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*Testimony of Representative Sophie Warren Presenting*  
**LD 317, An Act to Enact the Safe Cosmetics Act**  
*Before the Joint Standing Committee on Environment and Natural Resources*

Good morning Senator Tepler, Representative Doudera and respected colleagues of the Joint Standing Committee on Environmental and Natural Resources. My name is Sophie Warren, and I represent House District 124 which includes the coastal part of Scarborough. Thank you for the opportunity to present LD 317, **An Act to Enact the Safe Cosmetics Act**.

The bill before you this morning aims to protect consumers from the potential harmful effects of certain chemicals commonly used in cosmetic products.

The language of this bill was voted out of your committee last session on a ten (10) to one (1) vote in support of the exact language before you today. This bill has received due consideration, input, and compromise from a wide variety of stakeholders, some of whom will be speaking before you today or otherwise submitting written testimony for your consideration, including Sarah Woodbury of Defend Our Health, and Andrew Hackman of Personal Care Products Council. I hope you will see both the history of work on this bill and the problem this bill seeks to solve as worthy of your support for the good of Maine people.

Big picture, this regulation will ensure that cosmetic products available in Maine do not contain certain harmful substances that pose scientifically proven risks to consumer health. This bill will prohibit, beginning January 1, 2027, the distribution, sale or offering for sale in this State of cosmetic products containing certain intentionally added ingredients, including<sup>1</sup>, but not limited to, lead, mercury or formaldehyde.

This bill proposes reasonable consideration for retailers in the state. A person distributing, selling or offering for sale a cosmetic product does not violate the Act if the cosmetic product contains only a technically unavoidable trace quantity of a prohibited ingredient due to impurities from a natural or synthetic ingredient used in the manufacture of the cosmetic product, from the manufacturing process or from storage of the cosmetic product or due to migration of the ingredient from the packaging of the cosmetic product.

Moreover, when a retailer purchases cosmetic products from a manufacturer and it is later determined that those cosmetic products contain ingredients that prohibit the retailer from distributing, selling or offering the product for sale pursuant to the Act, the retailer is entitled to a

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<sup>1</sup> The complete list of intentionally added ingredients is: lead; mercury; dibutyl phthalate; diethylhexyl phthalate; formaldehyde; paraformaldehyde; quaternium-15; methylene glycol; m-phenylenediamine; o-phenylenediamine; triclosan; triclocarban; and nonylphenol. See page 1 and section "1. Prohibition." of this bill.

full refund from the manufacturer with respect to the product, including shipping and other related costs.

Finally, the department is authorized to adopt rules to implement the Safe Cosmetics Act, and these rules are considered routine technical rules.

Maine can take an important step to regulate toxic chemicals in cosmetic products through the enactment of the Safe Cosmetics Act. Moreover, such consumer protections are nothing new for the state of Maine. We have a strong record of implementing laws which regulate chemicals in consumer products and have been demonstrably shown to protect public health. Just a few notable examples are:

1. **Toxic Chemicals in Children's Products:** Maine has enacted the Kid-Safe Products Act, which requires manufacturers to report the use of certain chemicals in children's products. The law identifies chemicals of high concern and establishes a reporting mechanism to track their presence in products intended for children. It aims to reduce children's exposure to toxic substances and promote safer alternatives in consumer goods.
2. **Safer Chemicals in Packaging:** Maine has passed the Safer Chemicals in Packaging Law, which restricts the use of toxic chemicals in packaging materials. The law prohibits the intentional use of lead, mercury, cadmium, and hexavalent chromium in packaging sold or distributed in the state. It aims to protect public health and the environment by reducing chemical exposures from packaging materials.
3. **Phthalate Restrictions:** Maine has implemented restrictions on the use of phthalates, a group of chemicals often used in plastics, vinyl, and personal care products. The state prohibits the sale of children's products containing more than 0.1% of certain phthalates known as DEHP, DBP, and BBP. The aim is to protect children from potential health risks associated with these chemicals, such as hormonal disruption and developmental issues.
4. **Flame Retardant Restrictions:** Maine has enacted the Flame Retardant Chemicals in Upholstered Furniture and Bedding Law. This law restricts the use of flame retardant chemicals in residential upholstered furniture and bedding products. It prohibits the sale of new furniture and bedding that contains specific flame retardants that have been linked to adverse health effects.

These and many other laws and regulations demonstrate Maine's commitment to safeguarding public health and the environment by reducing the presence of toxic chemicals in consumer products. They aim to encourage the use of safer alternatives, promote transparency in product labeling<sup>2</sup>, and limit exposure to harmful substances for both adults and children.

By enacting the Safe Cosmetics Act, we build on previous important work our state has done to implement specific regulations to safeguard consumers from the potential health impacts of toxic chemicals in cosmetic products. These regulations aim to ensure the safety and well-being of individuals using cosmetic products in the state by reducing their exposure to harmful substances.

For at least the past 50 years, cosmetic products sold in the United States have been subject

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<sup>2</sup> The Consolidated Appropriations Act of 2023 included a piece of legislation titled the Modernization of Cosmetics Regulation Act of 2022 (MOCRA), which included an update to the nation's cosmetic laws by amending Chapter VI of the Federal Food, Drug, and Cosmetic Act (FD&C Act). This act made certain important steps for the protection of human health in cosmetic manufacturing, but it also preempted action by states on certain regulatory labeling legislation. For those who may believe that a compromise might be most prudent to simply label these chemicals rather than remove them, that is not permitted under this federal law. If you believe these chemicals ought not be used, a reasonably enforced ban is the only step forward for Maine at this time.

to greater scrutiny for their association with various health impacts, particularly for women and girls, in the United States. One significant concern has been the use of certain chemicals that have been linked to adverse health effects. For example, some cosmetics contained lead, which was found to cause neurological damage, particularly in children and pregnant women.

Additionally, certain hair dyes and hair straightening products were found to contain harmful chemicals such as formaldehyde and coal tar, which have been associated with an increased risk of cancer. Moreover, the presence of hormone-disrupting substances like phthalates and parabens in cosmetics raised concerns about their potential role in reproductive disorders and hormonal imbalances.

To address these health risks, regulations, and restrictions on certain chemicals in cosmetic products have played a crucial role in mitigating the harms faced by consumers. These regulatory actions have helped protect public health by reducing exposure to harmful chemicals and preventing the associated health impacts. By prioritizing consumer safety and implementing stricter standards, the regulation of certain chemicals in cosmetic products has contributed to improving the overall consumer well-being and public trust in the United States.

By prohibiting the intentional use of restricted substances and establishing compliance measures, the act seeks to ensure the safety of cosmetic products available in the state.

Maine can take these important steps to regulate toxic chemicals in cosmetic products through the enactment of the Safe Cosmetics Act, restricting the intentional use of certain chemicals and providing guidelines for manufacturers and distributors of cosmetic products in the state.

The goal here is simple: to protect consumers from the potential harmful effects of certain chemicals commonly used in cosmetic products. By prohibiting the intentional use of restricted substances, the act seeks to ensure the safety of cosmetic products available in the state which is a goal I think we all share.

I appreciate your time and consideration of this legislation.