NOFA-NY
NORTHEAST ORGANIC FARMING ASSOCIATION OF NEW YORK

Memorandum of Support: Beauty Justice Act

S.2057 (Webb)/ A.2054 (Glick)

This legislation bans the sale and distribution of personal care and cosmetic products that contain intentionally added substances, like per- and polyfluoroalkyl substances (PFAS) and other toxic chemicals. This legislation also bans these substances at certain levels in products even if they are not intentionally added but are present because as a contaminant from the manufacturing process.

The Northeast Organic Farming Association of New York (NOFA-NY) urges New York State to restrict the sale and use of products containing PFAS. PFAS chemicals compromise public health, contaminate agricultural land and groundwater and put the livelihoods and health of farmers and the public at risk.

Thousands of chemicals are used in cosmetics and personal care products, hundreds of which are associated with asthma, allergies, hormone disruption, neurodevelopmental problems, infertility, and even cancer. According to the Environmental Working Group, "on average, women use 12 personal care products a day, exposing themselves to 168 chemical ingredients. Men use six, exposing themselves to 85 unique chemicals." Our skin is our largest organ, and what we put on it can be absorbed into the bloodstream and potentially bioaccumulate in our body. This is why even small, prolonged exposures can lead to serious health impacts.

This is a strong bill that would advance consumer protections by banning the use and presence of toxic PFAS chemicals and other dangerous chemicals such as formaldehyde, asbestos, benzophenones, butylated compounds, siloxanes, phenylenediamines, triclosan, nitrosamine and known carcinogens, such as carbon black, coal tar, ethylene oxide, toluene, naphthalene, and more.

The European Union prohibits the use of carcinogenic, mutagenic, or toxic substances in cosmetic products, and the Canadian government prohibits or restricts hundreds of harmful chemicals that are currently permitted for use in the U.S.[12] Recently, California banned 24 toxic chemicals from cosmetics

[1] European Commission, Annex II: List of Substances Prohibited in Cosmetic Products
[2] Government of Canada. (2019). Cosmetic Ingredient Hotlist.

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products, and other states such as Maryland and Washington have followed or are following suit.[3][4][5]

Critically, this legislation will help protect women of color. A study published in the American Journal of Obstetrics & Gynecology finds that women of color are disproportionately exposed to more toxic chemicals than white women.[6]

When PFAS chemicals enter the waste stream through wastewater, they travel to treatment facilities that are unable to deal with the contamination adequately. The facilities are not required to test for the presence of PFAS in sludge before it is land-applied. Furthermore, technology for identifying and removing contamination from sludge is prohibitively expensive and its effectiveness is unknown. Without effective remediation opportunities and with increased land application--as is detailed in the Department of Environmental Conservation's 10-year solid waste management plan--PFAS chemicals continue to bioaccumulate. Even in small amounts, continued exposure increases environmental and health risks.

On farms where sludge has been applied to the land, soils, groundwater, animal products, and even produce have tested positive for PFAS at high levels. While sewage sludge application is not allowed in organic production, legacy pollution of soil and groundwater from practices used before a farm became organic can still harm organic producers and consumers.

To mitigate risks to human and animal health, the livelihoods of NY's over 30,000 farms, and NY's 8 billion dollar agricultural industry, NOFA-NY urges swift action to curb upstream PFAS contamination by passing S.2057/ A.2054.

Founded in 1983, the Northeast Organic Farming Association of New York (NOFA-NY) is dedicated to growing a strong, regenerative organic agriculture movement in New York State. NOFA-NY provides farmer-to-farmer education and assistance to organic and regenerative growers and is the largest USDA-accredited organic certifier in New York.

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[3] Office of Governor Gavin Newsom. (2020). Governor Newsom Signs Legislation Making California First in the Nation to Ban Toxic Chemicals in Cosmetics.
[4] Environmnetal Working Group: Maryland consumer protection bill becomes law
[5] Toxic Free Future: Washington Adopts the Toxic-Free Cosmetics Act!
[6] AJOG.org The environmental injustice of beauty: framing chemical exposures from beauty products as a health disparities concern