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HOUSE OF REPRESENTATIVES
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February 26, 2025

Testimony of Representative Sophie Warren
L.D. 317, An Act to Enact the Safe Cosmetics Act
Before the Joint Standing Committee on Environment and Natural Resources

Per discussion during the public hearing, I have responded in writing to the following questions asked of me by members of the committee:

1. **Rep. Doudera & Rep. Bridgeo:** *What was the fiscal note on the Committee Amendment of the bill as passed last session (LD 1908)?*
 - a. The fiscal note¹ indicates that there is a \$217,260 annual, and then ongoing cost.
2. **Rep. Ankeles:** *Does the bill before you include the House floor amendment?*
 - a. Yes. As Sen. Brenner indicated during the public hearing, the floor amendment² sponsored by Rep. Gramlich, the then-House ENR Chair, was a technical correction of the bill³ fixing a minor technical mistake made by committee staff in drafting the committee amendment. The House floor amendment was the bill as intended by the majority report of the committee.

¹ See https://www.mainelegislature.org/legis/bills/bills_131st/fiscalpdfs/FN190802.pdf.

² See <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1224&item=4&snum=131>.

³ See <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1224&item=2&snum=131>.



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3. **Rep. Sobolewski:** *What is it in the manufacturing and testing process that makes you think they are not safe?*
 - a. The chemicals proposed to be banned are widely understood to be unsafe⁴⁵ to human health⁶⁷⁸⁹. Certain cosmetics contain chemicals that are known or believed to cause cancer, birth defects, reproductive system damage, or other health issues. Individuals working with cosmetics, such as barbers, hair stylists, and professionals in skin care, body care, and nail salons, may face a higher risk of these harmful health effects due to their frequent and extensive exposure to these products.
4. **Rep. Reilly:** *How much is made in the US and how much internationally?*
 - a. Only seven percent (7%) of beauty and personal care products sold domestically are made domestically. Within subcategories, thirty four percent (34%) of haircare, cosmetics and nail products are made domestically.¹⁰
5. **Sen. Tepler:** *Does this apply to online sales? Can companies block from shipping to certain states (i.e., California)?*
 - a. According to the Personal Care Products Council, this bill does include online sales. In accordance with this understanding, we can look to California¹¹ for the mechanisms of this law. In this instance, it would be the relevant seller, the manufacturer who holds responsibility to ensuring

⁴ See https://www.safecosmetics.org/chemicals/lead-and-other-heavy-metals/?_gl=1*7iery9*_gcl_au*NTUyMjY0NTQ2LjE3NDA1NzUwNTM.*_ga*MTU2MDU1ODM4My4xNzQwNTc1MDQ5*_ga_8BD5CTGZZ4*MTc0MDU3NTA0OS4xLjEuMTc0MDU3NTM4OS40OS4wLjA.*_ga_37NY09D9W1*MTc0MDU3NTA0OS4xLjEuMTc0MDU3NTM4OS40OS4wLjExMzgzMjMwNTA.

⁵ See Use of Formaldehyde and Formaldehyde-Releasing Chemicals as an Ingredient in Hair Smoothing Products or Hair Straightening Products. <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202304&RIN=0910-A183>.

⁶ See NIH. Application of the Key Characteristics Framework to Identify Potential Breast Carcinogens Using Publicly Available in Vivo, in Vitro, and in Silico Data. <https://ehp.niehs.nih.gov/doi/full/10.1289/EHP13233>.

⁷ See Janjua NR, Frederiksen H, Skakkebaek NE, et al. (2008). Urinary excretion of phthalates and paraben after repeated whole-body topical application in humans. *Int J Androl*, 31:118-130.

⁸ See Lopez-Carillo, L. et al. "Exposure to phthalates and breast cancer risk in northern Mexico." *Environmental Health Perspectives* 118, 4 (2010): 539-544. doi:10.1289/ehp.0901091.

⁹ See <https://www.bcpp.org/resource/phthalates/>.

¹⁰ See <https://nielseniq.com/global/en/industries/consumer-packaged-goods/beauty/>.

¹¹ See <https://dtsc.ca.gov/toxics-in-products/frequently-asked-questions/>.



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shipping is not made to the state of Maine. Further technical details as to the mechanisms to ensure this may be a question for the DEP.

6. **Rep. Sobolewski:** *Are there examples of lawsuits in Maine regarding these chemicals in cosmetics?*

a. I was not able to find public reporting on any lawsuits brought regarding these chemicals in cosmetics.

7. **Rep. Reilly:** *What percentage of cosmetics sold in Maine or in the United States actively sold currently have these chemicals?*

a. This is not legally compelled information to be disclosed as of the 2022 Modernization of Cosmetics Regulation Act of 2022, or MoCRA. This said, independent scientific analysis generally accepts the following: “Every day, consumers in the U.S. are exposed to an average of two ingredients linked to cancer and two linked to chemicals that can harm the reproductive and development systems. Women use more personal care products than men, so they are exposed to more unique ingredients daily. The largest sources of ingredient exposures are body care, skin care and cosmetics. According to a 2023 survey commissioned by EWG, the average woman uses 13 products every day, containing 114 unique ingredients. On average, men use 11 products daily, with 105 unique ingredients, compared to a 2004 EWG study finding they used six products containing 85 unique chemicals.”¹²

8. **Sen. Tepler:** *Who is the federal regulator for these cosmetics?*

a. The FDA regulates cosmetics under a law passed by Congress: the Federal Food, Drug, and Cosmetic Act of 1938¹³.

¹² See Reforming federal cosmetics law: What is the Modernization of Cosmetics Regulation Act? Environmental Working Group (EWG). <https://www.ewg.org/news-insights/news/2023/12/reforming-federal-cosmetics-law-what-modernization-cosmetics-regulation#:~:text=Twenty%20states%20have%20passed%20laws,methyl%20alcohol%20and%20methyl%20methacrylate.>

¹³ See Federal Food, Drug, and Cosmetic Act (FD&C Act). FDA. <https://www.fda.gov/regulatory-information/laws-enforced-fda/federal-food-drug-and-cosmetic-act-fdc-act>. 03/29/2018.



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9. **Rep. Reilly:** *Is there any database right now that has a list of the different products and chemicals on the market?*

- a. Due to changes in federal law, it is not legally required information to be disclosed in the United States.
- b. This said, there are various independent databases and resources available to consumers who can evaluate the specific likely chemical makeup of cosmetic products they consume, though disclosure is no longer legally compelled under United States law:
 - i. <https://defendourhealth.org/news/popular-digital-tool-helps-consumers-avoid-products-with-toxic-chemicals-with-environmental-health-nonprofit-partner/>;
 - ii. <https://www.safecosmetics.org/chemicals/>;
 - iii. Apps: Clearya, Think Dirty, and Skin Deep;
 - iv. Certifiers: Made Safe and EWG Verified.
- c. Previous to federal law change, California had been a leader in the development of reportable data and disclosure of these chemicals in cosmetic products through the [California Safe Cosmetics Act \(CSCA\)](#) signed into law in 2005 (Senate Bill 484). As first in the nation legislation,¹⁴ the reportable database¹⁵ is still available and accessible¹⁶.

10. **Rep. Campbell:** *What states have these chemicals banned?*

- a. States which have banned the chemicals specific to this legislation include Oregon, Maryland, California¹⁷, Washington, and Vermont¹⁸. Moreover, “twenty states have passed laws limiting certain substances in cosmetics, including California, Colorado, Florida, Hawaii, Illinois, Iowa, Maryland, Minnesota, Montana, Mississippi, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Vermont, Virginia, Washington and Wisconsin. These

¹⁵ See the [California Safe Cosmetics Product Database](https://cscpsearch.cdph.ca.gov/search/publicsearch), <https://cscpsearch.cdph.ca.gov/search/publicsearch>.

¹⁶ See <https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/OHB/CSCP/Pages/CSCP.aspx#>.

¹⁷ See https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2762. <https://www.bcpp.org/new-laws-protecting-californians-from-toxic-chemicals-go-into-effect/>.

¹⁸ See <https://www.ewg.org/news-insights/news/2023/12/reforming-federal-cosmetics-law-what-modernization-cosmetics-regulation#:~:text=Twenty%20states%20have%20passed%20laws,methyl%20alcohol%20and%20methyl%20methacrylate..>



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chemicals have stricter limits in these states due to concerns about their potential health effects: 1,4-dioxane, cadmium, color additives, formaldehyde, mercury, parabens, PFAS, phthalates, methyl alcohol and methyl methacrylate.”¹⁹

¹⁹ See <https://www.ewg.org/news-insights/news/2023/12/reforming-federal-cosmetics-law-what-modernization-cosmetics-regulation#:~:text=Twenty%20states%20have%20passed%20laws,methyl%20alcohol%20and%20methyl%20methacrylate.>