CITIZENS PETITION TO THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES

William D. Bush,

Petitioner,

re.

MICHAEL S REGAN,
Administrator of the Environmental Protection Agency (the "EPA")
in his official capacity;

William David Bush
Class Advocate Petitioner
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PETITION FOR ISSUANCE OF NEW RULES UNDER SECTION 15 U.S.C. § 2605
re: [COSMETICS]
INTRODUCTION

1. Every day, the average American uses roughly 12 personal care products, resulting in exposure to an average of 168 unique chemicals. These chemical exposures have been linked to cancer, infertility, miscarriage, poor infant and maternal health outcomes, and many other serious health concerns. Not only are these toxic chemicals entering our bodies through direct application, but excess product that is washed down the drain pollutes our waterways and drinking water, and compounds doses of hazardous chemicals in air, water, food, and other consumer products.

2. "Already, more than 40 countries, including the EU, are far ahead of the United States in implementing strict cosmetic safety regulations." -Congresswoman Jan Schakowsky

3. "Many people assume that the personal care and beauty items they use are safe, but with minimal oversight, many of the care, beauty, and salon products sold across the country actually contain toxic chemicals," said Congresswoman Lizzie Fletcher.

4. The $169 billion cosmetics industry uses roughly 10,000 unique chemical ingredients in personal care products, and the vast majority have never been assessed for safety by any publicly accountable body.

5. Since 2009, 595 cosmetics manufacturers have reported using 88 chemicals, in more than 73,000 products, that have been linked to cancer, birth defects or reproductive harm.

6. All of these toxic chemicals have been banned by the European Union and many other nations.

7. Although Congress has given the FDA the power to ensure that food additives, color additives and pesticides pose "no harm" from
repeat exposures, Congress has not given the agency the same authority to regulate the chronic risks posed by chemicals and contaminants in cosmetics.

8. The FDA does not have the power to suspend registration or order recalls when products pose a risk of serious adverse health consequences or death.

9. Instead, Congress has given the EPA the full coverage power and authority to regulate commerce and ensure that all industries do not introduce and use harmful chemicals which pose unreasonable risks to Public health or the environment [15 U.S.C. § 2605]

10. Consumers use a wide variety of cosmetics and personal care products. Few consumer products contribute as many chemical exposures as cosmetics and other personal care products. Each day, American women use an average of 12 personal care products that contain 168 different chemicals. Men use an average of six personal care products that contain 85 different chemicals. Many of these products are applied directly to the skin, the body’s largest organ, where ingredients can be absorbed directly into the bloodstream.

11. Consumer use of cosmetics continues to grow dramatically. Since 2010, the U.S. cosmetics market has grown an average of 4.1 percent annually, and internet sales have expanded to account for 8.4 percent of the total market share. In 2016, it reported more than $169 billion in sales.

12. Cosmetic imports are also on the rise. In fiscal year 2016, 2.9 million lines of cosmetics were imported into the U.S. from 181 different countries. Lines of cosmetic imports doubled over the past decade, with a substantial increase after FY 2011. Cosmetic imports from China increased by 79 percent between FY 2011 and FY 2016.
13. The cosmetics industry has long fought meaningful oversight. Since the early 1950s, it has defeated efforts by Congress to modernize cosmetics law. Since 2015, some cosmetics companies have supported giving the FDA the authority and resources to review and regulate chemicals and contaminants of concern in cosmetics, and have supported requiring manufacturers to register, provide ingredient statements, adopt GMPs and report adverse events.


POLICY BACKGROUND

CONGRESSIONAL DIRECTION AUTHORITIES TO THE EPA

14. The Congress hereby declares it to be the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner. (42 U.S. Code § 13101(b))

15. Source reduction is fundamentally different and more desirable than waste management and pollution control. The Environmental Protection Agency needs to address the historical lack of attention to source reduction. (42 U.S. Code § 13101 (4))

16. The Congress finds that— among the many chemical substances and mixtures which are constantly being developed and
produced, there are some whose manufacture, processing, distribution in commerce, use, or disposal may present an unreasonable risk of injury to health or the environment;

17. And that authority over chemical substances and mixtures should be exercised in such a manner as not to impede unduly or create unnecessary economic barriers to technological innovation while fulfilling the primary purpose of this chapter to assure that such innovation and commerce in such chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment.

18. It is the intent of Congress that the Administrator shall carry out this chapter in a reasonable and prudent manner, and that the Administrator shall consider the environmental, economic, and social impact of any action the Administrator takes or proposes as provided under this chapter.

19. **Scope of regulation**

If the Administrator determines in accordance with subsection (b)(4)(A) that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or that any combination of such activities, presents an unreasonable risk of injury to health or the environment, the Administrator shall by rule and subject to section 2617 of this title, and in accordance with subsection (c)(2), apply one or more of the following requirements to such substance or mixture to the extent necessary so that the chemical substance or mixture no longer presents such risk...

**PETITION CLAIMS**

**Count 1**

**Toxic Chemicals added to and included in Cosmetics are unreasonable**

24. The addition and inclusion of toxic chemicals to cosmetic products is unreasonable for use in public consumption. There is no benefit to consumers of cosmetics for the added inclusion of these injurious
chemicals which harm public welfare and the environment through their use consumption and disposal. Eliminating or reducing the toxic chemicals added to cosmetic product mixtures is justifiable and exactable under current US Law.

25. Some Cosmetic manufactures are aware of their products toxic chemical inclusions and have malice intention against the general health welfare of the United States and our Environment, such which requires vigilant EPA regulation techniques to counter the tactics of these powerful international corporate organizations.

Count 2

Cosmetic Disposal presents a clear unreasonable risk to the Environment

26. The research studies of toxic waste entering the environment are clear in identifying cosmetics as a major hazardous waste emission.

Petition for Issuance

For these reasons, the Petitioner asks the Administrator to:

a) Determine in accordance with the Control of Toxic Substances Code that the chemical mixtures contained within cosmetics present an unreasonable risk of injury to public health and the environment.

b) Order by Rule that the manufacturing producers of cosmetics eliminate the hazardous chemicals used in mixtures-- some examples include: Formaldehyde, a known carcinogen, Paraformaldehyde, a known carcinogen, Methylene glycol, a type of formaldehyde. Quaternium 15, which releases formaldehyde. Mercury, which can damage the kidneys and nervous system. Dibutyl and diethylhexyl phthalates, which disrupt hormones and damage the reproductive system. Isobutyl and isopropyl parabens, which disrupt hormones
and harm the reproductive system. **The long-chain per- and polyfluoroalkyl substances known as PFAS**, which have been linked to cancer. **M- and o-phenylenediamine**, used in hair dyes, which irritate and sensitize the skin, damage DNA and can cause cancer.

c) And any other prudent mixtures of toxic mixture substance control you may see due and fit.

Dated: Aug 9, 2021
Respectfully submitted,

By: [Signature]
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Forward to:
EPA OCSPP
(not OGC)