

TESTIMONY OF  
CURRAN DANDURAND,  
CEO& CO-FOUNDER OF JACK BLACK LLC  
BEFORE THE HEALTH, EDUCATION, LABOR & PENSIONS COMMITTEE OF  
THE SENATE

SEPTEMBER 22, 2016

Good morning Chairman Alexander and Ranking Member Murray, my name is Curran Dandurand. I am the Chief Executive Officer of Jack Black LLC., a Company I founded over sixteen years ago with my husband Jeff and my colleague Emily Dalton. We founded the company with our combined life savings and a vision of a market segment that we believed was under-served. Our company develops and markets quality personal care products for men under the Jack Black brand name.

When we started, it was just the three of us operating out of our homes. We are now a market leader, employ almost 80 people in the U.S. and have office, distribution and warehouse facilities, and a national sales force. Jack Black is sold in all 50 states and in more than 30 international markets. Virtually all our products and packaging materials are manufactured in the United States.

I am here today as a small business owner. I am also a member of the Independent Cosmetics Manufacturers and Distributors Association, a nonprofit trade organization with over 700 member companies whose mission is to educate and promote the growth of entrepreneurial companies like mine. The cosmetics industry is a dynamic stronghold of entrepreneurial activity, with relatively low barriers to entry and the opportunity for people from all walks of life to start a business and grow it into something meaningful.

When we started our business more than 16 years ago there were very few companies that marketed a full line of personal care products for men. Today, and in part due to our own success, this has changed with many more brands competing in this category. Some of these brands are owned by large, powerful multinational companies with significant advertising and marketing resources. For smaller companies like ours that don't have even a fraction of these resources, the keys to growth are product innovation, product quality, and being nimble and highly responsive to our customers.

Product safety is sacrosanct and a crucial cornerstone in our brand philosophy. The first step in our product innovation process is to conduct an extensive ingredient review of the proposed new formula, to confirm that the individual ingredients are safe and the combination of ingredients is safe. The next step is to have the new formulation tested using the Human Repeat Insult Patch Test (HRIPT) and other testing methodologies that are appropriate depending on the product type and intended use. Once a product has passed these tests and other internal and external expert reviews, we can proceed to consumer panel testing to confirm product performance and consumer acceptance.

The other key concern in the product development process is making certain that the products can be produced within our cost parameters and that they are fully compliant with the laws of all jurisdictions in which the product will be marketed. Currently within the United States, and contrary to regulatory trends in other areas of the world, there has been a movement to create separate state requirements. These regulations would be separate and apart from, and inconsistent with, the federal standards established by FDA. Having to comply with potentially fifty different standards on labeling, ingredient safety

and registration requirements would be burdensome and impossible for small companies like ours, even successful ones. Smaller companies don't have the resources to develop, test and maintain separate inventories to meet state requirements and cannot afford the regulatory staff needed to navigate myriad diverse state regulations.

It's absolutely clear that the erosion of a national standard has and will continue to substantially increase the cost of producing and distributing personal care products, with a disproportionate impact on smaller companies. Consequences for the small business owner would be disastrous: many would have to stop doing business in states where they could not afford to comply, others would go out of business, still other businesses would never get started in the first place. If this had been the regulatory landscape 16 years ago when we started Jack Black we would have had a very difficult time getting out of the starting gate, much less becoming successful, and our company and product line would probably not exist today.

The science establishing ingredient safety should not change from state to state, therefore it does not make sense to allow varying state regulations regarding cosmetics safety standards. Proliferation of diverse state regulations increases the barriers to entry for prospective entrepreneurs, and drives up the cost and complexity of doing business, particularly for small business, without any corresponding progress in consumer safety.

In addition to the creation of one consistent National Standard there are other opportunities to improve the existing regulatory framework without placing onerous, costly burdens on small business. One is the mandatory registration of all U.S. and

foreign manufacturing facilities that import products into the US market. Another is to require all manufacturers to file ingredient statements for all products they manufacture, and a third would be to require that all manufacturers, both domestic and international, follow Good Manufacturing Procedures as established by the FDA. These improvements will give the FDA stronger oversight over cosmetic safety and greater visibility and transparency with manufacturers. This will also help provide a level playing field for our U.S. manufacturers by ensuring that all manufacturers, including those based outside of the U.S., comply with the same requirements and standards.

Thank you for providing me the opportunity to appear before you. I would be happy to answer any questions you may have.