Independent Cosmetic
Manufacturers And Distributors

October 14, 2016

Senator Lamar Alexander
455 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Alexander:

I am the President and Chief Executive Officer of ICMAD, the Independent Cosmetic Manufacturers and Distributors Association; we represent over 700 small and emerging growth companies in the Cosmetic Industry. Our members have been recognized as the industry innovators, creating new products and entirely new categories of products that help millions of Americans look and feel their best every day. Our members, as represented at the recent HELP Committee hearing by Curran Dandurand of Jack Black, are primarily U.S. based and are proud not only to build jobs here in America but to support manufacturers and suppliers here in America. On behalf of our organization I want to thank you for holding the HELP committee hearing and providing Ms. Dandurand the opportunity to speak.

At ICMAD, safety is certainly a priority for our member companies. For over 40 years we have brought Food and Drug Administration ("FDA") leaders to our featured educational platforms. They work with our member companies to understand and comply with and the FDA l regulations that govern the cosmetics and personal care industry. Our members are committed to providing safe products which perform for their customers. They impose stringent health and safety standards and follow all state and federal laws.

We all agree that cosmetics and personal care products should be safe — no one understands this better than those who manufacture and sell these products, like ICMAD members. That's why ICMAD has advocated for several years, for legislation that would both modernize the FDA in terms of how it governs cosmetics, but also to provide a national standard for cosmetics in all 50 states. We believe this is important to provide a level playing field for companies and erase any uncertainty as to what different states might do. It will also continue to help ensure safety and consumer satisfaction.

While ICMAD supports modernization of the FDA laws governing cosmetics, the methods proposed by the Feinstein/Collins Bill (S.1014) in achieving this objective are problematic for the small businesses ICMAD represents. Although the Feinstein/Collins bill is well-intentioned, it would ultimately do more harm than good in the name of promoting safety. As such, ICMAD supports Congressman Pete Session's Bill, HR 4075, as it proposes positions which ICMAD believes will foster a strong FDA, safe products, and prevent artificial barriers to entry or undue burdens which will stifle the innovation and growth of our small business members. Below, I have identified some of the key differences between the approach ICMAD supports and the approach in the Feinstein/Collins bill.

The approach ICMAD recommends is to modernize and enhance the FDA's authority over cosmetics has been to rely on those same requirements that have been adopted and proven successful in other FDA programs. By utilizing and enhancing systems and facilities that are currently in place at the FDA, the burden on the FDA and industry alike will be minimized in adopting and complying with these enhanced requirements.

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ICMAD also believes all cosmetic manufacturing facilities should be required to register with the FDA. Similarly registration statements listing all product ingredients would be required to be filed for all cosmetic products distributed in the U.S. This would give the FDA a full inventory of manufacturing facilities and ingredients/products being distributed in the U.S. ICMAD also proposes the adoption of mandatory Good Manufacturing Processes that are appropriate for cosmetic products and would ensure safe and compliant products. In contrast, the Feinstein/Collins approach does not require all manufactures to register with the FDA, and requires overly burdensome registration statements and good manufacturing practices that go well beyond what is recognized for the assurance of having safe and compliant cosmetic products. Compliance with these requirements alone as outlined in the Feinstein/Collins bill would be overly burdensome for small businesses, requiring the addition of a large regulatory staff.

On the issue of reporting requirements, ICMAD adopts an approach that is consistent with what is currently required by the FDA for Monographed Over-the-Counter drugs and dietary supplements. The Feinstein/Collins approach goes well beyond this and requires the reporting of non- serious adverse events, which are ill defined and again place an undue burden on small business which does not have the staff of their multinational competitors. Similarly the Feinstein/Collins approach to the standard for safety substantiation and documentation far exceeds those applied to dietary supplements, which unlike cosmetics have a significant record of serious adverse events.

A real national standard on cosmetic safety and labeling needs to be a critical component of modernizing the FDA's oversight. Our members do not have the staff required to deal with different state regulations. If the states continue on their current course, our members may have to forgo selling in states that enforce additional regulatory requirements. This puts them at a competitive disadvantage versus some of the bigger companies in the industry. A stronger FDA with the power to create a strong National Uniformity standard for all aspects of cosmetics regulation including safety and labeling will be good for the industry and for consumers. Unfortunately, the Feinstein / Collins approach is to meter out the FDA's authority in this area on a patch work ingredient by ingredient basis which will be further burdened by the manner in which the selection of ingredients to be studied is determined. The EU has moved to a unitary standard for safety determinations and labeling. It does not make sense to press for a strong FDA without providing the FDA with the authority to create a strong National Standard for cosmetic safety and labeling. We know it is not every day that you hear an industry group pressing for a national standard, but if done correctly, we know that this will strengthen consumer protections while fostering the innovation and entrepreneurial spirit that defines the cosmetic industry.

ICMAD believes any effort to modernize the oversight of the cosmetics industry must protect innovation, while also providing a national safety standard for cosmetics in all 50 states that won't kill small businesses and jobs.

Thank you again for inviting Ms. Dandurand to address the committee. We look forward to continuing to work with you and the committee on this very important topic.

Warm regards,

Pamela Jo Busiek
President & CEO
ICMAD