

1 **CITIZENS PETITION TO THE ENVIRONMENTAL PROTECTION**

2 **AGENCY OF THE UNITED STATES**

3 William D. Bush,

4 Petitioner,

5 re.

6 **MICHAEL S REGAN,**

7 Administrator of the Environmental Protection Agency (the "EPA")
8 in his official capacity;

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12
13 William David Bush

14 Class Advocate Petitioner

15 Citizenry of USA,

16 Resident of California.

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25 **PETITION FOR ISSUANCE OF NEW RULES UNDER SECTION**

26 **15 U.S.C. § 2605**

27 **re: [COSMETICS]**

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INTRODUCTION

- 4 1. Every day, the average American uses roughly 12 personal care
5 products, resulting in exposure to an average of 168 unique
6 chemicals. These chemical exposures have been linked to cancer,
7 infertility, miscarriage, poor infant and maternal health outcomes,
8 and many other serious health concerns. Not only are these toxic
9 chemicals entering our bodies through direct application, but
10 excess product that is washed down the drain pollutes our
11 waterways and drinking water, and compounds doses of hazardous
12 chemicals in air, water, food, and other consumer products.
- 13 2. "Already, more than 40 countries, including the EU, are far ahead
14 of the United States in implementing strict cosmetic safety
15 regulations." -**Congresswoman Jan Schakowsky**
- 16 3. "Many people assume that the personal care and beauty items they
17 use are safe, but with minimal oversight, many of the care, beauty,
18 and salon products sold across the country actually contain toxic
19 chemicals," **said Congresswoman Lizzie Fletcher.**
- 20 4. The \$169 billion cosmetics industry uses roughly 10,000 unique
21 chemical ingredients in personal care products, and the vast
22 majority have never been assessed for safety by any publicly
23 accountable body.
- 24 5. Since 2009, 595 cosmetics manufacturers have reported using 88
25 chemicals, in more than 73,000 products, that have been linked to
26 cancer, birth defects or reproductive harm.
- 27 6. All of these toxic chemicals have been banned by the European
28 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

1 repeat exposures, Congress has not given the agency the same
2 authority to regulate the chronic risks posed by chemicals and
3 contaminants in cosmetics.

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

7 9. Instead, Congress has given the EPA the full coverage power and
8 authority to regulate commerce and ensure that all industries do
9 not introduce and use harmful chemicals which pose
10 unreasonable risks to Public health or the environment [**15 U.S.C.**
11 **§ 2605**]

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

21 11. Consumer use of cosmetics continues to grow dramatically. Since
22 2010, the U.S. cosmetics market has grown an average of 4.1
23 percent annually, and internet sales have expanded to account for
24 8.4 percent of the total market share. In 2016, it reported more
25 than \$169 billion in sales.

26 12. Cosmetic imports are also on the rise. In fiscal year 2016, 2.9
27 million lines of cosmetics were imported into the U.S. from 181
28 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.

1 13. The cosmetics industry has long fought meaningful oversight.
2 Since the early 1950s, it has defeated efforts by Congress to
3 modernize cosmetics law. Since 2015, some cosmetics companies
4 have supported giving the FDA the authority and resources to
5 review and regulate chemicals and contaminants of concern in
6 cosmetics, and have supported requiring manufacturers to
7 register, provide ingredient statements, adopt GMPs and report
8 adverse events.

9 See. Cal. Dep't of Pub. Health, Cal. Safe Cosmetics Program, Current
10 Data Summary

11 <https://www.ewg.org/the-toxic-twelve-chemicals-and-contaminants-in-cosmetics>

12 **POLICY BACKGROUND**

13 **CONGRESSIONAL DIRECTION AUTHORITIES TO THE EPA**

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

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

28 16. The Congress finds that— among the many chemical
substances and mixtures which are constantly being developed and

1 produced, there are some whose manufacture, processing,
2 distribution in commerce, use, or disposal may present an
3 unreasonable risk of injury to health or the environment;
4 17. And that authority over chemical substances and mixtures should
5 be exercised in such a manner as not to impede unduly or create
6 unnecessary economic barriers to technological innovation while
7 fulfilling the primary purpose of this chapter to assure that such
8 innovation and commerce in such chemical substances
9 and mixtures do not present an unreasonable risk of injury to
10 health or the environment.
11 18. It is the intent of Congress that the Administrator shall carry out
12 this chapter in a reasonable and prudent manner, and that
13 the Administrator shall consider the environmental, economic, and
14 social impact of any action the Administrator takes or proposes as
15 provided under this chapter.

16 19. **Scope of regulation**

17 If the Administrator determines in accordance with subsection (b)(4)(A)
18 that the manufacture, processing, distribution in commerce, use, or
19 disposal of a chemical substance or mixture, or that any combination
20 of such activities, presents an unreasonable risk of injury to health or
21 the environment, the Administrator shall by rule and subject to section
22 2617 of this title, and in accordance with subsection (c)(2), apply one or
23 more of the following requirements to such substance or mixture to the
24 extent necessary so that the chemical substance or mixture no longer
25 presents such risk...

26 **PETITION CLAIMS**

27 **Count 1**

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

29 24. The addition and inclusion of toxic chemicals to cosmetic products is
30 unreasonable for use in public consumption. There is no benefit to
31 consumers of cosmetics for the added inclusion of these injurious

1 chemicals which harm public welfare and the environment through
2 their use consumption and disposal. Eliminating or reducing the toxic
3 chemicals added to cosmetic product mixtures is justifiable and
4 exactable under current US Law.

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

10 **Count 2**

11 **Cosmetic Disposal presents a clear unreasonable risk to the** 12 **Environment**

- 13
14 26. The research studies of toxic waste entering the environment are
15 clear in identifying cosmetics as a major hazardous waste emission.

17 **Petition for Issuance**

18 For these reasons, the Petitioner asks the Administrator to:

- 19 a) Determine in accordance with the Control of Toxic Substances Code
20 that the chemical mixtures contained within cosmetics present an
21 unreasonable risk of injury to public health and the environment.
22 b) Order by Rule that the manufacturing producers of cosmetics
23 eliminate the hazardous chemicals used in mixtures-- some examples
24 include: **Formaldehyde**, a known carcinogen, **Paraformaldehyde**, a
25 known carcinogen, **Methylene glycol**, a type of formaldehyde.
26 **Quaternium 15**, which releases formaldehyde. **Mercury**, which can
27 damage the kidneys and nervous system. **Dibutyl and diethylhexyl**
28 **phthalates**, which disrupt hormones and damage the reproductive
system. **Isobutyl and isopropyl parabens**, which disrupt hormones

1 and harm the reproductive system. **The long-chain per- and**
2 **polyfluoroalkyl substances known as PFAS**, which have been linked
3 to cancer. **M- and o-phenylenediamine**, used in hair dyes, which
4 irritate and sensitize the skin, damage DNA and can cause cancer.

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

7 Dated: Aug 9, 2021

8 Respectfully submitted,

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10 By: 

11 William David Bush

12 Advocate Petitioner.

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Administrator of the EPA.
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