



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB 643 Public Health – Cosmetic Products – Ingredient Prohibition

This bill seeks to eliminate certain toxic chemicals, commonly referred to as the “toxic twelve” or “dirty dozen”, from personal care products. These chemicals include mercury, formaldehyde, certain parabens and phthalates, and fluorinated compounds known as PFAS. All of these chemicals are known to harm human health.

The bill, which is modeled on legislation enacted in California in 2020, would ban the manufacture and sale of personal care products and cosmetics in our state that contain these harmful chemicals. Several jurisdictions around the world have acted to prohibit the use of these chemicals in personal care products. The European Union, Canada, Australia, Japan, Brazil, Argentina, and the Association of Southeast Asian Nations have banned or restricted numerous chemicals that are still found in American cosmetics.

Moreover, many major manufacturers have stopped using these chemicals. Large retailers including CVS, Rite Aid, Walgreens, Sephora, Amazon, and Target have also banned many of these chemicals from the products sold in their stores and websites.¹

However, smaller companies and retailers still continue to use these toxic chemicals in their products, necessitating this legislation to protect Marylanders from these toxic chemicals.

Toxic Chemicals are Found in Personal Care Products

The negative health effects of these chemicals have been well documented in scientific research.

- PFAS are linked to cancer and autoimmune diseases.² PFAS have been found in sunscreen, foundation, concealer, eyeliner, shaving cream, and hairspray.

¹ Environmental Working Group. The Toxic Twenty (2020).
<https://cdn3.ewg.org/sites/default/files/u352/Toxic%202020%20List.pdf>

² Denmark, Ministry of Environment and Food, Risk assessment of fluorinated substances in cosmetic products, October 2018. <https://www2.mst.dk/Udgiv/publications/2018/10/978-87-93710-94-8.pdf>.

- Formaldehyde, methylene glycol, and paraformaldehyde are linked to cancer, immune diseases, and respiratory illnesses.³ Formaldehyde is added to hair and nail products.
- Mercury damages the nervous system and can also harm digestive and immune functions, lungs, and kidneys. It is also corrosive to skin and eyes. However, is still used as a preservative in some eye makeup and is sometimes illicitly added to skin lightening creams.⁴
- Dibutyl phthalate and diethylhexyl phthalate are linked to reproductive toxicity and immune system dysfunction, and yet are added to products like nail polish and eyelash adhesives.⁵
- Isopropyl and isobutyl parabens can disrupt hormone function, harm fertility, and increase the risk of cancer.⁶ These chemicals are also linked to immune system dysfunction and asthma. They are used as preservatives in skin lotions and cleansers, hair gels and treatments, sunscreen, lip balm, eyeliner, and other products.⁷

Unfortunately the potential health impacts of these chemicals are not equally distributed. A study published in the American Journal of Obstetrics and Gynecology found that women of color are disproportionately impacted by these chemicals, due to their use of hair relaxers and skin lightening creams.⁸

Why Maryland Should Take Action

Personal care and cosmetics products sold in Maryland and the United States are largely unregulated as compared to products sold in other countries. Federal and state laws do not require regulators to ensure that products undergo premarket testing for safety, and manufacturers do not have to share safety or testing information with government agencies. As then Food and Drug Administration (FDA) Commissioner Scott Gottlieb stated in a 2019 press release:⁹

“Right now, when it comes to cosmetics, companies and individuals who market these products in the U.S. hold the responsibility for the safety and labeling of their products...”

³ Lv, C., Hou, J., Xie, W. and Cheng, H. (2015), Investigation on formaldehyde release from preservatives in cosmetics. *Int J Cosmet Sci*, 37: 474-478.

⁴ FDA. Mercury Poisoning Linked to Skin Products (2016).

<https://www.fda.gov/consumers/consumer-updates/mercury-poisoning-linked-skin-products>.

⁵ Howdeshell KL, et al. Cumulative effects of dibutyl phthalate and diethylhexyl phthalate on male rat reproductive tract development: altered fetal steroid hormones and genes. *Toxicol Sci*. 2007 Sep;99(1):190-202.

⁶ Golden, Robert, et al. “A Review of the Endocrine Activity of Parabens and Implications for Potential Risks to Human Health.” *Critical Reviews in Toxicology*, vol. 35, no. 5, Jan. 2005, pp. 435–458.

⁷ Matwiejczuk, Natalia, et al. “Review of the Safety of Application of Cosmetic Products Containing Parabens.” *Journal of Applied Toxicology*, vol. 40, no. 1, Jan. 2020, pp. 176–210.

⁸ Zota, Ami R., and Bhavna Shamasunder. “The Environmental Injustice of Beauty: Framing Chemical Exposures from Beauty Products as a Health Disparities Concern.” *American Journal of Obstetrics and Gynecology*, vol. 217, no. 4, Oct. 2017, pp. 418.e1-418.e6.

⁹ Statement from FDA Commissioner Scott Gottlieb, M.D., and Susan Mayne, Ph.D., director of the Center for Food Safety and Applied Nutrition. March 5, 2019.

To be clear, there are currently no legal requirements for any cosmetic manufacturer marketing products to American consumers to test their products for safety.”

Out of the many thousands of ingredients used to manufacture cosmetic and personal care products, the FDA has only ever banned or restricted 11 ingredients.¹⁰ In contrast, the European Union prohibits or restricts the use of over 1,600 ingredients.¹¹

Marylanders are largely unprotected from highly toxic chemicals used in some personal care products. This legislation would protect Marylanders from the most dangerous of these chemicals.

¹⁰ FDA. Prohibited & Restricted Ingredients in Cosmetics. August 24, 2020.
<https://www.fda.gov/cosmetics/cosmetics-laws-regulations/prohibited-restricted-ingredients-cosmetics>

¹¹ EU Cosing database of substances prohibited in cosmetic products, as of Sept 9, 2020.
https://ec.europa.eu/growth/tools-databases/cosing/pdf/COSING_Annex%20II_v2.pdf.