

April 30, 2024

Chair Ginny Lyons and Vice Chair David Weeks
Senate Committee of Health and Welfare
Vermont State House
115 State Street, Room 17
Montpelier, VT 05633-5301

RE: Comments on House passed version S.25

Chair Lyons and Vice Chair Weeks,

On behalf of the members of the Personal Care Products Council (PCPC)¹, I am writing to express our view on the House passed version of S. 25 and request further action to harmonize the bill with other recently enacted state laws.

PCPC is the leading national trade association representing cosmetics and personal care products companies and serving as the voice on scientific, regulatory, legislative and international issues for the global cosmetics industry. PCPC and its member companies have a long history of going above and beyond what is required by law and working on public policy with various stakeholders at all levels of government. In Vermont, the industry employs more than 9,530 residents and contributes more than \$665 million to the state's GDP. There are many local manufacturers that will be negatively impacted by the legislation, if the language related to lead is changed.

Specific concerns with the House passed version of S.25:

1. PCPC supports the House passed version of a 10ppm lead limit to harmonize with Federal guidance and other countries such as Canada

Any change to the bill would abandon federal and international regulatory precedent by setting a lower lead limit than 10ppm in cosmetics. Lead is never an intentionally added ingredient.

Trace levels of lead may be present in some products because of natural clays and other mined ingredients including FDA approved natural colorants. Lead is a naturally occurring heavy metal and ubiquitous in the environment, including soil, air, and water. It even exists within the earth's crust at more than 10ppm.² Allowing any change to the current lead limit to move forward would establish an unrealistic, unreasonable, and likely unachievable requirement for personal care product development and production.

2. Attached for your review is a table highlighting the allowable lead level for CDC guidelines for different product categories.

¹ Founded in 1894, the Personal Care Products Council (PCPC) is the voice and advocate for 600 member companies representing the \$529.3 billion global cosmetics and personal care products industry. PCPC's members represent approximately 90% of the U.S. beauty industry and are some of the most beloved and trusted brands in beauty and personal care today. As the manufacturers, distributors and suppliers of a diverse range of products millions of consumers rely on every day – from sunscreens, toothpaste and shampoo to moisturizer, makeup and fragrance – PCPC's member companies are global leaders committed to product safety, quality and innovation.

² National Institutes of Health - [Lead | Pb \(Element\) - PubChem \(nih.gov\)](#)

3. **PCPC supports the Senate language from S.25 on unavoidable trace quantity language to harmonize with California law ([Unofficial version](#) – Page 3 Line 21) -**
A cosmetic or menstrual product made through manufacturing processes intended to comply with this chapter and containing a technically unavoidable trace quantity of a chemical or chemical class listed in subsection (a) of this section shall not be in violation of this chapter on account of the trace quantity where it is the result of: (1) natural or synthetic ingredients; (2) the manufacturing process; (3) storage; or (4) migration from packaging.
4. **PCPC supports the Senate passed definition of manufacturer ([Unofficial version](#) – Page 2 Line 4)**
"Manufacturer" means any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of a cosmetic or menstrual product. As used in this subdivision, "importer" means the owner of the product.
5. **PCPC requests a change on page 2 line 1 – change the word “approved” to “regulated” by FDA.**
This change would provide greater clarity about which products and product types are in scope of the new law. By making this change the state would acknowledge the role of the federal government in regulating over-the-counter products.
6. **PCPC requests the removal of the word “knowingly” (House passed version - Page 4 Line 14).**
This term contradicts “intentionally added” definitions previously outlined in the legislation.
7. **PCPC requests an amendment to the definition of formaldehyde releasing agent, to “a chemical that acts as a preservative” to harmonize with other state law.**
8. **PCPC requests clarification on the listing of o-phenylenediamine and quaternium –15.**
These ingredients are listed in two sections and are therefore given two different timelines.

The personal care product industry holds sacred the trust families have put in the safety of their products. PCPC’s member companies invest tremendous resources in scientific research and safety processes to ensure they are complying with all laws and regulations while providing safe products to consumers.

For all the reasons above, PCPC asks that you amend S.25 to harmonize with other state and international regulations. Thank you for your continued work on this important issue and for your consideration of our remaining concerns. We would welcome the opportunity to continue working with you on this legislation.

Sincerely,



Kelsey Johnson
Vice President, State Government Affairs
Cc: Necrason Group