

The Campaign for Safe Cosmetics

Federal Personal Care Products Safety Act (S.1014)

Introduced April 20, 2015 by Senators Dianne Feinstein, D-Calif., and Susan Collins, R-Maine

A. What does the proposed policy do?

- Directs the FDA to assess the safety of a minimum of five cosmetics chemicals a year and creates a Cosmetics Safety Advisory Committee to advise the FDA on ingredients that should be considered for safety review;
- Requires cosmetic companies to register their facilities, products and ingredients with the FDA; and comply with good manufacturing practices;
- Gives the FDA the authority to require labeling of products, which contain ingredients that are unsafe for vulnerable populations; requires full ingredient disclosure for professional salon products and web-based sales of cosmetic products;
- Requires manufacturers to substantiate the safety of the finished cosmetic product and all ingredients in the product, and make the safety review available to the FDA upon request;
- Requires the reporting of serious adverse events and gives the FDA mandatory recall authority to get unsafe products off the shelves;
- Grandfathers in existing cosmetic safety laws and programs but preempts states from adopting legislation or regulation addressing the safety of chemicals under safety review by the FDA. Also preempts states from adopting legislation on registration, GMP, recalls and adverse event reporting of cosmetics;
- A reduction in animal testing is encouraged; and
- A sliding scale fee structure is created to help pay for the program.

B. What are the Campaign for Safe Cosmetics priority problems with the proposed legislation?

- Fragrance and flavors are exempt from the FDA ingredient disclosure, which means the FDA will not be getting the information it needs to effectively regulate cosmetic ingredient safety.
- Fragrance chemicals are also kept secret from manufacturers and consumers, making it impossible for manufacturers to fully substantiate the safety of all of the ingredients in their products. Because 40 percent of personal care products include fragrance, this means almost one-half of all products will not be fully assessed for safety.
- The breadth and depth of the bill's safety standard, used by the FDA to assess the safety of five cosmetic chemicals a year needs to be stronger; it only applies to the FDA, not manufacturers who will be responsible for the lion's share of safety substantiation; lacks clarity regarding the protection of vulnerable populations including workers; and does not consider "reasonably foreseeable 'real life use situations'," but instead directs manufacturers to only consider a label's "recommended or suggested conditions of use" when assessing the safety of an ingredient or cosmetic product. It also does not provide direction as to the long term, chronic health endpoints that should be considered including but not limited to cancer, reproductive and developmental harm.
- States are preempted from establishing legislation to address the registration, GMP, recalls and adverse event reporting of cosmetic products; and preempted from adopting legislation or regulation addressing the safety of chemicals under safety review by the FDA.

Prepared by Janet Nudelman on behalf of the Campaign for Safe Cosmetics, 5/28/15