

Vermont Senate Committee on Health and Welfare – March 15, 2023

Shortened Testimony of Janet Nudelman, MA in Support of S.25 Director of Program and Policy, Breast Cancer Prevention Partners Director of Campaign for Safe Cosmetics

Good morning and thank you for this opportunity to testify in support of S.25.

My name is Janet Nudelman and I am the Sr. Director of Program and Policy for Breast Cancer Prevention Partners – the only national organization focused solely on preventing breast cancer by eliminating the environmental links to the disease.

I am also the Director of BCPP’s Campaign for Safe Cosmetics, where I have been working for the past 20 years to strengthen the safety and transparency of the over 10,000 chemicals used to formulate the beauty and personal care products that we use every day.

Although S.25 would ban harmful chemicals in artificial turf, period products and cosmetic products, I will only be discussing cosmetic safety today, which is my area of expertise.

Why S.25 is so important

The body of scientific evidence is undisputed and growing as to the harm to human health caused by the chemicals that would be banned by S.25, including breast and other cancers, birth defects, damage to the reproductive system, organ system toxicity and endocrine disruption.

In the U.S., breast cancer and a host of other chronic diseases and conditions have been steadily increasing over the past 50 years and are being linked to the chemicals we are exposed to in beauty, personal care and other consumer products, our workplaces, and our communities.

The trade association for the conventional cosmetics industry argues that a little bit of a toxic chemical in a consumer product isn’t cause for concern. This is simply not true.

Science tells us that for the hormonally active chemicals banned by this bill -- even small exposures, at parts per million or even parts per billion, can be biologically active and cause harm to human health, especially to the health of developing fetuses, infants, and children.

Similar to the endocrine disrupting compounds, many scientists believe that there is no safe level of exposure to a carcinogen. And S.25 would also ban a host of chemicals linked to cancer.

Importantly, when we talk about chemical exposures, we are never talking about single, isolated incidents.

From the minute we wake up in the morning, until the moment we go to bed at night, every one of us is exposed to a cocktail of toxic chemicals -- and the science is telling us that the timing, the mixtures, and our cumulative exposures to these unsafe chemicals are adding up to harm.

Children are far more vulnerable to hormonally active chemicals and carcinogens than adults. And early life exposures to endocrine disrupting chemicals can put them on the road to early puberty or an increased risk of breast cancer and other diseases later in life.

Other vulnerable populations who are regularly exposed – and often – over-exposed to many of the chemicals that would be banned by S.25, include Black women and other women of color.

The importance of S.25's class-based bans

Similarly important is S.25's class-based approach to banning unsafe cosmetic ingredients.

Opponents to this bill's ban of the class of formaldehyde-releasing agents argue that these chemicals "are not equivalent to formaldehyde," which is simply not true. The primary role of this class of chemicals is, quite literally, to release small amounts of formaldehyde over time, in order to preserve the product.

Formaldehyde is considered a known human carcinogen by many expert scientific and governmental bodies.

Yet, an alarming January 2023 report released by the [WA State Department of Ecology](#) found formaldehyde levels ranging from an estimated 39.2 parts per million (ppm) to 1660 ppm in 30 cosmetic products it tested that listed a formaldehyde releasing agent on the product label.

Levels of formaldehyde as low as 200 ppm are known to cause serious allergic reactions in individuals who are sensitive to formaldehyde and the WA product testing detected 200 ppm of formaldehyde in **80%** of the products the agency tested.

Federal Inaction demands State Leadership

Federal inaction regarding the well-documented harmful impacts of cosmetic chemicals on human health is alarming and illustrates the need for Vermont leadership. Over its 80-year history of regulating cosmetic safety, the FDA has only banned or restricted the use of 11 chemicals from cosmetics, in stark contrast to the EU which has banned over 1800 chemicals linked to cancer, mutagenicity or reproductive harm.

The federal Modernization of Cosmetics Regulation Act of 2022 (MoCRA) – signed into law by President Biden this past December - was the first federal law to significantly update the FDA oversight of the \$100B cosmetics industry in over 80 years.

However, although the law does many good things, it did not create a system for FDA pre-market review of chemicals for safety, and instead left the responsibility for banning or restricting cosmetic chemicals of concern to the states. Furthermore, MoCRA left in place, gaps in cosmetic safety that impact everyone, particularly women of color, another reason why passing S.25 is so important.

The importance of S.25 going further than the high bar established by California's Toxic Free Cosmetics Act

There is one key thought I hope to leave you with today, and it is the importance of S.25 going further than the high bar for ingredient safety established by the 2020 enactment of the California Toxic Free Cosmetics Act (AB2762).

The 2020 CA legislation that banned 24 toxic chemicals from cosmetic products sold in our state was a historic, first-ever bill, but now, more is needed.

Vermont has the opportunity to build on what we were able to do in California, raise an even higher bar for ingredient safety and become the state with the most health protective cosmetic safety framework in the country.

In conclusion, I am here today to say, the stakes couldn't be higher, especially for the one in eight women who will experience breast cancer in her lifetime. This important bill takes us one step closer to preventing breast cancer before it starts by removing a major source of women's ongoing exposure to some of the most toxic substances on the planet.

I urge you to support S.25.

Thank you!