

March 4, 2020

Dr. Stephen Hahn
Commissioner
Office of the Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Re: FDA Public Meeting on Testing Methods for Asbestos in Talc and Cosmetic Products Containing Talc (Docket ID FDA-2020-N-0025)

Dear Commissioner Hahn:

The undersigned organizations write to thank the Food and Drug Administration (FDA) for holding its public meeting on testing methods for asbestos in talc and strongly encourage the agency to require the use of the most sensitive, state-of-the-art testing methods available for testing talc and talc-based cosmetic products for asbestos and making test results available to the public.

Exposure to asbestos kills an estimated 15,000 Americans every year.¹ According to the Occupational Safety and Health Administration, there is no safe level of asbestos exposure.² This is especially true for children and women who are exposed to talc-based cosmetic products that may contain asbestos. Even small amounts of asbestos fibers in cosmetics inhaled by people can become lodged in their lungs and lead to mesothelioma and other diseases many years later.

Numerous lab tests have confirmed the presence of asbestos in talc-based makeup products marketed to children.³ In March of 2019, the FDA urged consumers to stop using certain cosmetic products sold by Claire's after it found asbestos in at least three different talc-based products.⁴ In December of 2019, Johnson & Johnson recalled 33,000 bottles of its baby powder after an independent FDA investigation found chrysotile asbestos in samples from a retailer.⁵ Just this year, high levels of asbestos were found in a children's makeup kit marketed by IQ toys and sold on the company's website, Amazon.com Inc., and eBay Inc..⁶

¹ Faber, Scott (2018 Jan. 2). "Asbestos Found in Kids' Cosmetics Again," Environmental Working Group, *available at* <https://www.ewg.org/news-and-analysis/2018/01/asbestos-found-kids-cosmetics-again>.

² United States Department of Labor (2014). "Asbestos Overview", Occupational Safety and Health Administration, *available at* <https://www.osha.gov/SLTC/asbestos/>.

³ Whitmer, Michelle (2017, Aug. 17). "Asbestos in makeup," Asbestos Brought to you by the Mesothelioma Center, *available at* <https://www.asbestos.com/products/makeup/>.

⁴ March 5, 2019: FDA advised consumers not to use certain Claire's cosmetic products <https://www.fda.gov/cosmetics/cosmetics-recalls-alerts/fda-advises-consumers-stop-using-certain-cosmetic-products>.

⁵ Hsu, Tiffany and Rabin, Roni Caryn (2019 Oct. 18). "Johnson & Johnson Recalls Baby Powder Over Asbestos Worry," The New York Times, *available at* <https://www.nytimes.com/2019/10/18/business/johnson-johnson-baby-powder-recall.html>.

⁶ Formuzis, Alex (2020 Jan. 16). Alert: Tests Find High Levels of Asbestos in Children's Makeup Kit, Environmental Working Group, *available at* <https://www.ewg.org/release/alert-tests-find-high-levels-asbestos-children-s-makeup-kit>

In order to protect public health, we believe that the FDA should require the use of the most sensitive, state-of-the-art testing methods for cosmetic products containing talc. Given that the FDA currently lacks basic statutory tools like mandatory recall authority or pre-market review, we believe it is critical that the FDA ensure that the most precise testing methods available are being used uniformly when testing for asbestos in talc-based products and that testing results are made available to the public.

Respectfully Submitted,

Alliance for Justice
Alliance of Nurses for Healthy Environments
American Association for Justice
Asbestos Disease Awareness Organization
Center for Justice & Democracy
Consumer Action
Consumer Federation of America
Environmental Working Group
Kids in Danger
Protect All Children's Environment
Public Citizen
Safer Chemicals, Healthy Families
U.S. PIRG Education Fund