



March 10, 2020

Chairman Wood, Committee on Health Assembly Health Committee
State Capitol Room 6005 Sacramento, CA 95814

Re: AB 1989-OPPOSE UNLESS AMENDED TO REQUIRE FULL DISCLOSURE

Dear Chairman Wood,

We are writing to oppose unless amended AB 1989, the Menstrual Product Right to Know Act of 2020, introduced by Assemblymember Christina Garcia. While this legislation requires disclosure of some ingredients in menstrual products, it allows manufacturers to hide certain ingredients as confidential business information. We believe people who menstruate should have access to all ingredients they are putting in the vagina and on sensitive vulva tissue.

Menstrual products like tampons, pads, and menstrual cups are regulated by the FDA as medical devices. The FDA does not require the disclosure of ingredients, and menstrual product labels are not required to get pre-market approval from the FDA. Under federal law (Title 21/Chapter I/Subchapter H) there are certain labeling requirements for tampons including warnings around toxic shock syndrome and absorbency information.

Independent testing of menstrual products has detected harmful chemicals including styrene, toluene, chloromethane, dioxins, furans, parabens, phthalates, and toluene, PFAS, among others.¹ This is especially concerning considering menstrual products may be inserted into the body or placed on or around absorbent vaginal tissue.

¹ <https://www.womensvoices.org/whats-in-period-products-timeline-of-chemical-testing/>

The CBI language used in AB 1989 closely mirrors what was included in SB 258, the Cleaning Product Right to Know Act of 2017. The CBI provision included in SB 258 represented a compromise between the cleaning products industry and advocates and was very specific to the formulated product category of cleaning products. Menstrual products are a completely different category of consumer products and the CBI protections applied in SB 258 should not be assumed to work for all categories of products.

Unlike cleaning products, there is so much that we do not know about the manufacture, ingredients and potential health impacts of menstrual products. Recent testing of menstrual products around the world has detected numerous chemicals of concern that were never before known to be associated with these products.² This testing was commonly instigated in response to reports of adverse health effects associated with the use of menstrual products (such as rashes, chemical burns, asthma attacks and more) which are largely unexplained.

The chemical exposure routes from menstrual products are unique as these products are inserted into the body or touch highly absorbent vaginal and vulvar tissue. Allowing some ingredients to be hidden as CBI will hamper the progress of needed research, and will not give menstruators, advocates, or researchers a full picture of the ingredients used in these products.

Although AB 1989 does not allow for CBI protections for ingredients on certain designated lists of chemicals of concern, there may be many chemicals present in these products that are not on designated lists but may still pose a risk to menstruators health. In addition, these lists were pulled from SB 258 which dealt with cleaning products, and do not necessarily capture all the ingredients that may be designated as harmful in menstrual products.

For example: superabsorbent polymers that are used to absorb menstrual fluid are not included on designated lists. Numerous fragrance chemicals are used in scented menstrual products, some of which have been detected in testing, but only a small fraction of these chemicals are included on designated lists. A variety of plasticizers and allergens have been identified in tampon and pad testing, some of which are not included on designated lists.

We need to know more, not less, about the ingredients in these products, to fully understand their impact on health.

Also, AB 1989 allows manufacturers to keep fragrance ingredients hidden if they fall below 100ppm. This is concerning, because ingredients below 100ppm can still pose a health risk, especially considering the route of exposure of menstrual products. There are over 4,000 ingredients on the International Fragrance Association's Transparency List—1/3 of those ingredients have been flagged as toxic or potentially toxic by scientists all around the world.³

² *Ibid.*

³ https://www.womensvoices.org/wp-content/uploads/2016/04/GreenScreen_FS.pdf

Recently, a A.164B (authored by Linda B. Rosenthal) was signed into law by New York Governor Andrew Cuomo, requiring disclosure of intentionally added ingredients. Notably, the bill does not include CBI exemptions. **The New York law passed setting a precedent that the public has the right to know every ingredient added to menstrual products that will initiate market change that will also benefit California.**

For these reasons, we respectfully oppose AB 1989 and ask the committee to vote “no” unless the bill is amended to require full disclosure of all intentionally added ingredients.



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