

June 20, 2019

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Greg Walden
Ranking Member
Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Pallone and Ranking Member Walden,

We are national, state, and local organizations united by a shared interest in lifting up the voices of women who are not often invited into health policy discussions even as they have been disproportionately impacted by the failures of the current system of industry self-regulation. As you draft legislation to ensure the safety of cosmetics sold in the United States, we urge you to include the strongest possible safeguards to protect women's health.

While unsafe, unregulated products endanger everyone, they pose unique risks to women. Toxic ingredients found in cosmetics and other personal care products such as baby powder, vaginal douches, lotion, body sprays and perfumes, makeup, and hair dyes and straighteners have been linked to ovarian cancer,¹ breast cancer,² early onset of puberty,³ fibroids and endometriosis,⁴ miscarriage,⁵ poor maternal and infant health outcomes,⁶ diabetes and obesity,⁷ and more.

Studies show that women use twice as many personal care products as men, and that women are exposed each day to many more unique chemicals. For many Black women and other women of color, the risks are even higher and the products are even more toxic.⁸

Black women spend four times more than white women on hair care products, in part because they face steep social and professional costs for having to conform to beauty standards based on European characteristics. One study conducted in 2016 found that white respondents rated Black women's natural hair as "less attractive" and "less professional" than when it was straightened.⁹ Reports of Black women being fired from their workplace for having natural hair are not uncommon.¹⁰ At the same time, the process of altering naturally curly hair texture to straight hair texture often involves harmful ingredients, such as sodium hydroxide (lye), which "relax" or "perm" the hair.

In one analysis, one out of every 12 beauty and personal care products marketed to Black women was found to include "highly hazardous" ingredients, a far higher rate than products marketed to the general population.¹¹ In another study, the most toxic products analyzed were hair straighteners marketed to Black girls.¹²

We know that in many cases, companies have actively marketed dangerous products to Black and Latina women. Earlier this year, for example, a subcommittee of the House Committee on Oversight and Reform heard moving testimony from the family of a Black woman who died from ovarian cancer linked to talcum baby powder.¹³ Internal documents from Johnson &

Johnson reveal that the company knew for decades that its baby powder posed potential health risks¹⁴ but doubled down on aggressively targeting women of color, distributing free samples in Black churches and advertising on Spanish-language radio.¹⁵

Thus, lack of strong cosmetics regulation is a public health crisis deeply rooted in issues of gender and race. Yet those most deeply affected often have the least ability to influence the many details that will shape whether the legislation proposed truly protects them in practice.

These details will determine how easily the FDA can actually access a company's records, whether a manufacturer can hide key safety information behind the veil of trade secrets, whether a consumer who's been harmed has genuine access to the courts, whether a salon worker gets to see a list of ingredients before her boss tosses the bulk packaging, whether a company must ensure real quality control, or how safe the ingredients in a product really are. At each decision point, we urge you to prioritize the little girl proud of her new braids, the woman 'freshening up' with the same deodorant or vaginal douche for decades, the makeup artist whose home business is her pride and key to economic mobility but whose high exposure to dangerous products makes her particularly vulnerable.

We particularly want to emphasize a few key decisions you must make on their behalf. We urge you to include rigorous, time-tested safety standards that are already well-understood by the FDA. One example, the FDA already uses a "reasonable certainty of no harm" standard to study and regulate the long-term risks associated with food additives, color additives, and pesticides. There is no need to adopt a new, hybrid, or lesser standard for cosmetics that creates confusion and puts consumers at risk.

Likewise, we urge you to include strong regulations governing good manufacturing practices to ensure that what the consumer sees on a label is what she's getting in the package, free from contamination. Without strong safeguards, cosmetics will continue to be contaminated with pathogens, heavy metals, and other hazards, as was the case earlier this year when products made by Claire's, Justice,¹⁶ and Beauty Plus Global¹⁷ were found to contain asbestos.

Finally, even with the strongest safeguards, protecting women's health should not be left to the capacity of underfunded regulatory agencies alone. Therefore, it is critical that women are able to have access to the courts in order to hold companies accountable when they cause harm.

The products that we apply daily over the course of decades to our eyelids, cheeks, lips, scalps, underarms, and sexual organs should be as well-regulated as those we eat. We thank you for your efforts to fix our broken system. We urge you to keep our communities in mind as you negotiate the provisions that will determine how well we are protected.

Sincerely,

African American Breastfeeding Alliance of Dane County, Wisconsin
African American Health Network of Dane County, Wisconsin
Black Millennials 4 Flint
Black Women for Wellness, Los Angeles, California

Black Women's Health Imperative
Breast Cancer Action
Breast Cancer Prevention Partners
California Latinas for Reproductive Justice
Campaign for Safe Cosmetics
Clearinghouse on Women's Issues
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)
Endocrine Society
Environmental Working Group
EverThrive Illinois
Feminist Majority Foundation
Feminist Women's Health Center, Atlanta, Georgia
Forward Together
Gender Justice, Saint Paul, Minnesota
Harambee Village Doulas, Madison, Wisconsin
If/When/How: Lawyering for Reproductive Justice
In Our Own Voice: National Black Women's Reproductive Justice
Jacobs Institute of Women's Health
Jewish Women International
Maroon Calabash, Milwaukee, Wisconsin
National Asian Pacific American Women's Forum (NAPAWF)
National Birth Equity Collaborative
National Institute for Reproductive Health (NIRH)
National Latina Institute for Reproductive Health
National Organization for Women (NOW)
National Women's Health Network
New Voices for Reproductive Justice
PharmedOut
Positive Women's Network-USA
Raising Women's Voices for the Health Care We Need
SisterLove, Inc., Atlanta, Georgia
SisterReach, Memphis, Tennessee
SisterSong Women of Color Reproductive Justice Collective, Atlanta, Georgia
The Afiya Center, Dallas, Texas
The Foundation for Black Women's Wellness, Madison, Wisconsin
Wisconsin Alliance for Women's Health
WV FREE, West Virginia

¹ Zuckerman, Shapiro, "Talcum Powder and Ovarian Cancer," National Center for Health Research, 2019, www.center4research.org/talcum-powder-ovarian-cancer/

² Konduracka, Krzemieniecki, Gajos, "Relationship between everyday use cosmetics and female breast cancer," *Medycyna Praktyczna*, 2014, www.mp.pl/paim/en/node/2257/pdf

³ James-Todd, Terry, Rich-Edwards, et al, "Childhood Hair Product Use and Earlier Age at Menarche in a Racially Diverse Study Population: A Pilot Study," *Annals of Epidemiology* 2011; 6 (21): 461-465.
www.sciencedirect.com/science/article/pii/S1047279711000603?via%3Dihub

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- ⁷ De Coster, van Larebeke, "Endocrine-Disrupting Chemicals: Associated Disorders and Mechanisms of Action," *Journal of Environmental and Public Health* 2012; 713696. www.ncbi.nlm.nih.gov/pmc/articles/PMC3443608/
- ⁸ Zota, Shamasunder, "The Environmental Injustice of Beauty: Framing Chemical Exposures from Beauty Products as a Health Disparities Concern," *American Journal of Obstetrics & Gynecology* 2017; 217(4): 418.e1-418.36. www.ncbi.nlm.nih.gov/pmc/articles/PMC5614862/
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- ¹⁰ Santi, "Black News Anchor Fired After Wearing 'Unprofessional' Natural Hair," Ebony, 16 January 2019, www.ebony.com/culture/black-news-anchor-fired-unprofessional-natural-hair
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- ¹² Helm, Nishioka, Brody et al, "Measurement of endocrine disrupting and asthma-associated chemicals in hair products used by Black women," *Environmental Research* 2018; (165): 448-458. www.sciencedirect.com/science/article/pii/S0013935118301518
- ¹³ U.S. Congress, House Committee on Oversight and Reform, Subcommittee on Economic and Consumer Policy, "Examining the Public Risks of Carcinogens in Consumer Products," 12 March 2019. <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Marvin%20Salter-Testimony.pdf>
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- ¹⁵ Kirkham, Girion, "Special Report: As Baby Powder concerns mounted, J&J focused marketing on minority, overweight women," *Reuters*, 9 April 2019, www.reuters.com/article/us-johnson-johnson-marketing-specialrepo/special-report-as-baby-powder-concerns-mounted-ij-focused-marketing-on-minority-overweight-women-idUSKCN1RL1JZ
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