



## Proposed Federal Law Would Require Greater FDA Review of Cosmetics

### US FDA, LEGISLATION, LEGISLATIVE, PRODUCTS OF INTEREST

By ROGER PEARSON, June 29, 2017

Senators Dianne Feinstein (D-California) and Susan Collins (R-Maine) have introduced proposed legislation that would give the U.S. Food and Drug Administration substantially increased authority over cosmetics. As described by Baker & McKenzie law firm, the **the Personal Care Products Safety Act<sup>1)</sup>** (PCPS) would give the FDA some of the same authority over "personal care products" (i.e., cosmetics) as it now has over food and drugs.

Under the PCPS the FDA will be required to investigate at least five potentially dangerous ingredients used in cosmetics each year. If an ingredient is found to pose health risks, the FDA could ban or restrict its use. The first five substances to be reviewed by the FDA would be:

- Diazolidinyl urea
- Lead Acetate
- Methylene glycol and formaldehyde
- Propyl paraben
- Quaternium-15

Baker & McKenzie notes that the FDA currently prohibits or restricts only eleven substances in cosmetics. In contrast to the European Union (EU) has banned over 1300 chemicals and restricted a further 256. Of the five substances listed above the EU has banned only lead acetate, although it does limit the use of formaldehyde in aerosol dispensers and requires the disclosure of the ingredient in other products.

The PCPS would also require cosmetic companies to register with the FDA and would authorize the agency to issue regulations governing Good Manufacturing Practices for cosmetics. Baker & McKenzie notes that implementing the proposed law could lead to recalls of cosmetics that threaten consumer safety, warning labels for child use, other limitations on use, and contact information to facilitate the reporting of adverse effects.

The Bill is in the Senate Committee on Health, Education, Labor, and Pensions.

## Resources for this article

### 1. As described by Baker & McKenzie law firm

[http://www.lexology.com/library/detail.aspx?g=bc4e428c-343e-46f3-a2ef-8c6667f898a8&utm\\_source=Lexology+Daily+Newsfeed&utm\\_medium=HTML+email+-+Body+-+General+section&utm\\_campaign=Lexology+subscriber+daily+feed&utm\\_content=Lexology+Daily+Newsfeed+2017-06-01&utm\\_term=](http://www.lexology.com/library/detail.aspx?g=bc4e428c-343e-46f3-a2ef-8c6667f898a8&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2017-06-01&utm_term=)

### 2. the Personal Care Products Safety Act

<https://www.congress.gov/bill/115th-congress/senate-bill/1113>