The European Cosmetics Regulation: consumers better protected than hairdressers

We’ve just been given this lovely new European Cosmetics Regulation, but it seems to totally ignore beauticians, focusing solely on protecting consumers and lab animals. With regard to the health and safety of those whose work is reliant on the use of such products, the measures foreseen are purely... cosmetic.

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Many scientific studies show that those working in the beauty sector (hairdressers, beauticians, etc.) are exposed at work to a whole cocktail of chemical substances and that thus they are at much greater risk of developing certain occupational diseases (dermatitis, respiratory problems, reproductive disorders, various forms of cancer, etc.). Estimates put the percentage of hairdressers likely to suffer from work-related asthma some time in their lives at 20%.

Yet the cosmetic products they use throughout the day supposedly have no adverse effect on their health. Current legislation stipulates that “a cosmetic product made available on the market shall be safe for human health when used under normal or reasonably foreseeable conditions of use”. Unfortunately, the European Cosmetics Regulation is practically 100% focused on protecting consumers, with just a few meagre provisions for professional users. Yet, while consumers generally use cosmetic products for just a few minutes a day, beauticians are exposed to them eight hours a day, five or six days a week, throughout their working lives.

**Beauticians excluded from the early warning system**

Adopted in 2009, the European Cosmetics Regulation sets the rules for the safety and marketing of cosmetic products in the European Union. Its aim is to “achieve an internal market for cosmetic products while ensuring a high level of protection of human health”. Manufacturers are obliged to compile a safety assessment report for each cosmetic product made available on the market. They cannot market a product without having previously clearly designated a “responsible person” (a legal or natural person, in most cases the manufacturer or the importer) whose role it is to ensure compliance with the relevant safety requirements set forth in the Regulation.

The Regulation contains a list of substances whose use is prohibited (Annex II) as well as a list of those whose use is restricted (Annex III). It also contains a positive list of colourants, preservatives and UV filters demonstrated to be safe and approved for use in a cosmetic product (Annexes IV, V and VI respectively). As a result of the massive public outcry over animal testing to establish the safety of cosmetic products and their ingredients, the Regulation has banned such practices in Europe since 2009. Manufacturers

A number of studies document the link between the occupational exposure of hairdressers to endocrine disruptors and the increased occurrence of deformities in their children.

5. With the exception of certain complex tests (e.g.: reproductive toxicity) which have only been prohibited as of 2013.
6. Polyaminopropyl biguanide (PAPB)

have thus been forced to develop alternative forms of testing to assess the safety of their products. We should remember that many of the ingredients used in cosmetics are also to be found in other widely-used consumer products (medicines, detergents, paints, etc.) and that in vivo tests may be authorised in specific regulations covering these products.

The Regulation provides for a cosmetics early warning system allowing any information relating to possible serious undesirable effects linked to the use of cosmetic products to be quickly identified. This system covers consumers but unfortunately not professional users. Responsible persons and distributors obliged to communicate such effects to their national authorities will therefore only be reporting some but not all of the serious problems associated with the use of their products.

Carcinogens slipping through the net
The regulation prohibits the use of substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR) in categories 1A (proven effects), 1B (presumed effects) and 2 (suspected effects). Category 2 CMR substances may however be used when that have been found safe for use by the Scientific Committee for Consumer Safety (SCCS). PAPB, for example, a broad-spectrum preservative (and suspected carcinogen) has just been authorised for use in all cosmetic products (except sprays) at a maximum concentration of 0.1%.

Similarly, Category 1A or 1B CMR substances may in exceptional circumstances be used when they comply with food safety legislation, when there is no safer alternative and when they have been found safe to use by the SCCS. The use of formaldehyde (a presumed carcinogen) is for instance authorised for nail hardeners up to a concentration of 2.2%.

The problem is that the SCCS assesses risks solely – as its name states – for consumers. The occupational risks associated with the use of cosmetic products are not taken into account and the European Commission is therefore unable to introduce the regulatory measures needed to protect the exposed workers.

Endocrine disruptors
Another major gap in the European Cosmetics Regulation involves protection against the risks associated with exposure to endocrine disruptors. Resembling natural hormones, these chemical substances can interfere with the functioning of a person’s endocrine system, leading to harmful effects on those exposed or their children (thyroid problems, obesity, hormonal cancers, etc.). Over the last few years, many ingredients of cosmetics such as certain phthalates (plasticisers) or parabens (preservatives) have been identified as endocrine disruptors or are suspected of being such.

The European Cosmetics Regulation does little to rule out such risks, solely stipulating that the Commission should review the regulation by 11 January 2015 when the criteria for determining substances with endocrine disrupting properties are available. Though these criteria were finally adopted at European level in 2017, the Cosmetics Regulation has yet to be amended by the Commission. A number of studies document the link between the occupational exposure of
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**Nanomaterials**

The Regulation contains specific provisions when the cosmetic products contain nanomaterials. Such nanoscale substances are used in many cosmetic products as their chemical and physical properties often differ from those of larger-scale substances. Suntan lotions using nanoscale titanium oxide as a UV filter make it possible for example to avoid leaving white marks when they are applied to the skin. Nanoscale substances require a special risk assessment. This is why manufacturers using them must inform the European Commission of such contents. After obtaining the opinion of the SCCS and when there is a potential risk to human health, the Commission may include such substances in Annex II or III. Their presence in a cosmetic product must also be indicated by the suffix [nano] in the list of ingredients on the packaging.

**Reliance on labelling**

Ultimately, the packaging of cosmetic products is the only instrument foreseen by the Regulation enabling beauticians to find the relevant information for protecting their health. The packaging must list certain information, including the name of the responsible person, the content (weight or volume), the list of ingredients and the shelf life (the date until which the cosmetic product continues to fulfil its initial function).

It must also provide any specific usage warnings, at a minimum those listed in Annexes III-VI. Such information is of use for both consumers and professionals (for example: avoid contact with eyes, wear appropriate gloves). Certain cosmetic products are reserved for professional use. Unfortunately, the specific warnings listed on the packaging are in many cases not any more informative than those for general-use products (e.g.: avoid skin contact; may cause an allergic reaction; danger of blindness, read instructions carefully).

A further labelling deficiency is that labels do not list all ingredients present in a product. One well-known gap involves the fragrances used in cosmetic products, a large number of which are skin sensitisers. Yet, of the 2,500 fragrance molecules used by the industry, just 26 (i.e. – 1% of existing fragrances) are recognised as allergenic and must be listed on the packaging. The other 99% are not listed, i.e. it is impossible for allergic users to know whether they are present in the products before using them, possibly inducing an allergic reaction.

**More information**


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