



March 7, 2018

The Honorable John M. Mizuno
Chair, House Committee on Health & Human Services
State Capitol, Room 312
415 South Beretania Street
Honolulu, HI 96813

RE: Opposition to House Resolution No. 23 and House Concurrent Resolution No. 29

Chair Mizuno:

On behalf of the Personal Care Products Council (the Council), I am writing to express opposition to House Resolution No. 23 and House Concurrent Resolution No. 29, which urge the U.S. Food and Drug Administration, the U.S. Surgeon General and Hawaii's Congressional Delegation to consider whether products containing oxybenzone should include a warning label that addresses alleged human health concerns.

The Council is the leading national trade association representing the cosmetic and personal care products industry. The Council's approximately 600 member companies manufacture and distribute the vast majority of products marketed in the United States. As the makers of a diverse range of products that consumers rely on daily, from sunscreen, shampoo, and toothpaste to antiperspirant, moisturizer and lipstick, personal care products companies are global leaders committed to safety, quality and innovation.

Sunscreens are regulated as over-the-counter drugs by the U.S. Food and Drug Administration (FDA). Oxybenzone is an FDA-approved ingredient that is critical to the U.S. sunscreen market. FDA has approved the use of oxybenzone as an active ingredient in sunscreens as safe and effective in concentrations of up to 6%. Oxybenzone is a broad spectrum sunscreen, absorbing both UVA and UVB rays, that also photostabilizes other sunscreens to provide long lasting protection. Oxybenzone was approved by the FDA in 1978; consequently, it has a long history of safe use in sunscreen formulations and in playing a vital role in protecting consumers against skin cancer.

Oxybenzone has also been approved by other regulatory authorities throughout the world. Oxybenzone use is allowed at concentrations up to 6% in Canada and the European Union; up to 10% in Australia, Mexico and China; and up to 5% in Japan and Korea.

In Europe, the safety of oxybenzone was reviewed by the Scientific Committee on Consumer Products (now Scientific Committee on Consumer Safety) in 2008. Their opinion concluded that the use of oxybenzone as a UV-filter in concentrations of up to 6% in cosmetic sunscreen products does not pose a risk to the health of the consumer, apart from its contact allergenic and photo allergenic potential.

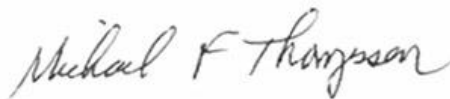
Unsubstantiated concerns have been raised that oxybenzone may be capable of altering/disrupting endocrine balance. This is inaccurate. There is no reliable, peer-reviewed scientific data that indicates oxybenzone has estrogenic effects that could potentially affect human health. In fact, the European Commission's Scientific Committee for Cosmetic Products and Non-Food Products Intended for Consumers (SCCNFP) specifically considered whether UV filters in sunscreen products have estrogenic effects with the potential to affect human health. The SCCNFP concluded that UV filters used in sunscreen products allowed in the European market (including oxybenzone) have no estrogenic effects that could potentially affect human health.

More than 10,000 people die of melanoma every year and there are more new cases of skin cancer each year than breast, prostate, lung and colon cancers combined. The FDA, the Centers for Disease Control and Prevention (CDC), the U.S. Surgeon General, the American Academy of Dermatology (AAD), the Skin Cancer Foundation and health care professionals worldwide emphasize that using sunscreens is a critical part of a safe sun regimen. The dangers of sun exposure are clear and universally recognized by public health professionals and dermatologists. The National Institutes of Health Report on Carcinogens identifies solar UV radiation as a 'known human carcinogen.' A single bad burn in childhood greatly increases the risk of developing skin cancer later in life. In Hawaii alone, 2-out-of-3 adults report using sunscreens, and 4-out-of-5 parents report using sunscreen on their children.

Placing a human health warning on sunscreen products that contain oxybenzone would likely create unfounded fear among consumers, cause fewer people to use sunscreen, and thereby substantially increase the incidence of skin cancer. Given that the FDA has approved oxybenzone as safe and effective, and the lack of valid scientific evidence showing any deleterious health effects from oxybenzone, we believe these resolutions are not only unnecessary but actually could contribute to a broader public health problem.

Please oppose House Resolution No. 23 and House Concurrent Resolution No. 29. Thank you for your consideration.

Sincerely,



Michael F. Thompson
Senior Vice President, Government Affairs
Personal Care Products Council

Against HR23 and HR29

Urging the United States Food and Drug Administration, the United States Surgeon General, and Hawaii's Congressional Delegation to consider whether products containing Oxybenzone should include a warning label that addresses human health concerns

The use of warning labels on personal care products has been met with a variety of controversy. The main concern is that when everything has a warning label on it, no one will pay attention to it and simply ignore the warning. There are warning labels already on every Over-the-Counter/Prescription Drug, and many personal care products contain warning labels (aerosol sprays, eye products, lip products, hair dyes, bubble baths, perfumes/colognes & other products contains flammable ethyl alcohol ... etc.).

One of the best examples of the consumer ignoring warning statements would be what we see on TV ads for prescription drugs ... the commercial starts concurrently with someone reading a long list of potential adverse reactions (which almost always includes death) and ends only after the narrator stops reading the list ... in other words, the length of the commercial is determined by the length of adverse reactions that need to be read to cover corporate liabilities – not by the benefits of the product.

Below are several newspaper and peer-reviewed articles that discuss the benefit (or lack of benefit) these warning statements have on the consumer. Warning labels appear to have a minimal impact even on something as toxic/dangerous as smoking cigarettes.

News Articles:

- 1) <https://www.side-effects-site.com/fda-black-box-warning.html>
- 2) <http://ahrp.org/drug-warnings-are-they-effective-usa-today/>
- 3) <https://www.psychologytoday.com/blog/food-thought/201406/soda-warning-labels-rated-futility-0>

Peer-Review Articles:

- 4) <https://www.ncbi.nlm.nih.gov/pubmed/29458517>
- 5) <https://www.ncbi.nlm.nih.gov/pubmed/29495581>
- 6) <https://www.ncbi.nlm.nih.gov/pubmed/29405851>

Additionally, the impact of approving this measure will do nothing to protect Hawaii's environment or people. If industry puts another warning label on the bottle (which already has minimal space available) which more than likely no one will heed and all of the Oxybenzone and Octinoxate containing products will still be available for sale which leaves the problem exactly where it currently is ... Hawaii's waters will continue to accumulate these chemicals and the limu, coral, fish ... etc. will also accumulate these chemicals internally either mutating/killing them or transferring the chemicals to other wildlife and humans via consumption.

As a toxicologist, I must say that if something is so toxic that it needs to contain a black box warning, it should simply be banned.

Please do not pass this measure, it will only accelerate and compound the problem.

Mahalo, Joe DiNardo – Hawaiian Tourist & Toxicologist.

HR-23

Submitted on: 3/6/2018 9:53:57 AM

Testimony for HHS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julien Stevens	Individual	Support	No

Comments:

HR-23

Submitted on: 3/6/2018 4:07:02 PM

Testimony for HHS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Gannon	Individual	Support	No

Comments:

HR-23

Submitted on: 3/6/2018 5:01:09 PM

Testimony for HHS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON HEALTH & HUMAN SERVICES
THE HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018

Thursday, March 8, 2018

9:30 a.m.

Hawaii State Capitol, Conference Room 312

RE: Testimony in Support of HR23

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair and the Members of the Committee on Health and Human Services:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on HCR29 relating to URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION, THE UNITED STATES SURGEON GENERAL, AND HAWAII'S CONGRESSIONAL DELEGATION TO CONSIDER WHETHER PRODUCTS CONTAINING OXYBENZONE SHOULD INCLUDE A WARNING LABEL THAT ADDRESSES HUMAN HEALTH CONCERNS.

. The OCC Legislative Priorities Committee is in favor of HR23 and supports its passage.

HR23 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it urges the United States Food and Drug Administration, the United States Surgeon General, and Hawaii's Congressional Delegation to consider whether products containing oxybenzone should include a warning label that addresses the human health risks of using those personal care products as a 2002 study published in *Chemico-Biological Interactions* has shown that estrogen build-up can lead to health issues, such as endometriosis and breast cancer, among other illnesses, including per Chemosphere, neonatal intestinal abnormalities.

Specifically, the Platform of the Democratic Party of Hawai'i provides that "[w]e support community health initiatives that provide opportunities for the overall health of communities through strategic projects and programs focusing on increased interaction and physical activities among all age groups, as well as on better nutrition." (Platform of the DPH, P. 7, Lines 378-380 (2016)).

Given that HR23 urges the United States Food and Drug Administration, the United States Surgeon General, and Hawaii's Congressional Delegation to consider whether products containing oxybenzone should include a warning label that addresses the human health risks of using those personal care products, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

HR-23

Submitted on: 3/7/2018 9:40:06 AM

Testimony for HHS on 3/8/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Bishop	Friends of Hanauma Bay	Support	Yes

Comments:

Aloha Chair Mizuno, Vice-Chair Kobayashi, and members of the Health and Human Services Committee.

Mahalo for the opportunity to provide testimony on HR23. While this Resolution serves to bring much-needed attention to the negative impacts of oxybenzone on human health, warning labels are no substitute for a ban on oxybenzone to protect our coral reefs.

The Federal Food and Drug Administrations's (FDA) 1999 evaluation of the safety of oxybenzone predates the weight of undisputed scientific studies released over the past twenty years demonstrating the harmful effect of oxybenzone to human health and coral reefs.

Key to our support for this Resolution is that HR23 be amended to ask the United States Federal Food and Drug Administration (FDA) to reopen a Risk Assessment on oxybenzone based on current and past studies using the most current 2016 FDA Data Standards for Drug Approval.

Grandfathering oxybenzone out of compliance with the FDA's current Data Standards does not mean oxybenzone is safe for our coral reefs or for use on the human body.

Mahalo for considering this amendment.

Respectfully,

Lisa Bishop

Friends of Hanauma Bay

