

Senator Dianne Feinstein
Personal Care Products Hearing
September 22, 2016

Thank you very much Mr. Chairman, and thank you so much for scheduling this hearing. It's much appreciated. I also want to thank my cosponsor. Thank you so much, Susan, for working together with me on this.

I'd like to acknowledge just a few who are in the audience today, including representatives from Johnson and Johnson—maker of brands including Neutrogena, Aveeno, and Johnson's baby products; Procter and Gamble—maker of brands such as Pantene, Head and Shoulders, Clairol, Secret, and Olay; and Revlon.

We also have representatives from science and consumer groups, including the Endocrine Society, Good Housekeeping Institute, and Environmental Working Group, who have a member on the panel.

Mr. Chairman, the laws governing the safety of personal care products, which every American uses every day, have not been really updated since **1938**.

So let me begin: Our skin is our largest organ and many ingredients contained in these products—whether it be lotion, shampoo or deodorant—are quickly absorbed by the skin.

Think about it for a moment: Nicotine patches to help people stop smoking and pain patches deliver potent drugs through the skin. The chemicals in personal care products are also absorbed—even through our nails.

There is increasing evidence that certain ingredients in personal care products are linked to a range of health concerns, ranging from reproductive issues, such as fertility problems and miscarriage, to cancer.

I'd like to touch on just a couple examples:

It was formaldehyde that brought me to this issue and watching Brazilian blowouts being administered in cramped quarters in beauty salons. Formaldehyde can cause shortness of breath, headaches and dizziness in the short-term. And in the long-term it's been linked to cancer.

Also, Gel-nail polishes. They last longer, often contain a number of concerning chemicals, including what's been called the "toxic trio".

Manicurists who apply these polishes are at increased risk. They work long hours and breathe fumes all day. In some salons, there can be very poor ventilation. This can lead to health issues like respiratory difficulties and even fertility problems.

To remove this long-lasting polish, nails must be soaked in acetone—another chemical considered to be potentially hazardous by the Occupational Safety and Health Administration.

Because of outdated safety rules, the FDA has prohibited or restricted only 11 substances, including mercury and chloroform, from use in personal care products.

In contrast, the European Union has had an ingredient review process for personal care products in place for decades. The EU has banned more than 1,300

chemicals from personal care products and restricted an additional 256. In addition, additives and colors may only be used if they are preapproved.

More than eight years ago now, I started working on legislation to update the safety rules for personal care products.

And about three years ago we found there was increased concern and a willingness among stakeholders to come together.

I spoke with a man by the name of Leonard Lauder, the chairman of the Estee Lauder companies and a long-time friend. I asked him, “What do you think of this?” And he said, “I think it might be a very good idea”.

So in the process of developing this legislation we consulted:

- companies, large and small,
- doctors,
- consumer advocates,
- patient advocates,
- scientists, and
- the Food and Drug Administration.

It took countless hours of calls and meetings from my staff, but Senator Collins and I were able to put together then the first bill introduced on this subject to have bipartisan support, as well as support from a wide-ranging coalition of companies and consumer and health organizations.

Let me name just a few:

- L'Oreal, which makes *Garnier, Mabelline, Lancome, Redken, Keihl's, Essie, and the Body Shop* products
- Unilever, with brands such as *Dove, Suave, and Vaseline*
- California Baby, a popular natural children's brand
- March of Dimes
- Society for Women's Health Research
- American Cancer Society

Those are just some of the 17 companies, representing over 160 brands, and 24 organizations that have come together to form exactly the type of broad coalition needed to get a bill done.

Now let me say for a moment what the bill does. The *Personal Care Products Safety Act* would give FDA the authority to review five ingredients in personal care products each year to determine if they're safe. FDA may review additional ingredients if needed.

The bill lists the first five chemicals to be reviewed. And they were chosen based on extensive consultation with companies, health advocates and scientists. There's agreement from all sides that these ingredients should be independently reviewed.

After the first five ingredients, FDA would choose chemicals to review based on feedback from scientists, health advocates and companies.

- Lead acetate, which is used as a color additive in hair dyes is one of the five.

- Methylene glycol or formaldehyde, used in Brazilian blowouts, is one of the five.

The next three chemicals to be reviewed are endocrine disruptors.

Overexposure to these chemicals is linked to a range of health problems, including impacts on the immune system, healthy pregnancies, fertility, and even some cancers.

They are used as preservatives in a wide range of products including shampoo, conditioner, lotion, bubble bath, and deodorant. They are:

- Diazolidinyl urea
- Propyl paraben
- Quaternium-15

The ingredient review process would provide a uniform safety standard for ingredients used by the industry and give consumers the confidence that the products they and their families use are safe.

One point I want to stress: independent review of ingredients isn't just something health and consumer organizations want. It's also something we've learned companies want.

With minimal regulation, companies are left to make their own decisions about potentially harmful ingredients. Do they use the ingredient or not? Do they use just a very small amount of the ingredient? Having an independent arbiter answer these questions is good for the industry.

The bill would also:

- Require companies to report serious health events- WEN as Senator Bennet mentioned might well be one of them- brought to their attention to the FDA within 15 days.
- Provide the FDA with mandatory recall authority.
- Require manufacturer to register with the FDA and provide ingredient information.
- And, FDA would issue Good Manufacturing Practices to ensure products are being produced safely.

Mr. Chairman, personal care products safety is an issue that affects us all- male, female, and juvenile- and it needs to be taken seriously.

So I hope that your committee will take the steps to move this bill forward. I want to thank you and the senators here today to listen to this testimony.

Thank you very much Mr. Chairman.