Statement of Senator Susan M. Collins
Senate Committee on Health, Education, Labor and Pensions
September 22, 2016

"Exploring Current Practices in Cosmetic Development and Safety"

Chairman Alexander and Ranking Member Murray, thank you for holding this hearing and for inviting Senator Feinstein and me to testify on the important topic of the safety of personal care products.

As Senator Feinstein noted, Americans use a variety of personal care products daily, from shampoos and lotions to cosmetics and deodorants. Consumers should be able to know whether the products that they are applying to their (or their children's) skin and hair are safe.

While many companies have made a strong commitment to safety on a voluntary basis, under current law, the Food and Drug Administration has surprisingly very little authority to protect consumer safety, lacking even mandatory recall authority when a product is found to be harmful.

This summer, we were alarmed to learn the devastating account of a nine-year-old girl who lost all her hair after using a WEN hair product. It has come to light that the company received 21,000 consumer reports of harmful effects, while the FDA had received a mere 127 reports at the time the agency announced in July it would investigate claims of hair loss, hair breakage, balding, itching, and rashes (that number has since grown to more than 1,000 reports). It is deeply troubling that a personal care products company is not *required* to tell the FDA about adverse events.

Understandably, there is significant concern from consumers, salon workers, manufacturers, and health professionals that the current system is failing. I am particularly concerned about the impact on children and on professionals like hair stylists who may be exposed to potentially harmful ingredients in products they use every work day.

To help address this issue, I have joined Senator Feinstein in introducing the bipartisan Personal Care Products Safety Act, which would modernize our woefully outdated federal regulatory system. Our bill, which is the product of consultations with a wide range of stakeholders, would give the FDA broader oversight by setting up a basic regulatory structure, with registration of manufacturers and products, ingredient review by FDA, and a uniform national standard. With the news that a bipartisan House companion bill has been released, we are encouraged that this effort is resonating.

While our bill is endorsed by a diverse and growing coalition of companies (small and large), as well as consumer and health organizations, some small, artisan soap and homemade cosmetic producers have expressed concern. Given this, I'd like to clear up some misconceptions about our bill and mention provisions that aim to help protect small companies.

First, only soap products that make cosmetic claims would be included in the new system. Second, individuals or small companies selling less than $100,000 in products annually would *not* be required to register with the FDA. For companies selling between $100,000 and $500,000, there would be a simplified registration process and *no* user fee. A user fee would kick in when average sales from the previous three years reach between $500,000 and $2.5 million, but that fee would be no more than $250 annually. The user fee schedule, similar to that which already exists for drug and device companies and helps to avoid cost for taxpayers, would increase as the size of a company grows. Finally, the FDA and Small Business Administration must help ensure that compliance is simple and easy to understand. I am always concerned by overly burdensome federal regulation on our nation's small businesses. We remain open to ways to improve the bill.

Mr. Chairman, thank you for the opportunity to testify today. By modernizing the oversight of personal care products that are so widely used by so many Americans, consumers will be better informed and protected.