



FRAGRANCE CREATORS
ASSOCIATION™

March 2, 2020

VIA WEBSITE <http://hwtr.ecology.commentinput.com/?id=4CT3u>

Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7696

Re: Comments of the Fragrance Creators Association on *Safer Products for Washington — Draft Report on Priority Consumer Products (Publication 20-04-004)*, dated January 2020

Fragrance Creators Association (“Fragrance Creators”) appreciates this opportunity to comment on the Washington State Department of Ecology’s (“Department’s”) Priority Consumer Products Draft Report to the Legislature, dated January 2020 (“Draft Report”). In particular, Fragrance Creators writes in regard to the Department’s proposal to identify “fragrances in personal care and beauty products” as a “priority product” because such products were determined to be a significant source of phthalates.

Fragrance Creators is the principal trade association representing the U.S. fragrance industry.¹ The organization’s member companies create and manufacture fragrances and scents for home care, personal care, fine fragrance, and industrial and institutional products. Fragrance Creators also represents companies that market finished products containing fragrance, as well as those that supply fragrance ingredients, including natural extracts and other raw materials, that are used in perfumery and fragrance mixtures. Fragrance Creators’ members also support the Research Institute for Fragrance Materials (“RIFM”), a nonprofit, scientific organization that supports the global fragrance industry in the safe use of fragrance materials, conducts comprehensive scientific programs covering all relevant human health and environmental endpoints, maintains the world’s largest and most complete database on fragrance materials, and offers education and guidance on scientific and safety issues that are relevant to the fragrance industry.²

As such, the Department’s proposal to identify fragrances in personal care and beauty products for further regulatory review is of significant interest to Fragrance Creators and its members. Fragrance Creators provides initial feedback on the Department’s Draft Report below and looks forward to the opportunity to continue to engage with the Department as its regulatory process proceeds.

¹ More information on Fragrance Creators can be found at <https://www.fragrancecreators.org/>.

² More information on RIFM can be found at <https://www.rifm.org/>.

COMMENTS

In its Draft Report, the Department concludes that fragrances in personal care and beauty products are a significant source of phthalates and therefore identifies such fragrances as a priority product for further evaluation under the Safer Products for Washington regulatory program. Fragrance Creators addresses below two initial considerations that the Department should take into account as it finalizes its report to the Legislature and continues to implement its regulatory program.

I. The Department Should Differentiate Among Different Types of Phthalates

Phthalates are a group of chemicals, each of which has a different toxicological and ecological profile. In identifying priority products for further regulatory review and determining whether to restrict or require reporting of priority chemical-product combinations, the Department should take into account the specific type of phthalates to which humans and/or the environment may be exposed.

With respect to cosmetic products, for example, the U.S. Food and Drug Administration (“FDA”) has explained that, “[h]istorically, the primary phthalates used in cosmetic products have been dibutylphthalate (DBP), used as a plasticizer in products such as nail polishes . . . ; dimethylphthalate (DMP), used in hair sprays . . . ; and diethylphthalate (DEP), used as a solvent and fixative in fragrances.”³ Based on FDA’s most recent survey (conducted in 2010), however, “DBP and DMP are now used rarely” and “DEP is the only phthalate still commonly used in cosmetics.”⁴

DEP is among the most tested substances in the class of phthalates and has been reviewed by numerous government bodies, such as the European Union Scientific Committee on Consumer Products (SCCP),⁵ the U.S. Consumer Product Safety Commission,⁶ and the World Health Organization.⁷ These governmental bodies have consistently found DEP to be safe for use at current levels. Likewise, in 2013, FDA concluded that “[b]ased on available safety information, DEP does not pose known risks for human health as it is currently used in cosmetics and fragrances.”⁸ The 2015 study cited in the Draft Report (Al-Saleh, 2016)⁹ similarly explains that “the use of DEP in the perfume industry is not restricted because it does not pose any known health risks for humans.”

³ *Phthalates*. U.S. Food and Drug Administration. December 2013. Accessible at <https://www.fda.gov/cosmetics/cosmetic-ingredients/phthalates>.

⁴ *Phthalates*. U.S. Food and Drug Administration. December 2013. Accessible at <https://www.fda.gov/cosmetics/cosmetic-ingredients/phthalates>.

⁵ *Opinion on Phthalates in Cosmetic Products*. The European Commission Scientific Committee on Consumer Products. March 2007. Accessible at https://ec.europa.eu/health/ph_risk/committees/04_sccp/docs/sccp_o_106.pdf

⁶ *Toxicity Review of Diethyl Phthalate (DEP)*. United States Consumer Product Safety Commission. October 2010. Accessible at <https://www.cpsc.gov/s3fs-public/ToxicityReviewOfDEP.pdf>

⁷ *Concise International Chemical Assessment Document 52, Diethyl Phthalate*. World Health Organization. 2003. Accessible at <https://www.who.int/ipcs/publications/cicad/en/cicad52.pdf>

⁸ *Phthalates*. U.S. Food and Drug Administration. December 2013. Accessible at <https://www.fda.gov/cosmetics/cosmetic-ingredients/phthalates>

⁹ *Screening of phthalate esters in 47 branded perfumes*. August 2015. Accessible at <https://link.springer.com/article/10.1007%2Fs11356-015-5267-z>

Thus, although certain phthalates may pose human health risks, there is no evidence that the specific type of phthalates used in cosmetic and fragrance products—DEP—presents human health or ecological concerns. Relatedly, fragrance ingredients are used at very low levels in most finished products. In identifying priority products and implementing its regulatory program, the Department should consider differences among chemicals in the phthalate class to focus on those that present the greatest risk to humans and the environment.

II. The Department Should Evaluate the Source of Phthalates in Cosmetic Products

As addressed above, FDA has concluded that DEP is the only phthalate still commonly used in cosmetic products. However, other phthalates are still used in plastics and therefore may be found in cosmetic packaging. A SCCP report on phthalates, for example, noted that in some instances, traces of phthalates may leach into cosmetic products. Specifically, SCCP concluded that “DBP, BBP, and DEHP are used extensively as plastic softeners and may be found in cosmetics as leachates from contact with plastic materials either during the processing of the raw materials or from the packaging of the finished product.”¹⁰ This leaching may account for the presence of some of the non-DEP phthalates detected in fragrances and personal care and beauty products, as identified on pages 70-71 of the Draft Report.

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Thank you for your consideration. Please do not hesitate to contact me if you have any questions or if there is any additional information Fragrance Creators can provide to assist with the finalization of the Draft Report. Fragrance Creators looks forward to the opportunity to continue to engage with the Department as it continues to develop and implement its regulatory program.

Sincerely,



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¹⁰ *Opinion on Phthalates in Cosmetic Products*. The European Commission Scientific Committee on Consumer Products. March 2007. P. 16. Accessible at https://ec.europa.eu/health/ph_risk/committees/04_sccp/docs/sccp_o_106.pdf