



Women engage for a common future

## WECF's perspective

### An ecofeminist position on the Cosmetics Regulation Revision

Annemasse, 20<sup>th</sup> June 2022,

Women Engage for a Common Future welcomes the EU public consultation for the revision of the cosmetics regulation. As an international ecofeminist network of 150 women and civil organizations NGOs committed to build a healthy environment and be active at EU level for moving towards a toxic-free future, WECF calls the EU authorities to stronger regulations in context of harmful chemicals.

Cosmetics are a daily used product in the UE and worldwide. Women, due to gender roles in society but also occupational reasons, are highly exposed to substances in cosmetics<sup>1</sup>. The constant daily contact of cosmetics, directly on the skin, has specific impacts on women's health. The cosmetic regulation must investigate the effects on Women's health. This is even a higher priority when it comes to evaluate the impact of chemicals on vulnerable groups such as pregnant women or children. **This revision is the opportunity to integrate a full protection of environment & health in the Cosmetics Regulation.**

#### Extending the group of harmful chemicals banned

The Cosmetics Regulation aims to harmonize the internal market of cosmetics products and to achieve a high level of protection of human health. We strongly agree with the Commission's questions regarding the integration of new classes of harmful chemicals such as endocrine disrupting chemicals or chemicals that effect immune, neurological, respiratory systems etc... Nevertheless, the ban of harmful chemicals cannot limit itself to chemicals that effect "only "human health. Indeed, chemicals that are harmful for the environment such as Endocrine disruptors (ED) for the environment or persistent, bioaccumulating and mobile (PBM) or persistent, bioaccumulating and toxic (PBT) substances are not considered in the revision. **Protecting the environment is also protecting our future generations.** Substances contained in cosmetics, often end up in wastewater, which pollute aquatic life (e.g., sunscreens on corals) or the release of

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<sup>1</sup>"Why the European Green Deal needs Ecofeminism", WECF & EEB, 2021, [https://www.wecf.org/wp-content/uploads/2021/07/Report\\_Green-Deal-Gender.pdf](https://www.wecf.org/wp-content/uploads/2021/07/Report_Green-Deal-Gender.pdf) ; "Gender Just chemicals policy", WECF, 2021, <https://www.wecf.org/together-for-a-toxic-free-future/>



**microplastics** contained in many cosmetics products as our reports have shown<sup>2</sup>. Moreover, endocrine disrupting chemicals suspected to be adverse for the environment are most likely to be also Endocrine disrupting chemicals for Human Health.

Chemicals **that are also harmful for the environment must be included** in the revised cosmetics regulation and microplastics be included in substances to be banned from products.

Cosmetics regulation should be aligned on its environmental objectives with other EU pieces of legislation such as REACH, CLP, but also the commitments made under the Green Deal and with the overall integration obligation of the environment in EU policies (art 11 TFEU). There is a need for a stronger environmental commitment under the Cosmetics Regulation. We also ask that cosmetics regulation aims for a **“high level of protection of the environment & health” in its objectives.**

### For an effective ban of harmful substances

Studies conducted by WECF and other organizations have shown that cosmetics from make-up to sunscreens, contain substances of very high concern<sup>3</sup>. These substances have a multiplied adverse effect when it comes to vulnerable groups such as pregnant women and children. We ask that the “exemption process” using the “essential use” remains the way of exception for the use of harmful chemicals in products. Very strict and clear criteria should be part of the process. **Among the criteria it is essential to take under consideration the use of these products on vulnerable groups and not outweigh the effects of this population in the evaluation process.**

We welcome the revision point on adopting the generic risk approach to ban families of most harmful chemicals in a more efficient way. This is also a good approach to avoid regrettable substitutions.

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<sup>2</sup> « Rapport Cosmétique pour bébés encore trop de substances préoccupantes », WECF France 2016, <https://wecf-france.org/fiches/rapport-cosmetiques-pour-bebes-encore-trop-de-substances-preoccupantes/>; « Produits solaires pour enfant trop de substances préoccupantes », WECF France, 2020, <https://wecf-france.org/produits-solaires/> ; « Cosmétiques, trop de substances problématiques », WECF France, 2021, <https://wecf-france.org/rapport-cosmetiques-trop-de-substances-problematiques/>

<sup>3</sup> « Rapport Cosmétique pour bébés encore trop de substances préoccupantes », WECF France 2016, <https://wecf-france.org/fiches/rapport-cosmetiques-pour-bebes-encore-trop-de-substances-preoccupantes/>; « Produits solaires pour enfant trop de substances préoccupantes », WECF France, 2020, <https://wecf-france.org/produits-solaires/> ; « Cosmétiques, trop de substances problématiques », WECF France, 2021, <https://wecf-france.org/rapport-cosmetiques-trop-de-substances-problematiques/>



Highlighted by our different reports<sup>4</sup>, the ban should immediately start on the most harmful chemicals that are benzyl salicylate, BHT, butylphenyl methylpropional, ethylhexyl methoxycinnamate, ethylparaben, methylparaben, octocrylene, cyclohexasiloxane, cyclopentasiloxane, titanium dioxide, homosalate, octocyclane, zinc oxide and phenoxyethanol. These bans should be made based on the most rigorous and transparent scientific data available.

### Transparency in decision making

We welcome the revision to move the Scientific Committee for Consumer Committee within ECHA. This will allow evaluation process to have more scientific and financial resources. This transfer within ECHA of this Committee should also set in place a transparent evaluation process. Civil society representatives should be able to observe like in other ECHA expert Committees.

### Nanomaterials a need for a strong definition

The current definition of nanomaterials in Cosmetics regulation is insufficient to be effective to protect human health and the environment. The definition is also inconsistent with other EU definition notably the one of the horizontal definition sets by EU Commission. The revised definition of nanomaterials should take under account not only size of substances but the behavior of these substance in the product and during its use. The definition of nanomaterials should integrate nanomaterials “natural, incidental or manufactured’ in order to have the broadest scope of nanomaterials included in the legislation. some chemicals will often disintegrate in the product. Some organic brands in France have already made the decision to label such products, but it should be mandatory for all retailers, fabricants, and importers<sup>5</sup> These examples show the loopholes of the definition of nanomaterials in the current legislation and is an obstacle both for the protection of health and the harmonization of the internal market.

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<sup>4</sup> « Rapport Cosmétique pour bébés encore trop de substances préoccupantes », WECF France 2016, <https://wecf-france.org/fiches/rapport-cosmetiques-pour-bebes-encore-trop-de-substances-preoccupantes/>; « Produits solaires pour enfant trop de substances préoccupantes », WECF France, 2020, <https://wecf-france.org/produits-solaires/> ; « Cosmétiques, trop de substances problématiques », WECF France, 2021, <https://wecf-france.org/rapport-cosmetiques-trop-de-substances-problematiques/>

<sup>5</sup> “Les protections solaires bio affichent les nanoparticules », *60 millions de consommateurs*, Juin 2022, N°581, p.17



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### Labelling: key in consumer information

Labelling is a key aspect of protecting human health against the adverse effects of chemicals. This was stressed by the Court of Justice that labelling is not only for harmonizing the internal market but also serves to protect human health<sup>6</sup>. Information on packages should be made in a font readable by consumers.

Labelling should remain on packages of products because the information must be readable instantly for consumers. It is not the case for digital labelling. Digital labelling has the advantage of taking little space on the package, nevertheless it does not give direct information to consumers on the content of a product. For example, in case of an emergency, a consumer cannot use his phone to call the hospital and at the same time scan the product to say its compounds. Moreover, not all consumers have an internet connection or internet device to scan products. Digital labelling also takes a part out of awareness for consumers that are surrounded by QR Codes without knowing where to start. That is why information should remain under the written format on package and could be complemented by digital labelling.

Moreover, labelling as a strong tool of protecting one's health, it is of great importance to protect vulnerable groups health. We ask for a pictogram like the one existing on alcohol or tobacco products to alert pregnant women on the dangers related to the use of certain cosmetics and substances during pregnancy. This is particularly important in the case of nail polishes, hair dye and other cosmetics as shown by our reports<sup>7</sup>.

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<sup>6</sup> CJEU *AM v/EM*, 17th December 2020, C-667/19, pt. 29

<sup>7</sup> « Rapport Cosmétique pour bébés encore trop de substances préoccupantes », WECF France 2016, <https://wecf-france.org/fiches/rapport-cosmetiques-pour-bebes-encore-trop-de-substances-preoccupantes/>; « Produits solaires pour enfant trop de substances préoccupantes », WECF France, 2020, <https://wecf-france.org/produits-solaires/> ; « Cosmétiques, trop de substances problématiques », WECF France, 2021, <https://wecf-france.org/rapport-cosmetiques-trop-de-substances-problematiques/>



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## Our demands:

- Take under account gender dimension of risk assessment of chemicals in the cosmetics legislation and strengthen the evaluation for vulnerable groups (pregnant women & children)
- Include all harmful chemicals in the cosmetic legislation especially the ED for Environment alongside ED for Human Health
- Ban immediately the most harmful chemicals in Cosmetics legislation and pursue the generic risk approach.
- Label cosmetics with a specific pictogram to warn pregnant women on the effects of the use of cosmetics during pregnancy. Labelling should be made readable on the package and digital labelling should only be an extra tool of information.
- Have a strict definition of essential uses that bans the harmful chemicals and allows them only strict circumstances. The evaluation of the use of the substance should take under account their use on their impact on vulnerable groups such as pregnant women or infants.
- Have a transparent, scientific decision-making process in ECHA on substances in chemicals. This evaluation should also include civil society organizations.
- Implement evaluations using Mixture Assessment factors to have a broader picture of the effects for simultaneous and continuous use of different products together.
- Give a strong definition to nanomaterials aligned with other definitions across the legislation but also to include the most nanomaterials.
- Ban plastic compounds in cosmetics

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