PROMOTING SAFER COSMETICS THROUGH COMPREHENSIVE LEGISLATION

BY TENIOPE ADEWUMI-GUNN

Personal care products marketed to black women contain some of the most toxic ingredients on the market.

The cosmetics industry is untested and under-regulated, leaving women and vulnerable communities at risk for reproductive and developmental disorders, cancer, and other adverse health effects. Women should have the right to safe, non-toxic cosmetics products, and be protected through regulation, transparency, and accountability of manufacturers.

WOMEN ARE disproportionately exposed to toxic chemicals found in cosmetics. Because of inadequate regulation, the scope of assessment for safety in chemicals used in cosmetics is unknown. An average woman in the United States uses 12 personal care products daily, corresponding to 168 unique chemicals (Environmental Working Group). Research has demonstrated that many of the ingredients used in these products are linked to reproductive and developmental disorders, cancer, and other adverse health effects (Koo & Lee, 2004; Diamanti-Kadarakis et al., 2009; Darbre, 2006; Darbre, 2005; Dodson et al., 2012; Guo & Kannan, 2013, 33, 34). Vulnerable groups including children, women of color, and workers of reproductive age are at most risk from the health impacts caused by toxic chemicals in cosmetics.

Use of cosmetics during childhood has also been linked to adverse health concerns. Studies have connected use of such products with earlier age of menarche and puberty, and increased metal- and hormone-disrupting chemical levels in children and teenagers (Corazza et al., 2009; Harley, 2016; Tiwary, 1998).

Black women account for the largest demographic of cosmetics spending in the U.S., contributing to $7 billion annually (Smith, 2009). Black beauty culture is deeply interconnected with the conversation around class, gender, race, colorism and colonialism (Adewumi & Flint, 2016). The most toxic products marketed to Black women are those aimed at achieving a Eurocentric look that has deep roots in colonialism. Personal care products that are marketed to and used by Black women contain some of the most toxic ingredients on the market (Holloway, 2003). These products include hair relaxers and skin lighteners; both have been linked to reproductive health effects, such as uterine fibroids, smaller placentas, and infants with low birth weight (de Souza, 2008; Kooyers & Westhof, 2006; Wise et al., 2012). Still to this day, due to racism, many Black women and girls are unable to wear their natural hair at work or in school.

Women who work in the beauty industry are also at a greater risk of adverse health impacts from professional use of personal care products (Bofetta, 1994; Halliday-Bell et al., 2009; Hollund & Moen, 1998). Over 1.2 million people are employed in this sector, including hairdressers, cosmetologists, and nail-salon workers. Some of the most hazardous chemicals in salon products are dibutyl phthalate, formaldehyde, toluene (together often referred to as the toxic trio), and sodium hydroxide (Roelofs et al., 2008; Tsigonia et al., 2010). These products are consistently linked to reproductive and developmental disorders (Porter, et al., 2011). Hairdressers in particular face increased risk of infertility and spontaneous abortion (Burdorf et al., 2006; Cnattingius et al., 2000; Ronda et al., 2010).

The Federal Food, Drug and Cosmetics Act fails to sufficiently protect consumers and workers from the adverse health impacts of chemicals in personal care products (Schultz, 1981). Current laws—including the Toxic Substances Control Act—do not require companies to test their products for safety before releasing them. The Federal Drug Administration (FDA) has no practical authority to regulate cosmetics products and cannot recall those that are misbranded or proven to be toxic. The FDA can only act through bringing lawsuits for misbranded or adulterated cosmetics. In 2011, for example, the FDA responded to calls from professionals, consumers, and activists to test "Brazilian Blowouts," a hair-smoothing product, for formaldehyde, a carcinogen known to cause asthma and allergic dermatitis (US Food and Drug Administration). Testing found high levels of formaldehyde-releasing chemicals (Dahlgren et al., 2013; Maneli et al., 2014). However, under current legislation, the products could not be removed from sale in the U.S. and are currently still available

(US Department of Labor).

The FDA has a variety of Scientific Advisory Committees whose focus include evaluating a number of products such as tobacco and pharmaceuticals. Currently there is no Scientific Advisory Committee solely focused on cosmetic products ("About Advisory Committees"). Without effective federal oversight, the industry relies for ingredient assessment on the nonprofit Cosmetic Ingredient Review (CIR)(Elder, 1984; McNary & Jackson, 2007). In contrast to widely accepted scientific consensus, the CIR considers certain chemicals including, at one point, formaldehyde safe for cosmetic use (Duhayon, 2008; Elder, 1984; McNary & Jackson, 2007).

Cosmetics products face more stringent regulation in the European Union and Canada than the United States. In 1976, the European Union enacted the EU Cosmetics Directive, a law regulating the cosmetic industry in the 28 EU countries (Buzek & Ask, 2009). The directive, requiring premarket assessments of cosmetics and mandatory registration of products, has been instrumental in banning over 1,300 chemicals from cosmetic use in the EU. Similar legislation in Canada includes cosmetic ingredient disclosure to Health Canada, strict product labeling requirements, and an accessible database of prohibited cosmetic ingredients (Legislative Services Branch).

Introduced by California State Senator Dianne Feinstein, the Personal Care Product Safety Act of 2015 would have aimed to improve regulation in the cosmetic industry. Key provisions included ingredient disclosure for all personal care products for consumers and professionals; mandatory registration of cosmetic product, ingredients and facilities; and the authority for the FDA to recall unsafe products from market. Additionally, the FDA would have been required to conduct safety investigations of at least five cosmetic chemicals annually.

While a key step toward consumer health and safety, this bill fell short of full protection from toxic cosmetic ingredients. Fragrances would have been exempt for ingredient disclosures, adverse health reactions could go unreported, and safety review retained by the industry. The bill also prevented states from establishing legislation to address chemicals reviewed by the FDA. For those reasons several safer personal care products advocates who would have liked to see stronger legislation opposed the bill in its original state (Campaign for Safe Cosmetics, 2015). In addition, a number of manufacturers opposed the bill as they believed it "places too large a burden on small business, stifles innovation in the cosmetics and personal care industry, and does not provide appropriate and significant national uniformity"(Independent Cosmetic Manufacturers, 2015.) The Personal Care Product Safety Act of 2015 was held in the Senate - Health, Education, Labor, and Pensions committee and has yet to be introduced again in 2017.

California became the first state to pass legislation for safe cosmetics and ingredient reporting. The California Safe Cosmetics Act created the California Safe Cosmetics Program Database where manufacturers must disclose any product ingredient that is on state or federal lists of chemicals that cause cancer or birth defects (Walsham, 2006). However, this list is far from comprehensive, as chemical ingredient safety, testing is still limited and the burden of proof lies with independent researchers rather than manufacturers (California Department of Public Health).

RECOMMENDATIONS

Policy:

In order to ensure that women, children, and families are adequately protected from the impacts of possibly toxic chemicals, strong and comprehensive policies ensuring safe cosmetics must be enacted. Individual states should introduce policies similar to the California Safe Cosmetics Act that disclose harmful chemicals in cosmetics. Policies that include comprehensive safety testing and full disclosure hold cosmetics manufactures accountable.

Federally, the Personal Care Product Safety Act of 2015 should be reintroduced with additional provisions that comprehensively protect consumers and professionals. Extensions should grant the FDA authority to publicly report products known to cause adverse health effects; to require ingredient reporting in fragrances; and include funding to establish a Scientific Advisory Committee of scientists appointed by a regulatory body to assess the safety of chemicals and ingredients used in cosmetics.

Stronger regulations and enforcement of policies is crucial to mitigate toxic exposure. Legislation that funds and implements a system to regulate and/or remove chemicals that are proven health risks should be high priority. Those impacted should be included in the creation of policies that reduce exposures, increase safety protocols and regulate the chemical industry manufacturing products.

Research:

Currently there is limited information about ingredients, chemical composition and the health impact of products that hair care professionals and consumers use, especially in the products used in the Black community. Proper labeling practices will help empower stylists and consumers to make healthy and informed decisions when shopping for products to use.

Additional research is needed that is community participatory, focused on product use and workplace exposures to communities of color, and that seeks solutions to the increased health risks. Currently very few studies research the impact of chemical exposure on Black women.

Inclusion of African American/Black researchers, adequate funding and links to policy makers and administrators is critical to reverse the adverse impacts of chemical exposures from personal care and beauty products.

Campaigns:

There have been some successful campaigns around toxic chemicals in everyday products. Some noted campaigns include Detox the Box by Women's Voices for the Earth, which aimed to remove toxic

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chemicals from feminine hygiene products. Through partnering with allies, pushing an aggressive online petition campaign, and other organizing tactics, the campaign was able to get Procter and Gamble and Kimberly Clark , the largest feminine care manufactures to disclose ingredients in pads and tampons. In 2011 Black Women for Wellness, Physicians for Social Responsibility, Los Angeles and other groups worked together to launch a campaign to ban Bisphenol A (BPA) from baby bottles. The campaign saw huge wins in the passing of California Assembly Bill 1319 (Butler) into law that banned BPA from baby bottles in California. These are just a few examples of how community organizing and grassroots led efforts have pushed changes in toxic chemical disclosure and bans to better impact the lives of women and children.

There are current campaigns for safer cosmetics and personal care products in California led by groups including Black Women for Wellness, California Healthy Nail Salon Collaborative, Californians for a Healthy and Green Economy, Physicians for Social Responsibility, Los Angeles and more. Researchers and interested consumers should link up with these groups and work collaboratively to decrease toxic chemicals in our everyday products.

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