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TESTIMONY OF

**MELANIE LOYZIM
COMMISSIONER**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 317

An Act to Enact the Safe Cosmetics Act

SPONSORED BY REP. WARREN

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

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Senator Tepler, Representative Doudera, and members of the Committee, I am Melanie Loyzim, Commissioner of the Department of Environmental Protection, speaking in opposition to L.D. 317.

The premise of the bill appears to be to protect consumers from direct exposure to chemicals in cosmetics based on potential adverse health effects from such exposure. Since the Department's purpose, established in Maine law, is related to environmental protection and the protection of public health from exposure to contaminants in the

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environment, the Department does not have the medical expertise to debate whether it is appropriate or necessary to prohibit the cosmetic uses of any of the chemicals listed in L.D. 317 to protect consumers. I will refer you to the Maine Department of Health and Human Services for any questions of that nature. I would also note that, because regulation of chemicals in cosmetic products is outside of the Department's current scope of responsibility, the Department's knowledge on this subject is based largely on research conducted recently and entirely for the purpose of responding to this and last year's legislation.

However, and despite this, the Department does have extensive expertise implementing laws that prohibit the use of chemicals in consumer products. We also have particular expertise implementing laws that have some foundation in another state. When a law adopted in Maine copies another state's consumer product law verbatim, down to every last "and", "or" and comma, it reinforces the market signal for domestic and international manufacturers. It gives manufacturers confidence that investments in product changes to comply with one state will ensure ongoing market share in other states. This also enables the Department to coordinate implementation efforts with those other states, to share outreach materials and product compliance information.

When a law adopted in Maine has similarities to another state's law but creates our own boutique version of it, it makes compliance far more challenging. Differences that might appear editorial can have substantive impacts when you are tasking the Department with regulating thousands of products made by a broad range of manufacturers, from eyeshadow sold at the local farmer's market made with mica powders (and who knows what else) that your neighbor bought online from China, to the Chinese mica powder manufacturer itself.

Other states with prohibitions on certain chemicals in cosmetics include California, Maryland, New York, Oregon, Vermont, and Washington. L.D. 317 most closely resembles California's health and safety code, which is helpful because California is

generally considered to represent the largest consumer market in the U.S., but California's code does not include lead, triclosan, triclocarban, or nonylphenol, as proposed in L.D. 317. However, California does have a wide variety of laws that regulate chemicals in consumer products, which may cause those chemicals to be regulated under other statutory constructs and definitions than those that are proposed for adoption in Maine.

So let's talk quickly about what different compliance requirements in state laws look like. Manufacturers of cosmetic products are prohibited from selling a cosmetic product with lead in VT (but anyone who is not the "manufacturer" can still sell them); in Washington everyone is prohibited from selling cosmetic products with more than 1 part per million of lead; and in Oregon only manufacturers are prohibited from selling a cosmetic product with more than 10 parts per million of lead.

Based on the Department's experience implementing similar prohibitions, and research conducted merely for the purposes of responding to this legislation, it is clear that implementing a prohibition on chemicals in cosmetic products in Maine by the DEP will require additional staffing to develop outreach materials, respond to inquiries from regulated entities, and investigate complaints of noncompliance.

Thank you for the opportunity to provide testimony on L.D. 317. I am available to answer questions of the Committee, both now and at work session.