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The California Department of Toxic Substances Control (DTSC) has a broad interest in encouraging safer, less-toxic products. Increasingly, companies hear concerns from consumers and governments across the globe about chemicals in products, and many are responding by marketing their products as free of harmful chemicals. In the case of nail polish and other nail care products, some manufacturers claim to be free of one or more of the "toxic trio" ingredients: toluene, formaldehyde and dibutyl phthalate (DBP).

Growing numbers of these declarations signal positive changes in the marketplace. But as a DTSC investigation revealed, such claims are not always true. The failure of some manufacturers to know what is in their products, or to accurately state what is actually there, is a distressing pattern that we wish to highlight, and then work to address.

Distressing Results

Today, I am releasing results of a DTSC survey of nail care products that I can only describe as disappointing, and a wakeup call for greater transparency about chemicals used by an industry with approximately \$6 billion in annual U.S. sales. Laboratory testing conducted on behalf of DTSC shows that consumers, nail care salons and cosmetology schools clearly cannot put confidence in claims that products are free of the toxic-trio chemicals.

DTSC tests reveal that most of the surveyed products were not free – as claimed – of toluene, which is restricted in cosmetics sold in the European Union. Most of the tests on products that made the claims, in fact, revealed high concentrations of toluene, which may be harmful to women of child-bearing age. DBP, which is banned from cosmetics in the EU, was also present in some products, one of which claimed to be DBP-free. Both toluene and DBP are listed as known to the State of California to cause reproductive toxicity.

DTSC is not trying to indict an entire industry. This report documents a simple snapshot of products and test results. The results show that some companies do not make false claims about their products. Yet manufacturers clearly have a responsibility to address a credibility issue. It's not just consumers who are hurt when some manufacturers mislabel their products. Other manufacturers must also contend with reputational damage.

Consumers and workers have a right to accurate information. DTSC's findings are especially critical for California's estimated 121,000 licensed nail care technicians. Most are younger women of Asian-American descent, exposed daily in poorly ventilated salons to a variety of chemicals.

Specific Sampling and Testing

In May 2011, DTSC bought 25 nail care products being sold by distributors in Oakland and San Francisco to area nail salons. Of the 25 products collected, 12 made toxic-free claims. The study found that four of the 12 contained DBP and that 10 of the 12 contained toluene – frequently in higher concentrations than in products making no claims. Manufacturers must accurately reflect their product ingredients on labels, and also must ask themselves a basic question: Is it necessary to make nail care products with these ingredients?

Safer Consumer Products Regulations

Asking consumer product manufacturers to answer the question, “Is it necessary?” is a primary goal of DTSC’s draft [Safer Consumer Products Regulations](#), which are scheduled to go into effect in 2012. The regulations will target certain priority products sold in California which contain chemicals of concern, and are in wide use with high potential exposure to people or the environment.

Manufacturers of those products will be required to analyze their products and identify safer alternative ingredients. Those that don’t could face regulatory actions that range from consumer warnings to restrictions on sales.

DTSC aims to start with a small number of consumer products and promote a larger shift in the marketplace to less toxic products. Moving forward, these regulations will work to reduce potential harmful impacts to consumers and prevent unsupported claims like those revealed by the DTSC survey.

Looking Forward

We know manufacturers can do better than DTSC’s findings reveal about their product claims. They must make it their responsibility. We consider DTSC’s findings a call for dialogue with the nail care industry, and an opportunity for partnerships with the California Department of Public Health, Cal/OSHA, Department of Consumer Affairs, Board of Barbering and Cosmetology and the California Healthy Nail Salon Collaborative to address these issues together. We hope this report will serve as a catalyst for the important conversation that needs to take place between industry, government regulators and consumers.

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