

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

February 2, 2018

The Honorable Scott Gottlieb, M.D.  
Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

Dear Commissioner Gottlieb:

I write to urge the U.S. Food and Drug Administration (FDA) to examine the alarming issue of dangerous contamination of imported cosmetic products, in particular those marketed to children. This is a longstanding issue of great concern to me, and I am dismayed to see reports that once again, children are being unnecessarily exposed to dangerous chemicals in personal care products.

Last June, FDA stated that in fiscal year (FY) 2016, FDA physically inspected only 9,871 of the 2.9 million lines of cosmetic products that arrived at U.S. ports, which equals less than one percent of all products.<sup>1</sup> Of the products physically examined, inspectors reported adverse findings at a rate of 15 percent, and of the 364 products subjected to further laboratory testing, your inspectors reported adverse findings at a rate of 20 percent.

I recognize that because FDA focuses on inspecting products “with the potential for the greatest impact on public health,” these results may not be representative of the true rate of problems with all cosmetics.<sup>2</sup> Nevertheless, I firmly believe that any amount of contamination in cosmetics and personal care products is unacceptable.

Last July, an independent laboratory found that a cosmetic facial powder sold by Justice Retail, which markets clothing and accessories to girls ages six to twelve, contained tremolite

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<sup>1</sup> Letter from Anna K. Abram, Deputy Commissioner for Policy, Planning, Legislation and Analysis, U.S. Food and Drug Administration, to Ranking Member Frank Pallone, Jr. (June 30, 2017).

<sup>2</sup> *Id.*

asbestos fibers, as well as lead, barium, chromium, and selenium.<sup>3</sup> As I noted in a letter to Justice Retail management, this report was particularly troubling because Justice Retail markets to young girls.<sup>4</sup>

Now, new reports indicate that cosmetics sold by Claire's Stores, Inc., which also markets its products to children and teenagers, may also have been contaminated with tremolite asbestos.<sup>5</sup> Even more concerning, according to these reports this was not an isolated incident. Rather, an independent laboratory apparently examined seventeen Claire's cosmetic products from nine different states, and found that each tested positive for the contaminant.<sup>6</sup>

Federal agencies have repeatedly noted the risks that asbestos poses. The National Cancer Institute (NCI), for example, lists asbestos as a "known human carcinogen" which can cause scarring and inflammation of the lungs and is associated with mesothelioma and at least six other cancers.<sup>7</sup> The Centers for Disease Control and Prevention (CDC) has noted that children may be at greater risk of developing asbestos-related diseases after exposure to the contaminant.<sup>8</sup> Your agency has declared that it is "unacceptable for cosmetic talc to be contaminated with asbestos."<sup>9</sup>

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<sup>3</sup> *Company Issues Response After I-Team Finds Asbestos in Makeup*, ABC 11 (Raleigh-Durham-Fayetteville) Eyewitness News (July 20, 2017).

<sup>4</sup> See Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, to Lece Lohr, President, Kids Segment, Justice Retail (Aug. 7, 2017); see Ascena Retail Group, Form 10-K at 4 (Sept. 19, 2016) (available at <http://ascenaretail.com/investors.jsp>).

<sup>5</sup> *Consumer Advocate: Claire's pulls children's makeup after family finds asbestos*, WJAR (Providence, RI) TV ([turnto10.com/i-team/consumer-advocate/claieres-pulls-childrens-makeup-after-barrington-family-finds-asbestos](http://turnto10.com/i-team/consumer-advocate/claieres-pulls-childrens-makeup-after-barrington-family-finds-asbestos)); see *Claire's pulls makeup popular with girls amid asbestos allegations*, CNBC (Dec. 28, 2017) (<https://www.cnbc.com/2017/12/28/claieres-pulls-glittery-products-amid-asbestos-allegations.html>).

<sup>6</sup> *What Was Asbestos Doing in Children's Makeup?*, Forbes.com (Dec. 31, 2017) ([www.forbes.com/sites/brucelee/2017/12/31/what-was-asbestos-doing-in-childrens-makeup/#67bdec417c00](http://www.forbes.com/sites/brucelee/2017/12/31/what-was-asbestos-doing-in-childrens-makeup/#67bdec417c00)).

<sup>7</sup> National Cancer Institute, Asbestos Exposure and Cancer Risk (<https://www.cancer.gov/about-cancer/causes-prevention/risk/substances/asbestos/asbestos-fact-sheet>) (accessed Jan. 11, 2018).

<sup>8</sup> Centers for Disease Control and Prevention (CDC), Asbestos and Health: Frequently Asked Questions ([www.atsdr.cdc.gov/asbestos/docs/asbestos\\_factsheet\\_508.pdf](http://www.atsdr.cdc.gov/asbestos/docs/asbestos_factsheet_508.pdf)).

<sup>9</sup> Food and Drug Administration, Talc, (<https://www.fda.gov/cosmetics/productsingredients/ingredients/ucm293184.htm>) (accessed Jan. 11, 2018).

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While asbestos appears to be the primary impurity in the Justice Retail and Claire's cosmetics, I am also gravely concerned about the risk that other cosmetic products may also be tainted with dangerous chemicals. I urge FDA to thoroughly investigate the claims against Justice Retail and Claire's Stores, and to open a broader investigation into the presence of asbestos and other hazardous impurities in children's cosmetics.

I ask that you provide us with a briefing on this issue, and on the broader question of how your risk assessment system currently monitors imports of all cosmetics, no later than February 22, 2018. If you have questions regarding this request, please have your staff contact Kim Trzeciak or Christina Calce of the Democratic Committee staff at (202) 225-3641.

Thank you for your attention to this very serious matter.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.  
Ranking Member