

**AMENDMENT TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5279
OFFERED BY MRS. DINGELL OF MICHIGAN**

Page 103, after line 10, insert the following:

1 “(k) If it is marketed for use on or by children
2 (meaning individuals under the age of 18) and contains
3 talc (as defined in section 604) unless—

4 “(1) its label includes the following statement
5 printed in conspicuous text: ‘WARNING: Talc in
6 this product has not been evaluated for asbestos con-
7 tamination. Asbestos may be present. Asbestos has
8 been recognized by the FDA as a known carcinogen,
9 which means it may cause cancer. This product is
10 not suitable for use by children.’; or

11 “(2) a waiver is in effect with respect to the
12 cosmetic pursuant to section 604.”.

Page 49, after line 19, insert the following:

13 **“SEC. 608A. PREMARKET SAFETY VERIFICATION OF TALC**
14 **CONTENT.**

15 “(a) IN GENERAL.—The Secretary shall waive the
16 applicability of section 602(k)(1) with respect to a cos-

1 metic containing talc if the manufacturer of the cos-
2 metic—

3 “(1) attests in writing to the Secretary that the
4 source of the talc is an asbestos-free mine; and

5 “(2) demonstrates to the Secretary that the
6 cosmetic containing talc is asbestos-free.

7 “(b) DEFINITIONS.—In this section:

8 “(1) ASBESTOS.—The term ‘asbestos’ means a
9 fiber or fibers of chrysotile or amphibole, including
10 crocidolite, cummingtonite-grunerite, anthophyllite,
11 tremolite, richterite, winchite, or actinolite.

12 “(2) ASBESTOS-FREE.—The term ‘asbestos-
13 free’ means containing no detectable asbestos fibers
14 as determined using transmission electron micros-
15 copy and polarized light microscopy.

16 “(3) FIBER.—The term ‘fiber’ means a particle
17 or bundle of particles comprised of fibers with a
18 length to width aspect ratio of greater than or equal
19 to 3 to 1.

20 “(4) POLARIZED LIGHT MICROSCOPY.—The
21 term ‘polarized light microscopy’ means—

22 “(A) an asbestos analysis method used by
23 laboratories that—

24 “(i) are accredited for bulk and air-
25 borne asbestos analysis by—

1 “(I) the National Institute of
2 Standards and Technology; or

3 “(II) another analytical labora-
4 tory accreditation body; and

5 “(ii) utilize a validated method of
6 preparation and polarized light microscopy
7 counting protocol to demonstrate the ab-
8 sence of asbestos; or

9 “(B) any successor validated test method
10 for bulk and airborne asbestos analysis with
11 equal or greater analytical sensitivity.

12 “(5) TALC.—The term ‘talc’—

13 “(A) means a basic silicate of magnesium;
14 and

15 “(B) includes talcum powder, hydrous
16 magnesium silicate, nonfibrous talc, steatite
17 talc, and fibrous talc.

18 “(6) TRANSMISSION ELECTRON MICROSCOPY.—

19 The term ‘transmission electron microscopy’
20 means—

21 “(A) an asbestos analysis method used by
22 laboratories that—

23 “(i) are accredited for bulk and air-
24 borne asbestos analysis by—

1 “(I) the National Institute of
2 Standards and Technology ; or

3 “(II) another analytical labora-
4 tory accreditation body; and

5 “(ii) utilize a validated method of
6 preparation and transmission electron mi-
7 croscope counting protocol to demonstrate
8 the absence of asbestos; or

9 “(B) any successor validated test method
10 for bulk and airborne asbestos analysis with
11 equal or greater analytical sensitivity.”.

