitting the problem with a massive federal effort that's basically founded on the assumption that all ingredients in products are suspect, and that isn't true," says John Hurson, executive vice president of government affairs for the association. "While there may be questions or concerns being raised in the

public by people who are active in this space about certain ingredients, and we would as an industry agree that there are some issues of concern about some ingredients, there's never been questions raised about 85%–95% of the ingredients in these products."

In Canada, regulation of the cosmetics industry is more stringent but even those tighter restrictions do not appear to completely eliminate harmful ingredients. The Toronto, Ontario-based nonprofit environmental organization, Environmental Defence Canada, for example, earlier this year found that toxic heavy metals were contained in 49 products produced by M-A-C Cosmetics Canada and L'Oréal (http://environmentaldefence.ca/sites/default/files/report_files/HeavyMetalHazard%20FINAL.pdf). Meanwhile, a separate survey found that some 80% of Canadian personal-care products contain at least

one ingredient with a suspected link to environmental or health problems (www.davidsuzuki.org/publications/downloads/2010/DSF-report-Whats-inside-that-counts.pdf).

"We've never claimed that a carcinogen in a nail polish is going to cause cancer after one application, but what we are claiming is that there are well-known carcinogens, reproductive toxins and neurotoxins, to name a few, in cosmetics. None of us live in a bubble, but we're trying to do what we can about the chemical exposures we can control," explains Nudelman. "We know companies can make safe products and are making a lot of money off those products, so if you can make a lipstick without lead, why the heck wouldn't you do it?" — Lauren Vogel, *CMAJ*

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