



The Honorable Frank Pallone Jr.
Chairman
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Greg Walden
Ranking Member
House Committee on Energy & Commerce
2322 Rayburn House Office Building
Washington, DC 20515-6115

Dear Chairman Pallone and Ranking Member Walden,

We urge you to subject chemicals in cosmetics and other personal care products to the “reasonable certainty of no harm” standard currently applied to food additives, color additives and pesticide residues.

Since 2009, cosmetics companies have reported using 90 chemicals linked to cancer, birth defects or reproductive harm. Nevertheless, chemicals in cosmetics and other personal care products are not subject to FDA review and regulation, and cosmetics law has not been meaningfully updated since 1938. In March, after tests revealed cosmetics tainted with asbestos, FDA lamented its limited authority, stating, “when it comes to cosmetics, our authority hasn’t changed in many years even as the industry has undergone rapid evolution.”

As Congress develops cosmetics reform legislation, FDA should be required to ensure that chemicals included in these products pose a “reasonable certainty of no harm.” The “reasonable certainty of no harm” standard is a well-understood safety standard that FDA and other agencies have applied to the long-term risks posed by chemicals for more than 60 years.

Under current law, FDA may only take action when it finds that a cosmetic is “adulterated” or “misbranded.” In practice, FDA has used this authority to address acute risks from contaminated products, not the long-term risks posed by repeat exposure to chemicals of concern.

By contrast, the FDA scientists who review the safety of food additives, color additives, and new animal drugs -- as well as EPA scientists who set tolerances for pesticide residues and CPSC scientists reviewing the safety of certain toxic chemicals -- apply the “reasonable certainty of no harm” standard to assess chronic risks for cancer, reproductive and developmental harms, endocrine disruption, and neurotoxicity. Just last year, FDA revoked approval for lead acetate as a color additive in hair dye because the “new data available since lead acetate was permanently listed demonstrate that there is no longer a reasonable certainty of no harm.”

As you develop cosmetics legislation, we urge you to subject chemicals in cosmetics and other personal care products to the “reasonable certainty of no harm” standard.