

## Input to Pre-Consultation: Notice to Interested Parties about a Proposal to amend the Cosmetic Regulations

August 2021

Our eight environmental health organizations thank Health Canada for the opportunity to [pre-comment](#) on a proposal to amend the Cosmetics Regulations regarding fragrances. We would like to make clear from the start that we all strongly believe that the term “fragrance” should no longer be allowed to mask any ingredients on the list of ingredients in cosmetics sold in Canada. The restricting of the consultation to primarily the issue of ingredients masked under the term “fragrance” that are allergens is only one part of the issue with masked ingredients. It would still allow ingredients that are potentially hazardous to be used in cosmetics without any divulgation or accountability on the part of manufacturers.

The issue of chemicals masked under the term “fragrance” has been raised by the [Environment Commissioner in 2016](#), during CEPA-focused ENVI Committee hearings, as well as in the [ENVI report in 2017](#) and in numerous consultations, submissions and reports. We do support the requirement of warning labels for all allergenic ingredients. We hope that labelling reform requiring full ingredient disclosure will incite manufacturing reformulations that have been found in other product classes where warnings have been brought in.

On the specific issue of allergens, although medical practitioners define “allergy” narrowly according to the type of immune reaction that is elicited, the general public has a broader view, equating “allergy” to an adverse reaction in connection with exposure. The broader definition should be used in this case, as it would offer considerable potential to advance human and environmental health.

Comprehensive information and transparency are necessary to move towards cosmetic products with formulations that are not hazardous. Simplification of formulations (including omitting fragrances) is an important strategy to improve the odds that products will not prove hazardous to some users. From the Appendix A: “This legislation stipulates that no person can sell any cosmetic that has in it any substance that may cause injury to the health of the user when the cosmetic is used according to the directions on the label and under normal conditions of use” and yet allergens have been included in these formulations, undisclosed, to date. In addition, endocrine-disrupting chemicals<sup>1</sup> (EDCs), non-allergen sensitizers, and carcinogens such as benzene from extraction of chemicals from plants, are also present in fragrance formulations, and can be found in international fragrance lists. The International Fragrances Association [transparency list](#) includes all of these among several thousand chemicals that may be included in fragrance mixtures.

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<sup>1</sup> Dodson, R.E., M. Nishioka, L.J. Standley, L.J. Perovich, J.G. Brody, R.A. Rudel. 2012. Endocrine Disruptors and Asthma-Associated Chemicals in Consumer Products. *Environmental Health Perspectives*, 120(7):935–943. doi:10.1289/ehp.1104052; <https://onlinelibrary.wiley.com/doi/abs/10.1002/ehp.1106>; [https://www.chrc-ccdp.gc.ca/sites/default/files/envsensitivity\\_en.pdf](https://www.chrc-ccdp.gc.ca/sites/default/files/envsensitivity_en.pdf) <https://www.endocrine.org/topics/edc/what-edcs-are/common-edcs>

Chemicals such as phthalates that are added to fragrances to extend the persistence of the odour are endocrine disruptors. The thousands of chemicals on the fragrances transparency list should be screened for potential adverse effects, as phthalates are only one example of a group of chemicals that should be prohibited from these mixtures.

The Cosmetic Ingredients Hotlist, which is authorized under the Cosmetic Regulations, reflects the shortcomings resulting from barriers to creating a more fulsome and truly transparent approach related to products containing fragrances. The hotlist has been designed as a post-market administrative tool to manage toxic substances used in personal care products and may include listing of fragrances. As a post market tool, ingredients on the hotlist may be released in products that contain hazardous substances even after these substances have been identified and efforts to remove such products from the market shelves have been undertaken. Situations remain when unsuspecting consumers continue to use and may be exposed to harmful products. It is unclear why the Cosmetic Ingredient Hotlist is not a premarket screening mechanism creating more accountability from manufacturers regarding the safety of their products.

There is no mechanism to target specific fragrance ingredients for prohibition when they exhibit potential to be EDCs, with reproductive or developmental toxicity, or carcinogenic or neurotoxic impacts particularly for the most susceptible groups including women, children, at-risk workers, and the developing fetus.

Furthermore, there are important sex and gender considerations for this issue:

**Users:** Cosmetics use is gendered, as women and girls are highly targeted by companies, media, marketing, social media influencers, and others for daily use products, with an average of 12 products used on a daily basis. The impact of this volume of product use on women's health is poorly understood from a synergistic and cumulative impact perspective. The effects of such products on the developing bodies of children and youth is even less understood.

**Caregivers:** The mental load associated with managing one's exposures, and managing household purchasing and the resulting exposures of loved ones, is also gendered. The knowledge needed to understand allergic and sensitization reactions, and the financial privilege to purchase more expensive fragrance-free alternatives creates additional inequity.

**Occupations:** Women disproportionately work in the beauty, nail, salon, makeup, entertainment and retail sectors, which often results in constant high levels of exposures to cosmetics and fragrance (dermal absorption, inhalation, incidental ingestion). Corporate dress codes and professional standards target women's appearance, particularly for women of colour, with cosmetics use as part of their role. Cleaning staff may be particularly affected if they use fragranced cleaning products frequently and for prolonged periods of time. Nail salon products and cleaning products that are sold for domestic use are not subject to WHMIS labeling and so do not equally or adequately convey the potential risks to the users.

The current state of cosmetics labelling is unclear and inaccessible. Unlike cleaning product labels that are required to have instructions and hazards such as poisoning for the active

ingredients, and tobacco and alcohol packaging that have plain-language health warning labels to communicate their associated harms, cosmetics do not offer consumers any clear information about the nature and degree of hazard associated with product use.

In terms of accessibility, the extremely small font ingredient lists are complex and inaccessible for many people. There is no hierarchy of information, and no communication of hazard for products that, under normal conditions of use, are ingested, inhaled, absorbed dermally and applied beside the eye. Such serious information gaps are especially problematic for those who do not possess the scientific literacy to understand the ingredients.

Allergens are only one category of hazardous ingredients that must be identified on labels, as formulations pose sensitization, and acute and chronic health hazards. These ingredients are disclosed to retailers in order to comply with their internal policy and to be placed on retailer shelves, yet these ingredients are masked for consumer labels.

Toxic ingredients are not highlighted as hazardous for health. Beyond allergens, consumers need the following types of information to be disclosed, in order to protect their health:

**Health hazards:** hazards of sensitization, or other acute or chronic health effects associated with these ingredients; specific windows of susceptibility (children, pregnancy, etc.) that restrict the use of these products.

**Use restrictions:** what to do when these products are ingested, inhaled, if a rash or other acute adverse reaction occurs, or the product comes into contact with eyes.

**Clear, accessible format:** hazards are front and center on packaging, in plain language, in a regulated, minimum font size, with multiple ways to access information in various languages. A statement highlighting that this product contains chemicals listed on a retailer's internal Hazardous Substances Lists and/or on Cosmetic Ingredient Hotlist should be included.

## **Consultation Questions**

### **1. Product ingredient list**

Of course, as participants in a labelling consultation, we check ingredient lists. We have the education and detailed understanding of ingredient names, trade names and groupings to look for and avoid health hazards for ourselves, our children and partners when feasible. However, we are among a very small group of consumers with these intersecting privileges to understand what is in a product, what to look for and the means to seek out non-hazardous alternatives. In the absence of this privilege, we would be unlikely to be able to read the inaccessible, unclear and incomplete ingredient list, nor would we have a choice in the matter if we needed to buy affordable products for our children, our homes, or our occupations.

### **2. Benefits of fragrance allergen disclosure**

We cannot see a disadvantage to this.

Fragrances are a common trigger for chemical sensitivities with neurological (e.g., migraine headache and more generalized pain) and other adverse symptoms in multiple body systems, in addition to typical allergic rash, rhinitis (runny nose) and airway constriction (asthma). Consumers have a right to know when they are being exposed to classic allergens, or any ingredients that pose a sensitization, or acute or chronic illness hazard to their health. Disclosure may ultimately change consumer choices, and can pressure companies to reformulate products so that they do not include hazardous substances.

Ideally, all products would be offered in fragrance-free versions, with no masking agents.

#### **b. Ingredient list allergens, in separate list**

This method would provide a clearer way to list allergens and other hazardous ingredients, and is similar to food allergen listing.

#### **d. Fragrance allergen disclosure**

Allergens (broadly, generically defined) should not only be listed, but the signs of classic allergic and other reactions (rash, redness, headache, etc.) should be described, and remedies (doctor, Poison Control, etc.) and subsequent avoidance should be advised.

### **4. Off-pack labelling**

The current patchwork of voluntary disclosure of full ingredient lists on company websites does little for shoppers whose literacy, internet access, and financial privilege may limit their ability to understand product risk and make decisions in the aisle or at the counter. In addition to the full ingredient disclosure, a clear statement highlighting that a product contains chemicals listed on the Cosmetic Ingredient Hotlist, and the retailer's internal policy or Hazardous Substance List (if such exists) should be included.

#### **c. Fragrance allergen disclosure, small package**

If there are space limitations, then the allergen information should be prioritized, and full lists included in additional tabs, cards, etc. Allergen information should not be able to be separated from the product itself.

## **5. Other feedback / comments**

Please see the introductory comments for additional comments and feedback.

Fragrance is non-essential, and its volatile chemical ingredients do not contribute to the primary purpose of a cosmetic (e.g., a soap). In addition, these ingredients represent a considerable greenhouse gas footprint; cosmetics that are truly free of fragrances should become *de rigueur* in the 2020s. Scented versions should be higher priced/taxed to reflect the carbon-based resources, as well as potential health hazards associated with incorporation of a suite of volatile chemicals in products.

Signed,

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