

New Study Reports Finding PFAS, an Allowed Component, in Cosmetics; Legislation Ensues Despite a Lack of Any Established Health Risks

June 21, 2021

PFAS are a diverse group of human-made components that are used in a variety of consumer products. PFAS is FDA authorized for use in food contact substances, such as packaging, cookware, and other products, due to its non-stick and oil and water-resistant properties. PFAS is also used in cosmetics and personal care items for texture and consistency, and for effects on skin, such as smoothing or conditioning. The FDA has previously considered the toxicology data on PFAS in cosmetics and deemed it too limited and speculative to draw conclusions about any potential health risks.

A new study published in the journal of Environmental Science and Technology Letters adds nothing to the existing toxicology data, but rather reports only the presence of PFAS in cosmetics. The researchers report that they tested various unnamed cosmetics, including mascaras, concealers, foundations, and eye and lip products, gathered in the United States and Canada over the course of four years, from 2016 to 2020. Testing, unsurprisingly, found PFAS in products, that declared PFAS on the label or included ingredients the researchers deemed likely to contain PFAS. Setting aside that any number of the product samples might have been expired, other questions arise. For instance, although the small handful of preexisting studies on PFAS in cosmetics used chromatography methods for detection, the new study inexplicably used a different method, applying the prior methods only to a small subset of 29 out of 231 product samples.

Despite the study adding little if anything to the data on PFAS and cosmetics, Congress has acted. Last week, Senators Susan Collins (R-Maine) and Richard Blumenthal (D-Conn.) and Representative Debbie Dingell (D-Mich.) introduced in the House and Senate the No PFAS in Cosmetics Act, which would ban the intentional use of PFAS in cosmetics. The Act calls on the Secretary of Health and Human Services to issue a proposed rule banning the intentional addition of PFAS in cosmetics within 270 days of enactment, and require a final rule to be issued 90 days thereafter.

Cosmetic and personal care companies will need to remain engaged and aware of fast-unfolding developments on PFAS.



For more information, please contact Ally Cunningham, Arielle McPherson, or your regular Lathrop GPM contact.