



FOR IMMEDIATE RELEASE Dec. 4, 2019

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## Congressional memo cites Oregon law as example during cosmetic safety hearing in the House

*The Toxic Kids Free Act is one of four state initiatives with cosmetic safety improvements*

Congressional representatives from New Jersey and Illinois proposed two bills this year to help consumers identify toxic chemicals in cosmetics, and a Congressional memo for a hearing on Wednesday in Washington, D.C. cited Oregon's Toxic Free Kids Act as one of four "long-standing" examples of state action.

The Toxic Free Kids Act, adopted by the state Legislature in 2015, directs the Oregon Health Authority to:

- Create and manage a science-based list of "High Priority Chemicals of Concern for Children's Health," identical to Washington state's list of 66 chemicals;
- Require large manufacturers that sell children's products (toys, car seats, clothing, jewelry and cosmetics) in Oregon to provide notice to the Oregon Health Authority when their children's products contain these chemicals; and
- Require manufacturers to remove or substitute chemicals on the list, within six years, if the chemical is present in a product made for children under the age of three, a children's cosmetic, or a mouthable children's product.

Oregon Environmental Council in 2018 published "[Chemicals of Concerns In Children's Products](#)," --an interactive report (more below) of data, **released for the first time by the state for Oregonians** to review. Our review showed that **more than 4,000 reports** to the Oregon Health Authority mention toys, clothes, crafts, bedding, baby gear sold in Oregon in 2017 contain more than 50 different chemical ingredients that are **scientifically linked to health impacts in kids**.

"Cosmetic products literally touch millions of Oregonians and consumers have a right to know what ingredients they place on their skin or that of their children," said **Oregon Environmental Council Environmental Health Program Director Jamie Pang**, who recently began her tenure. "The Toxic Free Kids Act, with strong implementation, can serve as a great example for Capitol Hill discussions for better federal policy and oversight."

As the cosmetics and personal care product industry continues to expand and people gain access to new and different products in the market, consumer awareness about the safety of these products has also grown. For example, the global organic personal care market, only one segment of the overall cosmetics market, reached \$13.3 billion in 2018, according to the Congressional memo.



According to the federal Health committee's memo, the **Federal Food, Drug, and Cosmetic Act of 1938** that addresses cosmetics safety "prohibits the introduction of adulterated or misbranded cosmetics into interstate commerce; but it does not require that cosmetic products and ingredients, other than color additives, have FDA approval prior to market entry. Further, there is currently no process by which FDA actively reviews cosmetic ingredients for safety. In fact, participation in many of FDA's current regulatory mechanisms for cosmetics, such as registration and recall, is completely voluntary for manufacturers."

Energy and Commerce Chairman Frank Pallone (D-NJ) and Rep. Jan Schakowsky (D-IL) have proposed bills to improve FDA oversight. According to summaries in the memo:

Rep. Pallone's proposal, the *Cosmetic Safety Enhancement Act of 2019* "would require manufacturers to notify FDA of adverse events associated with their cosmetic products within 15 days of learning of such events. Manufacturers would be required to substantiate the safety of their cosmetic products. In addition, the draft bill would empower FDA to conduct safety reviews of cosmetic ingredients and mandate recalls of products associated with serious adverse health events. It also requires manufacturers to provide more transparency about their products on their labels."

Rep. Schakowsky's *Safe Cosmetics and Personal Care Products Act* "would require manufacturers of personal care products sold in the United States to register with FDA. The bill would also require manufacturers to disclose the ingredients in their products on the label, including the ingredients in any fragrances. It would provide FDA with mandatory recall authority for cosmetics and personal care products and require public notice of such recalls. Further, the bill would ban toxic ingredients."

Oregon, Washington, California and Maine all have regulations on personal care products. Oregon's landmark legislation to protect children received no recognition from this state's Congressional representatives at the hearing.

Rep. Greg Walden, who represents residents in Oregon's 2nd ranging from Bend to Medford to LeGrande, and Rep. Kurt Schrader, who speaks for 5th-District folks and businesses around Salem, Tillamook and Newport, sit on the committee and expressed concerns for businesses, overregulation and a potential nationwide patchwork of state laws addressing the same issue.

More reading:

[Chemicals of Concern In Children's Products](#)

[History of TFKA](#)

[Toxic Free Kids Act: Personal Care Products](#)

[Toxic Free Kids Act: PBT Chemicals](#)

[Toxic Free Kids Act: Carcinogens](#)

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