

To: Senate Committee on Health & Welfare
From: Marcie Gallagher, Environmental Advocate, VPIRG
Re: Testimony in Support of Reducing Lead Limits in S.25
Date: April 25, 2024

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On behalf of VPIRG, I want to express our strong support to amend S.25 to include a 5 ppm maximum contaminant level for lead in personal care products.

It is widely accepted by the world's top health agencies such as the [CDC](#), [EPA](#), and [WHO](#), that **there is no safe level of lead** in drinking water or our blood. We should therefore be doing everything we can to eliminate or at least minimize exposure to lead.

This issue is crucial specifically because of the kinds of products we're talking about; cosmetics are an extremely concerning exposure pathway of lead. Any products we put on our lips will end up getting ingested to some extent. Powder applied to our faces gets inhaled. This is particularly true for children, who are, unfortunately, sometimes exposed to the kinds of personal care products that are most likely to have high levels of lead - like eyeshadow, blush, and lipstick.

As a reminder, according to the EPA, children exposed to lead can suffer from lowered IQ, damage to the brain and nervous system, learning and behavioral difficulties, slowed growth, hearing problems, and headaches. And it's not just children we're concerned about. Adults can suffer from reproductive problems (in both men and women), high blood pressure and hypertension, nerve disorders, memory and concentration problems, and muscle and joint pain.

The proposed 5 ppm level for lead in personal care products in S.25 is already less protective than Washington State's law, on which much of S.25 is based. Washington has a 1 ppm maximum contaminant level for lead in personal care products. The industry is pressing for ten times that level here.

It's also important to note that S.25 goes into effect two and a half years *after* Washington's lead policy goes into effect. This means there will be plenty of time to assess the success in implementing their policy, and whether any legitimate constraints have arisen during that time.

Passing a 10 ppm standard for lead would result in no real benefit to Vermonters. The fact is, a 10 ppm limit for lead is already the industry standard; [99% of personal care products already meet the 10 ppm standard](#).

By setting the standard at 10 ppm, Vermont would be sending a message to industry that there is no need to reduce the amount of lead in our personal care products such as blush, eyeshadow, and lipstick. Passing a 10 ppm limit for lead in cosmetics would set an unhelpful precedent, and therefore **might in fact be more harmful than not acting on lead at all**.

To give the industry more flexibility, we would support an additional year for industry to meet the compliance certificate should a 5 ppm standard be adopted.

Thank you for your consideration.

Minnesota: Jan 1, 2025 (cookware, kids products)

Washington: Jan 1, 2025 (cosmetics *1 ppm for lead)

Oregon: Jan 1, 2025 (cosmetics)

California: Jan 1, 2025 (textiles)

Maine: Jan 1, 2026 (cookware, kids products, [just PFAS]
cosmetics, menstrual products)

California: 2027 (*certain cosmetics - D4, styrene,
parabens)

Maine: Jan 1, 2029 (artificial turf)

FDA testing for lead in cosmetics

Product

FDA Lead Testing Results



Eyeshadow

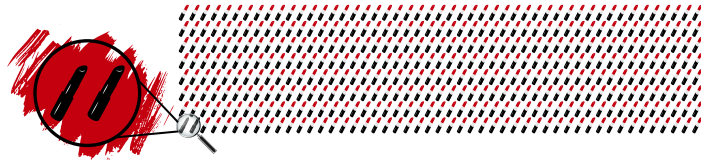


17%

4/23
> 5 ppm



Lipstick



.5%

2/400
> 5 ppm



Powder

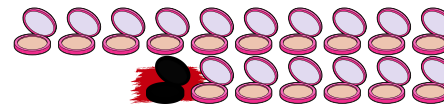


0%

0/26
> 5 ppm



Blush



6%

1/17
> 5 ppm



Moisturizer



0%

0/20
> 5 ppm

Food and Drug Administration (FDA). (2008). Limiting Lead in Lipstick and Other Cosmetics. <https://www.fda.gov/cosmetics/cosmetic-products/limiting-lead-lipstick-and-other-cosmetics#reference1>

Food and Drug Administration (FDA). (2013). FDA's Testing of Cosmetics for Arsenic, Cadmium, Chromium, Cobalt, Lead, Mercury, and Nickel Content. <https://www.fda.gov/cosmetics/potential-contaminants-cosmetics/fdas-testing-cosmetics-arsenic-cadmium-chromium-cobalt-lead-mercury-and-nickel-content#S2L>