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Assembly California Legislature



BOB BLUMENFIELD
ASSEMBLYMEMBER, FORTIETH DISTRICT

CHAIR
BUDGET COMMITTEE

COMMITTEES
APPROPRIATIONS
GOVERNMENTAL ORGANIZATION
JOINT LEGISLATIVE BUDGET
TRANSPORTATION
WATER, PARKS AND WILDLIFE

December 2, 2011

Debbie Raphael
DTSC
1001 I Street
Sacramento, CA 95814

Dear Ms. Raphael,

Attached is a letter of concern forwarded to me by the Personal Care Products Council, regarding SB 484, the 2005 law that established the California Safe Cosmetics Program. The letter raises some questions about the ramifications of SB 484.

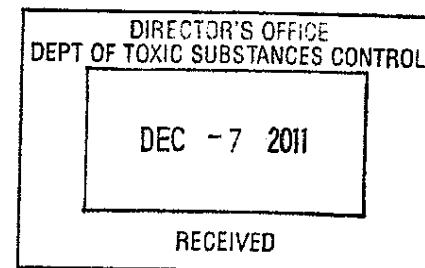
In light of the current green chemistry regulations development process, and your agency's intimate involvement in this topic, I was hoping you could help address the Council's attached questions and concerns.

Thank you and I look forward to hearing from you.

Sincerely,


A handwritten signature in black ink that reads "Bob Blumenfeld".

BOB BLUMENFIELD
Assemblymember, 40th District



Representing the San Fernando Valley communities of Canoga Park, Encino, Granada Hills, Lake Balboa, North Hills, Northridge, Reseda, Sherman Oaks, Tarzana, Van Nuys, West Hills, Winnetka and Woodland Hills



Personal Care  Products Council
Committed to Safety,
Quality & Innovation

November 9, 2011

The Honorable Robert Blumenfield
California State Assembly
State Capitol
Room Number 6026
Sacramento, CA 95814

RE: SB 484: The California Safe Cosmetics Act of 2005

Dear Chairman Blumenfield:

I am writing to you on behalf of the Personal Care Products Council¹, the national trade association for the cosmetic and personal care product industry, to ask for your assistance in resolving an issue that is important to our membership relating to the California Safe Cosmetics Act of 2005 (SB 484).

Touted as a consumer right-to-know law, SB 484 sought to create a publicly available database for California consumers to access cosmetic ingredient information. Unfortunately, it was an ill-conceived law that has proven to be both ineffective and costly in implementation. According to many of our member companies, it is costing them significant time and resources to comply with this law. Worse, the law is redundant given that manufacturers of cosmetic products already list ingredients on their product labels and also voluntarily submit ingredients to the U.S. Food and Drug Administration's (FDA) Voluntary Cosmetic Registration Program (VCRP).

Arguments that SB 484 is somehow necessary for identifying carcinogens in cosmetics are likewise specious in that California already has an existing law that lists both carcinogens and reproductive toxicants in consumer products – namely, Proposition 65.

Our industry has over 100 companies with headquarters or manufacturing facilities in the State of California. It is estimated that our industry contributes over \$22 billion to California's annual economy and \$6 billion in taxes, and consequently we have a real interest in securing a fair and efficient regulatory playing field.

¹ Based in Washington, D.C., the Council is the leading national trade association representing the \$250 billion global cosmetic and personal care products industry. Founded in 1894, the Council's more than 600 member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the United States. As the makers of a diverse range of products that millions of consumers rely on everyday, from sunscreens, toothpaste, and shampoo to moisturizer, lipstick, and fragrance, member companies are global leaders committed to product safety, quality, and innovation.

As you know from visiting our facilities, product safety is the top priority for our industry. The Council works diligently with its members to maintain the cosmetic industry's reputation for the highest standards of product safety, rooted in sound science and cutting edge research. To support this standard, the Council works closely with its members, the industry at large, the FDA and other Federal and state agencies to ensure adulterated or misbranded products never reach the marketplace. As part of our efforts, the Council continues to improve the ways that our members provide disclosure to both consumers and governmental agencies. For example, our industry has led the way in listing ingredients on personal care product labels. We pride ourselves on the open and transparent manner in which information is available to our consumer.

The industry has supported and continues to support full funding for FDA's oversight of our members, products and ingredients. Our products are sold both nationally and internationally and we find that a uniform approach to regulation is the most effective. As mentioned earlier, our members participate in FDA's VCRP, which provides FDA with a complete reporting of both cosmetic ingredients and manufacturing facilities. The Council continues to work with FDA to ensure that this national database is available to regulators. Importantly, the data reported to the VCRP is also utilized by the Cosmetic Ingredient Review Expert Panel² in determining its priorities for ingredient safety review.

The implementation of SB 484 duplicates Federal programs, and existing state programs, with one that is costly to both California and companies doing business there, while providing absolutely no benefit to consumers. Since SB 484 took effect, personal care product companies have reported ingredients resulting in more than 30,000 entries into the SB 484 database – for ingredients that are already on the labels of our products! After several meetings with the Department of Public Health, we still do not understand how this information is relevant to the health and safety of consumers or the state given that the information is already publicly available.

The total State cost to California residents and the Legislature is now unknown since the Department has elected to not specifically disclose the amount being spent as a budget line item.

Perhaps most telling, the California Department of Public Health (DPH), Department of Finance and the Health and Human Services Agency, in their initial analysis of the program, recommended Governor Schwarzenegger veto SB 484 because of its redundancy and cost to the state. Clearly, their positions in 2005 were correct even though the state didn't face the fiscal challenges that it does today in cutting critical services to the most vulnerable populations. This senseless waste of resources by the state to enforce this program and by companies to comply is both counterproductive and serves no public purpose. We would like to work together to ease the burden on state government and help our members create jobs in California.

Accordingly, we would propose that the Safe Cosmetics Act's budget and program be suspended pending a thorough review of the program. Likewise, we would oppose the development of any future lists of ingredients that are redundant or inconsistent with existing law or regulations. We believe the law provides discretion to the DPH to take this action.

² The Cosmetic Ingredient Review (CIR) Expert Panel is an independent panel of scientific experts – with representatives from the U.S. Food and Drug Administration, industry, and the Consumer Federation of America among others – that regularly assesses the safety of numerous cosmetic ingredients and publishes its findings in open, peer-reviewed literature.

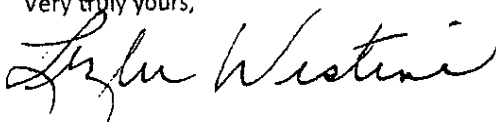
November 9, 2011

Page 3 of 3

We believe SB 484 is exactly the type of law Governor Brown had in mind when he recently discussed the need to "rein in" some of California's unnecessary regulations. This program provides a perfect example of the unnecessary regulatory burdens that businesses are facing during these difficult economic times. We strongly believe that while there may have been good intention in passing this law, its effect has been to place costly and burdensome requirements on companies while providing the potential to mislead consumers as to the safety of the personal care products they use every day.

Thank you again for your time and consideration. We look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lezlee Westine". The signature is written in a cursive, flowing style.

Lezlee Westine