



H.R. 3619 Toxic-Free Beauty Act of 2023

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

SUMMARY

The Toxic-Free Beauty Act of 2023 would prohibit 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.

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 daily. 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 (three kinds of formaldehyde) are used in hair straightening and smoothing products. Quaternium-15 (a formaldehyde-releasing preservative) is found in body wash, makeup, and hair products, including baby shampoo. These chemicals are linked to cancer, skin irritation, and respiratory harm.
- Isobutylparaben and isopropylparaben are found in sunscreens, lotions, eyeliner, 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.

Women of color and professional salon workers are most at risk for unsafe exposures from these toxic chemicals because they are present in the beauty and personal care products marketed to them 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 1,700 chemicals from beauty and personal care products. Canada, Japan, Argentina, Brazil, and Australia have banned or restrict 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 has only banned or restricted 11 cosmetic ingredients.ⁱ

CURRENT MARKET TRENDS AND STATE LAWS

Multinational companies, major retailers like Target, CVS, Walgreens, and Rite Aid, and hundreds of clean cosmetic companies have voluntarily added these chemicals to their “Do Not Use” lists. However, other companies

large and small continue to sell beauty and personal care products containing these toxic chemicals simply because they can.

California passed the Toxics-Free Cosmetics Act of 2020 and Maryland enacted an identical law in 2021. Both laws ban the 11 chemicals prohibited by the proposed Toxic-Free Beauty Act, as does the European Union through the EU Cosmetics Directive (76/768/EEC).

SOLUTION

The Toxic-Free Beauty Act prohibits the use of the following chemicals in consumer personal care and professional salon products sold in the U.S.:

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

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

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

ⁱⁱSection 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.”