



February 6, 2025

The Honorable Susan Donovan, Chairwoman
Committee on Health and Human Services
House of Representatives
Providence, Rhode Island 02903

Re: Letter of Opposition - House Bill 5117 Relating to Labeling of Cosmetics

Dear Chairwoman Donovan:

On behalf of the members of the Personal Care Products Council (PCPC),¹ I am writing to express our opposition to House Bill (HB) 5117 (Lombardi). While well intentioned, this legislation is unnecessary given existing federal law which governs the labeling requirements for cosmetic products. We are also concerned that HB 5117 does not provide meaningful protections for manufacturers' confidential business information regarding product formulas. In addition, HB 5117 would impose unnecessary burdens and undue costs on suppliers, manufacturers, retailers, and on consumers.

Labeling requirements for cosmetics are set forth in the federal Food, Drug & Cosmetic Act (FD&C) and the federal Fair Packaging & Labeling Act ("FPLA"). Those requirements are codified in 21 CFR 701 and 740 and require that cosmetic product labels declare the name of each ingredient. Cosmetics that fail to abide by federal labeling laws may be deemed misbranded by the federal Food and Drug Administration (FDA) and are already prohibited. For these reasons, we believe that federal law (Section 752 of the FD&C Act) preempts HB 5117 to the extent HB 5117 proposes requirements for labeling that are different from or in addition to, or otherwise not identical with federal law.

In addition, on December 29, 2022, President Biden signed into law the Modernization of Cosmetics Regulation Act (MoCRA) of 2022. PCPC supported this law and actively engaged with legislators at every step. This long-awaited, historic legislation gives the FDA additional tools to ensure the safety of cosmetics and to protect public health, reinforcing consumer confidence in the products they trust and enjoy each day. MoCRA also brings the FDA's oversight of the beauty and personal care sector more in line with other categories the Agency regulates and contributes to global regulatory alignment. MoCRA was a truly bipartisan effort that brought together a diverse group of stakeholders who gathered in the spirit of collaboration and compromise to advance science-based reforms.

Key relevant requirements under MoCRA:

¹ Founded in 1894, the Personal Care Products Council (PCPC) is the leading national trade association representing cosmetics and personal care products companies and serving as the voice on scientific, regulatory, legislative and international issues for the \$535.7 billion global industry. PCPC's 600 member companies represent more than 90% of the U.S. beauty industry and are some of the most beloved brands in beauty and personal care today. They manufacture, distribute and supply the vast majority of personal care products marketed in the U.S. and are global leaders committed to product safety, quality and innovation.

- Mandatory registration for all foreign and domestic cosmetic manufacturing facilities selling products in the U.S.;
- Listing of products: the 'responsible persons' (manufacturers, packers, or distributors whose name appeared on the label of a cosmetic product) are required to list with the FDA each cosmetic product, including its ingredients and information about where the cosmetic product was manufactured, and update cosmetic product labels to include contact information through which the responsible person could receive adverse event reports. FDA must issue regulations identifying fragrance allergens to be disclosed by manufacturers on cosmetics labels.

PCPC supports federal requirements because of the uniformity it provides for each manufacturer, rather than a state-by-state approach. This support is evident by our membership's strong support of the bipartisan efforts to pass and sign MoCRA into law. Further, existing federal law, as enhanced by MoCRA, has long required labeling of ingredients on cosmetics. We recognize that labeling is used to help inform consumers of a product's intended use and any related instructions, its ingredients and net quantity of contents, and its place of manufacture or distribution. Requiring differing information beyond what is required by federal law, may violate trade secrets, and put manufacturers at a disadvantage in the global market.

In summary, we ask that you oppose this bill. We welcome the opportunity to provide further comments.

Sincerely,

Katie Bernard Wright
VP, State Government Affairs
Personal Care Products Council

Cc: Members of the House Committee on Health and Human Services