

Congress of the United States

Washington, DC 20515

April 21, 2025

Commissioner Marty Makary
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Dear Commissioner Makary,

We write today to ask about the status of various rules the Food and Drug Administration (FDA) is required to issue by the Modernization of Cosmetic Regulation Act (MoCRA), passed as part of the 2023 Consolidated Appropriations Act. By enacting the first major reforms to cosmetic regulation since the Federal Food, Drug, and Cosmetic Act was signed into law in 1938, MoCRA should be a meaningful step to protecting consumers. Specifically, we write concerning the draft rule titled *Testing Methods for Detecting and Identifying Asbestos in Talc-Containing Cosmetic Products* and the yet-to-be-released draft regulations on fragrance allergen disclosure and good manufacturing practices. The timely issuance of these regulations, and the subsequent public comment, are critical to making progress in cosmetic safety.

Cosmetics are a part of people's daily routine. On average adults use 12 cosmetics products daily with ten percent of adults using more than 25 products a day. These products include makeup, nail polishes, shaving cream, perfumes, face and body cleansers, haircare products, moisturizers, and other skincare products. Consumers deserve peace of mind that the products they buy are safe to use.

Unfortunately, delays in implementing MoCRA allows for companies to continue marketing cosmetics with concerning ingredients. The cosmetics industry is still allowed to make products that contain toxic chemicals linked to hormone disruption, cancer and other health problems, and they are not required to provide full ingredient lists on labels. This puts consumers in harm's way, especially women of color and salon workers, who are among the most highly exposed to toxic chemicals through cosmetics because of the products marketed to them or commonly found in their workplaces.

Talc is one key example. For years, scientists and companies have known that many sources of talc are naturally contaminated with asbestos, the primary cause of mesothelioma. MoCRA included a provision directing the FDA to promulgate proposed regulations that establish and require standardized testing methods for detecting asbestos in talc-containing products one year after enactment of the bill on December 29, 2022. A *proposed* rule was published on December 26, 2024 and comments close on March 27, 2025. We anticipate your finalization of this rule 180 days after the comment period closes, as mandated by MoCRA.

Another example is fragrance allergens. These allergens are responsible for half of all contact dermatitis cases in the U.S. Fragrance allergen disclosure on product labels will provide consumers who suffer from fragrance allergies critical information they need to avoid these exposures, which can be life threatening in certain cases. The FDA was required to propose regulations identifying such allergens—and potential disclosure threshold levels—later than 18 months after enactment of MoCRA. This deadline was in June 2024, and to date no proposed regulations have been published.

The last area of concern is the requirement for FDA to issue good manufacturing practice regulations for cosmetic manufacturers and processing facilities. Good manufacturing practices ensure the safety, quality, and effectiveness of products, and are an effective tool used by the FDA to regulate food and drugs. These practices

will protect public health and ensure that cosmetic products distributed in the United States are not adulterated. The FDA was required to issue proposed rulemaking two years after enactment, which was in December 2024, and delayed the publication of the proposed rule to October 2025.

Given our concerns, we request answers to the following questions no later than 30 days from today:

1. When will FDA propose the fragrance allergen disclosure and good manufacturing practices rules for public comment?
2. Will you commit to publishing final rules 180 days after the public comment period closes as required by MoCRA?
3. How have recent Executive Orders from the Trump Administration that prevent health communications and blocked proposed rules impacted the ability of the FDA to work on the above rules? Will you commit to working on and publishing these delayed rules, as required by MoCRA and ensure public comment occurs?
4. Will the delays we are seeing with MoCRA implementation impact the FDA's future work on cosmetic regulation? If so, why and how? If not, why not?

MoCRA represents over a decade of collaborative and bipartisan efforts by Congress and stakeholders, including the FDA, consumer and environmental groups, and the beauty and personal care industry. We urge the FDA to continue working on these critical rules and not to further delay its timeline for issuing them.

Sincerely,



Jan Schakowsky
Member of Congress



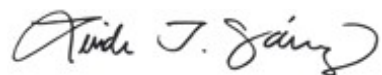
Eleanor Holmes Norton
Member of Congress



Bonnie Watson Coleman
Member of Congress



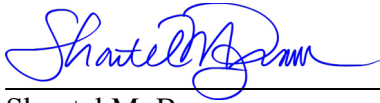
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