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Activists Win Victory for Safe Cosmetics

by Brenda Salgado

The power we have as consumers and advocates never ceases to amaze and inspire me. In October 2005, Governor Schwarzenegger signed the California Safe Cosmetics Act, SB 484, into law. SB 484, which BCA co-sponsored, requires cosmetics manufacturers to report to California's Department of Health Services (DHS) the harmful ingredients in their products. It is the first legislation of its kind in the United States.

The cosmetic industry vigorously opposed the bill and spent heavily to defeat SB 484. Procter & Gamble paid lobbyists more than \$90,000 in the first half of 2005, and the Cosmetic, Toiletry, and Fragrance Association (CTFA) spent more than \$600,000 in the last two legislative sessions to oppose SB 484 and other environmental health legislation in California.

Beating Industry

Despite all the money the CTFA spent, the bill was passed due to the efforts of activists voicing their concerns. A diverse group of organizations from the labor, health, women's, religious, environmental, and consumer safety communities supported this groundbreaking legislation. Many responsible cosmetic companies also supported the bill, and let legislators know that their products are made without harmful chemicals.

"Our coalition was able to achieve this victory in spite of unprecedented lobbying by giants of industry," said Senator Carole Migden (D-San Francisco), author of the bill. "SB 484 represents a triumph of grassroots efforts and the quest for environmental and public health over money and power."

What the Safe Cosmetics Act Does

Beginning in January 2007, cosmetics manufacturers in California will have to report to DHS on product ingredients that have been linked to cancer or birth defects. Why is this so important? Because the U.S. Food and Drug Administration (FDA) does not review the safety of personal care products before they are sold to us, and because manufacturers don't have to report to the FDA the ingredients they use. Under SB 484, the company must report these harmful chemicals even if they are part of "fragrance," "flavoring," or "other ingredients," which manufacturers claim are trade secrets. These categories actually represent a mixture of many chemicals. Under a loophole in federal cosmetics labeling law, the individual chemicals in these mixtures don't have to be listed on ingredient labels. Thus, a product can contain a harmful ingredient in a fragrance and consumers have no way of knowing. An Environmental Working Group study found that 72 percent of products tested contained phthalates, chemicals linked to reproductive harm, yet none of the products listed phthalates on their label.¹ Under the reporting requirements of SB 484, however, these companies will have to report their use of certain phthalates.

SB 484 also allows DHS to demand health information about cosmetic ingredients from manufacturers and requires the agency to investigate products that violate safety recommendations made by the Cosmetic Ingredient Review panel (which was established and is funded by CTFA). Finally, it authorizes Cal/OSHA (California Occupational Safety & Health Administration) to regulate products that pose a safety risk to salon workers, who handle the chemicals daily and thus have more exposure to the chemicals than the general public.

Other Precedents

Advances are being made worldwide in cosmetics regulation. In January 2003, the European Union banned the use of chemicals in cosmetics that are linked with cancer, reproductive harm, or genetic mutations. All cosmetics manufacturers must comply in order to sell their products in Europe.

New York introduced the Phthalates Free Cosmetics Act in May 2005. The legislation, authored by Assemblymember Scott Stringer (D-Manhattan), would prohibit the manufacture or sale in New York of any cosmetics or personal care product that contains two harmful phthalates, DBP and DEHP. Assemblywoman Judy Chu (D-Monterey Park) tried to pass similar legislation in California two years in a row, but her bills have been defeated due to cosmetics industry lobbying.

Steps Forward

Though SB 484 is not a ban, it is an important first step in the right direction. Collecting information on harmful ingredients and allowing DHS to begin investigations on cosmetics safety will do two important things. It will compel manufacturers to stop using these harmful ingredients, primarily because they won't want their customers and DHS to know they use these chemicals. For those companies that don't move to remove these ingredients, DHS can ask for safety studies on problematic chemicals. And consumers can request information from DHS, and steer their buying power away from companies using harmful chemicals and toward companies making safer products.

As consumers, we have a right to know this information. BCA extends a sincere thank you to all who supported this legislation. We could not have done it without you. SB 484 is an important lesson for us all about the power we have as consumers and advocates. Despite the money the cosmetic industry spent fighting this bill, we won together. Our victory proves that if we gather together on important issues that affect our health, there is a great deal we can accomplish.

TAKE ACTION: [Sign up for BCA's monthly e-alert](#) to stay informed about and active on other important legislation.

Brenda Salgado is BCA's Program Manager.

¹ Environmental Working Group, "Not Too Pretty: Phthalates, Beauty Products and the FDA," 2002. Available online at www.nottoopretty.org.