

**Testimony to the Senate Committee on Energy & Environment
on Senate Bill 546**

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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Dear Chair Sollman, Vice-Chair Findley, and Committee Members–

On behalf of the Oregon Environmental Council (OEC), a bi-partisan, environmental nonprofit that works at the nexus of human health and the environment, I would like to express my support for SB 546 – the Toxic Free Cosmetics Act. I would also like to thank Chair Sollman on her leadership of this emerging environmental health issue.

Taking toxic chemicals out of cosmetic s overlaps many issues.

It is an environmental justice issue, because there are more toxic chemicals in beauty products marketed towards black women and women of color.¹ This is due to the intention of the ingredients themselves- ie) skin lightening, which is tied directly to standards of beauty. As a result, for example, Asian Americans spend 70% more than the national average on skin products.² I myself was raised on skin lighteners. And to this day, I find myself having to educate family members on their harms, and the mercury they contain.

It is also an economic justice issue because the deadliest additives like formaldehyde releasers are put in the cheapest products, thereby impacting lower income communities.³ It is a worker safety issue because nail salon workers are disproportionately exposed to deadly chemicals like Benzene and Toluene in nail polish.⁴ It is a consumer justice issue because many of these chemicals are not disclosed on the label, and consumers don't know what can harm them. And lastly, it is an environmental issue- because having cleaner and healthier products have both

¹ https://womensvoices.org/wp-content/uploads/2011/08/Products_Marketed_to_Black_Women.pdf.

² [https://www.ajog.org/article/S0002-9378\(17\)30862-1/fulltext](https://www.ajog.org/article/S0002-9378(17)30862-1/fulltext).

³ <https://calce.umd.edu/phthalate-risks-and-alternatives>.

⁴ <https://csw.ucla.edu/2018/01/11/vietnamese-nail-salon-workers-chronic-chemical-exposure/>.

upstream impacts on health, and downstream impacts for our water bodies and wildlife.

The latest science demonstrates this.

The Washington Department of Ecology released a timely report in January 2023. The agency specifically tested 50 cosmetics marketed towards women of color found in local chain stores, and found high levels of Formaldehyde (up to 1600 ppm) in lotion and hair gel, and lead and arsenic in foundations for darker skin tones.⁵ This formaldehyde came from formaldehyde *releasers*, so it was not on the label. Formaldehyde starts irritating skin at 200 ppm, so the potential health impacts are great- ranging from endocrine disruption to cancer. And the products with the highest amount of formaldehyde also came from Walmart- a discount store.

Yet, opponents of this bill have requested to be allowed to use Formaldehyde releasers to form formaldehyde in *unlimited amounts*, into perpetuity.

SB 546 is not preempted by the federal Modernization of Cosmetics Regulation Act (MoCRA) of 2022.

MoCRA did a number of things to change the Federal Food and Drug Administration (FDA)'s cosmetic authorities:

- Requiring formal FDA registration of cosmetic facilities, products, and ingredients;
- Establishing specific manufacturing practices;
- Requiring serious adverse event reporting;
- Requiring companies, for the first time, to disclose their use of specific fragrance and flavor ingredients to the FDA;
- Requiring the public disclosure of the ingredients in professional salon products as well as the disclosure of fragrance allergens;
- Creating standardized testing for asbestos contamination in talc; and
- Giving the FDA the urgent authority it needs to recall cosmetic products that are harming human health.

While these are great changes, MoCRA specifically left alone a state's ability to regulate specific chemicals that are not regulated federally. It doesn't regulate toxic chemicals at all- something that SB 546 seeks to address. Nor did MoCRA specifically require public disclosure of product ingredients in an accessible way to consumers (ie. websites).

SB 546 is a commonsense way to target some of the worst chemical classes like Formaldehyde- especially with weak federal regulations. It's already been shown that there are other formulas and healthier alternatives.⁶

⁵ <https://apps.ecology.wa.gov/publications/documents/2304007.pdf>.

⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5996645/>.

We also support the -1 amendment which also takes into consideration retailers and grocers concerns, and clarifies that they are not responsible for selling a brand of makeup that isn't theirs, and further aligns the chemical list with Washington's for parity between the two states.

The policy is thoughtful. It comes at the heels of seven other states considering cosmetics legislation this year and six other states with existing cosmetic laws. We urge this committee to pass SB 546.

Respectfully submitted,

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