

February 23, 2023

Senator Janeen Sollman
Chair, Senate Energy and Environment Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Opposition to SB546

Chair Sollman and Members of the Committee on Energy and Environment:

On behalf of the members of the Personal Care Products Council (PCPC),¹ I am writing to express our opposition to SB 546, legislation to ban the sale of cosmetics with certain ingredients. I want to acknowledge and thank the proponents for being willing to meet with impacted stakeholders after introducing the bill, regrettably, our most significant concerns with SB 546 remain unaddressed by the amendments under consideration. Despite our current opposition, the Personal Care Products Council remains committed to participating in future policy discussions related to this bill in hopes a true compromise can be reached, particularly as it relates to providing manufacturers with harmonization and an appropriate level of regulatory certainty.

President Biden recently signed the Modernization of Cosmetic Regulation Act (MoCRA) of 2022.

The Modernization of Cosmetics Regulation Act (MoCRA) of 2022 was included in the Consolidated Appropriations Act of 2023 that was signed into law by President Biden on Dec. 29, 2022. PCPC applauds Senator Patty Murray for spearheading the effort on cosmetics modernization and thanks bipartisan Members of Congress and the Administration for working together to modernize Federal regulatory oversight of cosmetics and personal care products marketed in the U.S.

This long-awaited, historic legislation gives the FDA additional tools to ensure the safety of cosmetics, protects consumers and reinforces consumer confidence in the products they trust and enjoy every day. MoCRA represents significant reform of FDA's cosmetics authorities, which was signed into law by President Franklin D. Roosevelt in the 1938 Food, Drug & Cosmetic Act. MoCRA also brings the FDA's oversight of the beauty and personal care industry more in line with other categories the Agency regulates and contributes to global regulatory alignment.

We ask that you pause on further state action as implementation begins on this historic law.

SB546 does not harmonize with other recently enacted state laws.

If the Legislature moves forward with SB546, PCPC respectfully requests amendments to harmonize with other recently enacted state laws. For example, California AB 2771 was signed by Governor Newsom in September 2022 and phases out PFAS in cosmetics. CA AB 2771 builds upon CA AB 2762, signed into law by Governor Newsom in 2021, which bans certain cosmetic and personal care ingredients, harmonizes with ingredient restrictions in the European Union and was supported by a wide group of stakeholders, including PCPC.

¹ Founded in 1894, the Personal Care Products Council (PCPC) is the voice and advocate for 600 member companies representing the \$499.6 billion global cosmetics and personal care products industry. PCPC's members represent approximately 90% of the U.S. beauty industry and are some of the most beloved and trusted brands in beauty and personal care today. As the manufacturers, distributors, and suppliers of a diverse range of products millions of consumers rely on every day – from sunscreens, toothpaste and shampoo to moisturizer, makeup and fragrance – PCPC's member companies are global leaders committed to product safety, quality and innovation.

Specific concerns with SB546 as currently drafted.

- PCPC opposes the inclusion of “chemical determined by the department to release formaldehyde.” Formaldehyde releasing agents are an important preservative that is not equivalent to formaldehyde.
- PCPC requests the legislation include definition of “ingredient” consistent with California and Federal law.
- PCPC requests language around technically unavoidable traces consistent with California law.
- PCPC opposes the inclusion of ortho-phthalates in light of the ongoing work by Washington Department of Ecology.
- PCPC opposes the creation of a new regulatory framework under OHA. Patch-work state regulations lead to unpredictability and uncertainty for manufacturers and make it difficult for small and mid-sized manufacturers to comply.

The personal care products industry holds sacred the trust families put in the safety of their products. Our member companies invest substantial resources in scientific research and safety processes to ensure we are precisely following all laws and regulations and providing safe products to our consumers.

For all of the reasons I outlined today, PCPC respectfully asks that you oppose SB546. We welcome the opportunity to dialogue with you on the legislation and thank you for your consideration and the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'KJ', with a long horizontal stroke extending to the right.

Kelsey Johnson
Vice President, State Government Affairs
Personal Care Products Council