



wholesale suppliesplus
SOAP & CANDLE MAKING MATERIALS

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Committee on Public Health
Chairman Jeffrey Sanchez
Room 130, State House
Boston, MA 02133-1020

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Testimony: MA H02361, Safe Cosmetics in the Commonwealth of Massachusetts

On behalf of Wholesale Supplies Plus, a distributor of ingredients for small cosmetic businesses, I would like to submit this written testimony on MA H02361 filed on January 20, 2011 by Bradley H. Jones, Jr..

As written MA H02361 will: 1) adversely impact the over 5,000, primarily woman owned, small cosmetic businesses operating in the State of Massachusetts and 2) have little impact on cosmetic safety.

In an effort to cooperate with legislators and improve the bill, the following suggestions for improvement are respectfully requested for bill MA H02361:

Definition of “Authoritative Body” [Line 6]

- Suggestion for Change: Adding a clause at the end of this section that *states, “using universally accepted means of modern science, research and technology.”*
- Rationale for Suggestion: This prevents private agencies from implementing change based on non-accepted science.

Definition of “Contaminant” and “Contaminants of Concern” [Line 29]

- Suggestion for Change: Adding a working definition for both of these words/phrases to include *“unintentionally added containments and contaminants of concern.”*
- Rationale for Suggestion: Non-hazardous containments can naturally be introduced into cosmetics through safe ingredients such as glycerin, which naturally attracts moisture/water from the ambient air. This water is not hazardous and is insignificant to cosmetic safety. On the other hand, there are contaminants of concern such as lead that should be listed. Ideally, containments of concern and ingredients of concern would be the same list.

Components of botanical and animal-derived ingredients [Lines 35-36]

- Suggestion for Change: Remove the phrases “botanical” and “animal-derived” ingredients.

- **Rationale for Suggestion:** Naturally occurring compounds are present in all botanicals and animal-derived ingredients. In the example of olive oil, five of the naturally occurring components are considered unsafe by themselves, but since their presences in olive oil are so minute they are considered safe by the American Heart Association, who recommends daily olive oil consumption for heart health. If this language remains unchanged, it will make MA regulations confusing to the consumer and will not have any impact on cosmetic safety. Could you imagine a doctor telling a patient to consume olive oil but then having a state mandated warning label stating it is hazardous?

Definition of “Manufacturer” [Line 40]

- **Suggestion for Change:** Separately define ingredient manufacturers and cosmetic compounders.
- **Rationale for Suggestion:** There are two types of manufacturers; those entities that compound finished cosmetic products which are packaged for use by a consumer, and those entities that manufacture cosmetic ingredients (such as preservatives or fragrances) to be used as a component in subsequent compounded cosmetic ingredient or a finished consumer cosmetic product. A distinction should be made in the definition in order to place the responsibility for safety testing of ingredients onto the inventors of chemical ingredients and not businesses that use these ingredients as directed to compound cosmetics.

Definition of Small Business [Lines 63, 96, 118]

- **Suggestion for Change:** Remove the reference to 100 employees and increase the exemption to \$8M in annual gross sales
- **Rationale for Suggestion:** Including a reference to jobs may be perceived as limiting employment opportunities as companies will not want to hire staff higher than the job number indicated. Increasing the sales number to \$8M recognizes the current federal definition of \$10M and comes in slightly under that figure.

I appreciate your time in reading my testimony and thank you for your consideration on these suggestions.

Respectfully,



Deborah May
President & CEO
Wholesale Supplies Plus, Inc.