



H.R. 3621 Cosmetic Fragrance & Flavor Ingredient Right to Know Act of 2023

Rep. Schakowsky (D-IL) & Rep. Matsui (D-CA)

SUMMARY

The federal Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2023 would require companies to publicly disclose a full list of the fragrance and flavor ingredients in their products on product labels and websites.

BACKGROUND

Thousands of synthetic chemicals are used to create the fragrances and flavors that comprise the beauty and personal care products we use every day. Some of these chemicals have been linked to negative health impacts ranging from allergic reactions to reproductive harm to increased risk of breast cancer.

The magnitude of the potential danger to human health is worsened by the fact that fragrance chemicals are found in more than 95% of personal care productsⁱ such as shampoos, conditioners, hair styling products, antiperspirants and shaving products, as well as fine fragrances, body sprays and lotions. In a national survey, over 34% of respondents in the U.S. reported health problems, such as migraine headaches and respiratory difficulties, in response to exposure to fragranced products.ⁱⁱ

Recent data compiled by Women's Voices for the Earth reveals that a third of all fragrance chemicals currently in use have been flagged as potentially toxic by scientists worldwide.ⁱⁱⁱ Additionally, personal care product testing conducted by Breast Cancer Prevention Partners in 2018 revealed that three out of four hazardous chemicals identified in the products tested were fragrance ingredients.^{iv}

Fragrance chemicals also pose significant occupational risks. Professional salon workers are disproportionately

exposed to fragrances in the workplace. Hairdressers and beauticians have a 47-fold higher risk^v of fragrance skin allergies than other occupations. The California Work-Related Asthma Prevention Program has documented that fragranced products in the workplace are associated with work-related asthma.^{vi}

Chemicals intended to impart flavor can also have harmful health impacts. Thirty-eight flavors listed on the International Organization of the Flavorings Industry (IOFI) list are on the California Department of Toxic Substances Control's Candidate Chemicals List, linking them to human health or environmental harm.^{vii} This includes 10 flavor ingredients listed as carcinogens or reproductive toxicants by California Proposition 65.^{viii}

CURRENT MARKET TRENDS & STATE LAWS

The disclosure of hazardous fragrance and flavor ingredients in personal care and beauty products is already happening across the country. Hundreds of clean cosmetic companies fully disclose fragrance ingredients and multinational giants like Procter & Gamble, Unilever, and Johnson & Johnson are voluntarily disclosing fragrance ingredients at or above 100 parts per million.

In addition to being an industry best practice, the disclosure of fragrance and flavor ingredients in beauty and personal care is the law in California^{ix} and California^x and New York^{xi} require even stronger fragrance ingredient disclosure for cleaning products.

The fragrance and flavor ingredients that are publicly disclosed via the California Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2020^{xii} will

no longer be eligible for trade secret protection, as they are public in CA, they will no longer be secret.

PROBLEM

No federal law currently requires the disclosure of fragrance or flavor ingredients to consumers or regulatory agencies. This loophole allows dozens – sometimes even hundreds – of chemicals to hide under the word “fragrance” on the labels of beauty and personal care products with no safety regulatory oversight. The same loophole exists for flavors, which appear in products like flavored lip gloss and chap-sticks marketed to children.

Anyone using personal care or beauty products is at risk of exposure to secret hazardous fragrance and flavor chemicals and related harmful chronic health concerns, particularly vulnerable populations such as babies, children, communities of color, professional salon workers, and pregnant women.

The presence of unknown, unlabeled toxicants is cause for serious concern because scientific evidence suggests that unsafe chemical exposures in our everyday lives can harm human and environmental health.

SOLUTION

The Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2023 requires:

1. On-pack disclosure of all fragrance or flavor chemicals in the product.
2. A statement identifying any of the 26 EU fragrance allergens in the product.
3. Website disclosure of all fragrance or flavor chemicals in the product. A link to the hazard communication safety data sheet for any cosmetic intended for professional use. The functional purpose served by each fragrance or flavor ingredient. A link to any of the 22 hazard lists referenced by the bill if a chemical on any of the lists is present in the cosmetic product.

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- i [Prevalence of Cosmetic Allergens; Journal of Clinical and Aesthetic Dermatology](#)
- ii [Fragranced consumer products: exposures and effects from emissions; Air Quality, Atmosphere & Health International Journal](#)
- iii [Unpacking the Fragrance Industry](#)
- iv [Right to Know: Exposing toxic fragrance chemicals in beauty, personal care and cleaning products](#)
- v [Montgomery RL, Agius R, Wilkinson SM and Carder M. \(2018\) UK trends of allergic occupational skin disease attributed to fragrances](#)
- vi [CDPH Fragrances and Work-Related Asthma](#)
- vii Women’s Voices for the Earth – comparison of SB312 reportable ingredients to IOFI flavor palette (2019)
- viii Women’s Voices for the Earth – comparison of SB312 reportable ingredients to IOFI flavor palette (2019)
- ix [Bill Text - SB-312 Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2020. \(ca.gov\)](#)
- x [Bill Text - SB-258 Cleaning Product Right to Know Act of 2017. \(ca.gov\)](#)
- xi [Household Cleansing Product Information Disclosure Program - NYS Dept. of Environmental Conservation](#)
- xii [Description of California SB312 \(ca.gov\)](#)