



The Toxic-Free Beauty Act of 2021 HR 5537

Rep. Schakowsky (D-IL) & Rep. Fletcher (D-TX)

SUMMARY

The Toxic-Free Beauty Act of 2021 would prohibit the use of 11 hazardous chemicals from beauty and personal care products sold in the U.S. that are currently banned by the European Union, California, and Maryland. The bill would also ban the use of the entire class of perfluoroalkyl and polyfluoroalkyl substances (PFAS) chemicals.

BACKGROUND

Thousands of industrial chemicals are used to create the personal care and beauty products that consumers and professional nail, hair, and beauty salon workers use every day. And some of these chemicals have been linked to serious harm to human health and the environment. This bill would ban the worst of these harmful chemicals:

- The two phthalates— DBP and DEHP —found in nail polish and fragrance are linked to birth defects, breast cancer, and endocrine disruption.
- Formaldehyde, paraformaldehyde, and methylene glycol (3 different kinds of formaldehyde) are used in hair straightening/hair smoothing products. Quaternium-15 (a formaldehyde-releasing preservative) can be found in body wash, make-up, and hair products including baby shampoo. These chemicals are linked to cancer, skin irritation, and respiratory harm.
- Isobutylparaben and isopropylparaben are found in sunscreens and lotions, eye liner, blush, and hair products. Parabens are hormonally active chemicals linked to breast cancer, reproductive harm, and endocrine disruption.
- M-Phenylenediamine and o-Phenylenediamine are chemicals used in hair dye linked to skin sensitization, cancer, mutagenicity, and organ system toxicity.

- Mercury – although banned in the U.S except as a preservative in products around the eyes – can still be found in skin lightening creams, beauty and antiseptic soaps, and lotions. Mercury can negatively impact the brain and nervous system.
- PFAS chemicals are linked to breast cancer, birth defects, thyroid disease, liver damage, decreased fertility, and hormone disruption. They pollute the air and water and persist in the environment forever. A recent [Clearya](#) search of 50,000 beauty and personal care products found 1,000 products from 120 brands contained at least one intentionally added PFAS chemical.

Women of color and professional salon workers are most at risk for unsafe exposures because of the toxic chemicals in the beauty products marketed to them and/or commonly found in their workplaces. Other vulnerable populations include infants and children, whose bodies are constantly undergoing sensitive periods of development, pregnant women, and the elderly.

PROBLEM

The EU has banned nearly 2,500 chemicals from beauty and personal care products. Canada, Japan, Argentina, Brazil, and Australia have also banned or restricted numerous chemicals from beauty or personal care products. More than 40 other nations have stricter cosmetic safety regulations than the U.S. In stark contrast to the progress made by the rest of the world, the FDA, to date, has only banned or restricted eleven ingredients from cosmetics.¹

CURRENT MARKET TRENDS AND STATE LAWS

Many multinational companies, major retailers like Target, CVS, Walgreens, Rite Aid; and hundreds of clean cosmetic companies have voluntarily added many of these chemicals to their “restricted substances list” of chemicals that the brands they carry may not use. However, other companies large and small continue to sell beauty and personal care

products containing these toxic chemicals quite simply because they can.

California enacted the Toxics Free Cosmetics Act of 2020 in September 2020 and Maryland enacted an identical law in June 2021. Both laws ban the 11 chemicals prohibited by the proposed Toxic Free Beauty Act and the European Union plus 13 PFAS chemicals.

SOLUTION

The Toxic-Free Beauty Act prohibits the use of the following chemicals in both consumer beauty and personal care and professional salon products sold in the United States:

1. Dibutyl phthalate (DBP)
2. Diethylhexyl phthalate (DEHP)
3. Formaldehyde
4. Paraformaldehyde
5. Methylene glycol
6. Quaternium-15
7. Mercury
8. Isobutylparaben
9. Isopropylparaben
10. m-Phenylenediamine and its salts
11. o-Phenylenediamine and its salts
12. The entire class of perfluoroalkyl and polyfluoroalkyl substances (PFAS)

Products containing any of these prohibited chemicals would be deemed adulterated by the FDA.ⁱⁱ

FOR MORE INFORMATION, CONTACT:

- Janet Nudelman, Breast Cancer Prevention Partners, Janet@BCPP.org
- Yuwa Vosper, WE ACT for Environmental Justice, Yuwa@weact.org

ⁱ Food & Drug Admin., Prohibited & Restricted Ingredients, <https://www.fda.gov/cosmetics/guidanceregulation/lawsregulations/ucm127406.htm>.

ⁱⁱ Section 601(a) of the FDCA (21 U.S.C. § 361(a)) states that a cosmetic is deemed adulterated if it “bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.”