



**Agenda and Notes**  
**Spring Compact for Safe Cosmetics Signer Meeting**  
March 5, 2009  
Hilton Anaheim, 777 Convention Way, Anaheim, CA

**AGENDA**

11:30 a.m.-12:00 p.m. Registration and Box Lunch Available

12-12:20 p.m. Welcome, Introductions, Campaign Updates & Agenda Review

*Lisa Archer, National Coordinator, Campaign for Safe Cosmetics (CSC), Breast Cancer Fund (BCF)*

12:20-1:30 p.m. Updated Compact Compliance Process and Tracking Progress on Skin Deep

*Lisa Archer and Jane Houlihan, Vice President for Research, Environmental Working Group, CSC*

1:30-2:00 p.m. Safe Cosmetics and Public Policy

*Janet Nudelman, Director of Program and Policy, CSC, BCF*

2:00-2:10 p.m. Break, Refreshments

2:10-2:25 p.m. Working with the Campaign: Public Education Opportunities and Collaboration

*Connie Engel, Program Associate, BCF, CSC*

2:25-3:30 p.m. Roundtable Discussions

Introduction, process and purpose *Lisa Archer*

- Safe Cosmetics Public Policy (*facilitated by Janet Nudelman*)
- Compact Compliance and Safer Alternatives (*facilitated by Jane Houlihan*)
- Additional Topic TBD (*facilitated by Lisa Archer*)

3:30-4:00 p.m. Report Back from Roundtable Discussions

4:00-4:15 p.m. Wrap-up and next steps

*Lisa Archer*

## **Compact Signer meeting notes**

March 5, 2009

Anaheim, CA

### **Compact Compliance Process: New, Improved, Simplified – Lisa Archer, Breast Cancer Fund, Campaign for Safe Cosmetics National Coordinator**

Compact Compliance is an evolving process.

One new element is the creation of three levels of Compact Involvement. This allows all signers invested in the Compact and what it stands for to be involved, even if they cannot get suppliers to fully disclose the ingredients in proprietary blends or fully substantiate the safety of their ingredients. See the Revised Compact Compliance Document and/or Signer Handbook at [www.safecosmetics.org/cstools](http://www.safecosmetics.org/cstools) for more details.

#### **Six steps:**

- 1. Comply with the EU Cosmetics Directive formulation standards, in all markets***
- 2. Disclose all ingredients***
- 3. Publish and regularly update product information in EWG's Skin Deep database***
- 4. Comply with ingredient prohibitions and restrictions under the Compact for Safe Cosmetics***
- 5. Substantiate the safety of all products and/or ingredients with publicly available data***
- 6. Participate in the Campaign for Safe Cosmetics***

The Campaign for Safe Cosmetics rates companies who sign the Compact for Safe Cosmetics as either "Gold member," "Member," or "Supporter" status, depending on their progress in implementing the Compact. Gold member status is reserved for companies in full compliance with all 6 Compact provisions, including fully substantiating the safety of all products or ingredients with publicly available data. Member and Supporter status are designated for companies that meet alternate, less stringent standards detailed in the updated guide to Compact Compliance (LINK TO THIS DOCUMENT ON CS TOOLS PAGE HERE)

#### **Progress Wheel/Compliance Seal – Jane Houlihan, Environmental Working Group**

Login and password will allow companies to review their compliance status and remedy any problems with data until April 20, 2009, at which point the Compliance Seal will be visible to the public

Each pie piece shows compliance with individual provisions, outlined above and in the attached compliance document; Center shows overall status.

Gold member, Member, and Supporter status will be noted as well.

If one or more portions is not in compliance; then overall status is "In Violation"

1. all products conform with EU formulary compliance
2. Are all ingredients fully disclosed (including ingredients and proprietary ingredients)
  - a. Some suppliers will not make available constituent ingredients or allow you make them public – in which case, getting a statement of non-disclosure from the supplier will allow companies to be in compliance as a member.

- b. Company comments
  - i. Some companies will be more flexible – Trilogy Fragrances, Jack Corley
  - ii. Or can require fragrance houses to be EU compliant
  - iii. No requirement of percentages – we do prompt for active ingredients, but not for general fragrance. Restrictions may have concentration limits via national standards (Japan, Canada, EU, U.S.) and you will be prompted for these percentages
  - iv. Essential oil mixtures are required to be disclosed
  - v. INCI labels; latin – confuses people
- 3. Entering all products in Skin Deep
  - a. Need to accurately give the total number of products you are selling
  - b. Important: If you are out of compliance on this one, make sure the number of products you make is correctly entered in your company page.
- 4. All products are free of Tier 1 ingredients
  - a. Banned in U.S., Canada, Japan, EU; sometimes other entries from other countries or chemicals known to be CMR's, developmental toxins and neurotoxins
  - b. If you have one of these, you'll have a red fourth pie, and your report will tell you why
  - c. Will be gray if we don't know if we have your full list of products
- 5. Products
  - a. Product Safety Substantiation
  - b. Already required via Federal law, but FDA is not clear on what this means – companies decide; if not substantiated warning label required
  - c. Submit studies showing you've substantiated safety
    - i. Make these studies publicly available
    - ii. Studies telling companies about the safety of ingredients are private studies that suppliers will not allow to be public
- 6. Actively involved
  - a. Done one or more things for the year
  - b. Checking data in Skin Deep
  - c. Attending meetings
  - d. Etc.

The Compliance Seal is a work in progress to clarify and ease compliance, and to allow companies committed to the compact to be known as such.

### **Safety substantiation**

When you login to your company page, you can go to a space for safety substantiation (under Company Options in the left hand column) and articulate the basis of your ingredient choices. I'm choosing it because it's GRAS, etc. This does not fully comply with the requirement of making safety studies publicly available.

Anything well-tested will be associated with one or more hazards. Reasonable certainty of no harm requires assessment of all studies, then assess doses, exposures, etc. Look at the dose in your product – look at 100 fold standard of safety + a factor of 10 for children

Is it acceptable to say something is certified as safe by the CIR? Or is it necessary to go back to the original study? – Jane – good faith effort required. Company's look to Skin Deep and CIR as the experts – see this as an authoritative place to go.

### **Campaign and Legislative Work – Janet Nudelman, Breast Cancer Fund**

This past fall in Boston, a number of you were in the audience when I led a discussion about the Campaign's state and federal legislative advocacy.

Many things have changed since the first time we gathered to talk about how to increase consumer demand for safer products and move the entire cosmetics industry toward safer production, in the process of doing so.

We now have more than 40,000 citizen activists that are part of this campaign and more than 1,000 cosmetic companies and there has been an explosion of growth of the natural products market as consumers seek safer alternatives.

The federal law that governs the \$50 B cosmetics industry – which is the same size as the biotech industry - is 2.5 pages long and hasn't been amended since it was introduced 70 years ago.

And, Industry self-regulation isn't working. It's not working for you... (look at survey)

- Most of you are too small to do your own safety testing of ingredients, but can't get the information you need from suppliers – from requests as simple as MSDS's, to more meaningful requests like toxicity data on the chemicals, or substances, you're purchasing.
- Almost all of you can't get toxicity data on fragrances, must less a list of what's in the fragrances – or the preservatives – you buy.

And it's not working for consumers who don't have access to good information about ingredient safety, are needlessly being exposed to toxic chemicals, and have to search hard for safer products. Many don't have access to or can't afford the safer products now on the market.

We believe we all share many common goals....

We share a vision of building a vibrant green economy –our legislative efforts are not only about increasing consumer confidence and protecting consumer health, but also about inspiring innovation and building a sustainable, green economy in the cosmetics industry and across the board.

In fact, the cosmetics industry could set the standard, and raise the bar, for other industries.

No other market-based campaign has brought together companies and public citizens to call for safer production.

Our legislative goals: consumers have a right to know what's in products and companies have a responsibility to understand the health effects of the products they sell.

We need smarter laws that protect our health, help restore consumer confidence in American products, encourage innovation and help build a sustainable green economy.

To protect our health, we need smart laws that require cosmetic companies to do up-front safety assessment of cosmetics ingredients, and to stop using any chemical where there is credible scientific evidence of links to cancer, birth defects, learning disabilities or other serious health problems. To restore confidence in American products, we need smart laws that require full labeling so consumers know what is in products, and that stimulate the marketplace to ensure that safe products are available to everyone. To encourage innovation and help build a sustainable green economy, we need smart laws that foster green chemistry—the science of developing chemicals that are benign to human health and the environment—and that reward companies that are developing safe ingredients and producing safe products.

### **Principles of Good Policy**

It is clear that we need smart laws that include the following fundamentals:

- Companies must be required to phase out hazardous chemicals linked by credible scientific evidence to cancer, birth defects, learning disabilities and other health problems.
- Companies must be required to understand the health effects of chemicals they use. They should do this through required up-front safety assessment of cosmetics ingredients.
- Consumers have a right to know all the ingredients in the products they buy. Companies must be required to disclose all ingredients on product labels.
- Companies must share data to reduce unnecessary testing.

### **Ways Compact Signers can help:**

- Give feedback on policy ideas
- Sign-on letter
- OpEds
- Be “green economy” messengers
- Contact representatives
- Hearings
- Hill visits & briefings; testifying
- blogs

### **Legislative ideas:**

- **Full product and ingredient disclosure to FDA**
- **Creation of a publicly accessible Database of** all available health and safety studies on the toxicological properties of cosmetic products, ingredients and contaminants. Include carcinogens, mutagens, developmental or reproductive toxins; all GRAS cosmetic ingredients; all cosmetic ingredients that have been substantiated for safety by the Secretary and deemed safe; chemicals on the priority assessment list, all untested ingredients and all other cosmetic ingredients.

- **Promote Data Sharing and** the creation of alternative testing methods to avoid duplicative testing and minimize the use of animal testing of cosmetic ingredients.
- **Ban on CMR chemicals in cosmetics** linked to cancer, reproductive or developmental toxicity or genetic mutation to mirror the EU Cosmetics Directive.
- **Creation of a Tier II list of “do not use” cosmetic ingredients that also pose hazards to health and environment**, culled from cosmetic ingredients that have not been tested for safety, or can be found through biomonitoring; or are in drinking water, indoor or outdoor air; or are a known or suspected neurological or immunological toxicant, respiratory asthmagens or endocrine disruptor or have other toxicological concerns; or are persistent or bioaccumulate.
- **Requirement that cosmetic ingredients be substantiated for safety.** Require all cosmetic ingredients to be substantiated for safety. FDA should clearly define what safety substantiation means, facilities supplying ingredients should be required to provide safety information to manufacturers, FDA.
- **Recall Authority.** FDA needs authority to recall products that contain prohibited ingredients or ingredients for which present an unacceptable risk to the public.
- **Close Ingredient Loopholes.** Full ingredient listing on product labels and company Web sites, including products marketed to salons or for professional use, and a full listing of the constituent ingredients of fragrance, and the use of nanomaterials.
- **Worker and community right to know:** expanded MSDS sheets in multiple languages and protections for fenceline communities
- **Grants Program to Support the Creation of Safe Alternatives**
- **Creation of an Interagency Council** focused on cosmetic safety to share data, existing and new science and promote consultation and collaboration between FDA, NIEHS, CDC, OSHA and EPA.
- **Creation of an adequate funding stream** so FDA Office of Cosmetics and Colors has the support it needs to provide effective oversight of the cosmetics industry through appropriation or fee structure. If a fee structure ends up being created to pay for the programs and authority created by federal safe cosmetics legislation, the fee structure should be prorated based on the facility size, revenue and number of employees so that small businesses don't bear an undue burden of responsibility for move toward safer production.

#### Q&A

Q: FDA seems to be getting the message; maybe add to action list to require FDA to source inter-agency data

A: already proposing the creation of an Inter-Agency Council

Q: Are MSDS sheets up-to-date

A: We would welcome input on how to make them more useful

Q: Breast Cancer events with toxic cosmetics

A: Take action – sign up at [www.safecosmetics.org](http://www.safecosmetics.org)

#### Get Involved with the Campaign – Connie Engel, Breast Cancer Fund

We do outreach activities frequently, and we get to see people's dawning awareness that all products are not equally safe. Your involvement illustrates that safer alternatives exist.

Ways to get involved:

1. Send us samples or full size products. We often raffle a missed set of full size products, so even a small box of products helps us reach out to individuals in the community.
2. Order our Unmasked or Blue compact brochures, and show your involvement with the campaign by sharing those in each shipment or sale.
3. Hold an educational forum – invite local speakers on toxics, green chemistry, and alternatives. Share your products and information. We'll send you materials, and we have a powerpoint template you can use to share the work of the Campaign.
4. See legislative choices
5. Other ideas – run them by us.

### **Compliance roundtable:**

Q: Our products all food grade materials. How do we report this to Skin Deep

A: If it's on FDA's GRAS list, that's an option on manufacturer's page. We may also want an option for food grade ingredients. But in some cases food grade products could be a problem – e.g., tomato juice may be harsh on the skin. That part is about YOU telling US how you substantiate safety. Our own studies are only the tip of the iceberg—most cosmetics ingredients have big data gaps. Let us know if you see issues in other manufacturer's work, let's enhance the overall resource

Q: FDA may say an ingredient is safe; but Skin Deep may say it's safe.

A: could still be compliant with Compact, but may have a high rating. Especially if you report dose. Some chemicals are simply banned. But you may be able to limit hazard score if you have additional information illustrating reduced risk assessment.

Q: Natural products and data gaps. But what about food grade organic products in this case? Some come up as a non-zero rating.

A: This would mean a study is somewhere in the database. If you see this study and it doesn't feel right to you, ask/let us know.

Q: Skin Deep scoring, data gaps, etc. Consumers look for “0,” and a check next to a toxicological concern, then they may not buy a product rated a “1.” How do we address the power of that icon?

A: Essentially this is a tremendously challenging issue. Data gap is a significant concern; want to address the data gap.

A: Data in Skin Deep is from government databases or from peer-reviewed databases.

### **Legislative Roundtable report-back**

- Should FDA be holding regulation?
- Or should EPA hold this? Regardless, we need tighter inter-agency communication.
- What if companies go to EU suppliers? Since already more stringent, we think yes.
- PCPC – invites members of Congress to see work in real time. Maybe we invite Congress members to our next meeting.
- Might assess fees on chemicals used that aren't CMR's, but might be polluting water and air.
- Also, convince congress to hold a hearing on Green Innovation
- District visits, partnering Compact Signers with an advocate or non-profit to meet in tandem

### **Compliance Roundtable report-back**

- Companies are producing products with actual benefits that Skin Deep does not reflect
- Discussed how people use Skin Deep – people may see a checkmark even if data is small to show concern
- Difficulties for companies when their scores change, and when new studies are incorporated
  - Idea of pre-notification when scores change
- Ways everyone wants to find safest ingredients – we all share the same data gaps; and changes at all levels