

118TH CONGRESS  
1ST SESSION

# H. R. 3620

To amend the Public Health Service Act with respect to cosmetic safety, with an emphasis on communities of color and professional salon workers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Ms. SCHAKOWSKY (for herself, Ms. BLUNT ROCHESTER, Ms. NORTON, Ms. TLAIB, Ms. VELÁZQUEZ, Mr. GRIJALVA, Mr. JOHNSON of Georgia, and Ms. MENG) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Public Health Service Act with respect to cosmetic safety, with an emphasis on communities of color and professional salon workers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cosmetic Safety for  
5 Communities of Color and Professional Salon Workers Act  
6 of 2023”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Research on health disparities impacting communities of color.

Sec. 4. Research on health concerns impacting professional nail, hair, and beauty salon workers.

Sec. 5. Support for creating safer alternatives.

Sec. 6. National Resource Center on Beauty Justice.

Sec. 7. Translation of and access to safety data sheets.

Sec. 8. National Resource Center on Salon Worker Health and Safety.

3 **SEC. 3. RESEARCH ON HEALTH DISPARITIES IMPACTING**  
 4 **COMMUNITIES OF COLOR.**

5 Part P of title III of the Public Health Service Act  
 6 (42 U.S.C. 280 et seq.) is amended by adding at the end  
 7 the following:

8 **“SEC. 399V-8. RESEARCH ON HEALTH DISPARITIES RE-**  
 9 **LATED TO COSMETICS IMPACTING COMMU-**  
 10 **NITIES OF COLOR.**

11 “(a) IN GENERAL.—The Secretary shall—

12 “(1) conduct, or award grants for, research, in-  
 13 cluding community-based participatory research, re-  
 14 lating to epidemiological, clinical, ecological, and so-  
 15 cial scientific investigations into—

16 “(A) the chemicals that are linked to ad-  
 17 verse health effects and most commonly found  
 18 in cosmetics marketed to women and girls of  
 19 color, including beauty, personal hygiene, and  
 20 intimate care products;

1           “(B) the use of cosmetics containing such  
2           chemicals by women and girls of color across  
3           their lifespans;

4           “(C) the specific adverse health effects ex-  
5           perienced by women and girls of color from ex-  
6           posure to unsafe chemicals present in cosmetics  
7           used by them; and

8           “(D) interventions that reduce exposure to,  
9           or harm done by exposure to, unsafe chemicals  
10          present in cosmetics used by women and girls  
11          of color; and

12          “(2) disseminate the results of the investiga-  
13          tions conducted or supported under paragraph (1) to  
14          help communities of color identify and address po-  
15          tentially unsafe chemical exposures in the use of cos-  
16          metics.

17          “(b) REPORT.—Not later than 5 years after awarding  
18          the first grant under subsection (a), the Secretary shall  
19          make publicly available on the website of the Department  
20          of Health and Human Services and submit to the Com-  
21          mittee on Energy and Commerce of the House of Rep-  
22          resentatives and the Committee on Health, Education,  
23          Labor, and Pensions of the Senate a report on the results  
24          of the investigations conducted or supported under sub-  
25          section (a), including—

1 “(1) summary findings on—

2 “(A) marketing strategies, product cat-  
3 egories, and specific cosmetics containing  
4 chemicals linked to adverse health effects; and

5 “(B) the demographics of the populations  
6 marketed to and using these cosmetics; and

7 “(2) recommended public health information  
8 strategies to reduce potentially unsafe exposures  
9 from cosmetics.

10 “(c) ELIGIBILITY.—To be eligible to receive a grant  
11 under subsection (a), an eligible entity shall be any of the  
12 following:

13 “(1) An accredited institution of higher edu-  
14 cation.

15 “(2) A community-based organization.

16 “(3) A nongovernmental organization with ex-  
17 pertise working with communities of color.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—To  
19 carry out this section, there is authorized to be appro-  
20 priated \$7,500,000, for the period of fiscal years begin-  
21 ning with the fiscal year including the date of enactment  
22 of this section and running through the fifth fiscal year  
23 commencing after such date of enactment.”.

1 **SEC. 4. RESEARCH ON HEALTH CONCERNS IMPACTING**  
2 **PROFESSIONAL NAIL, HAIR, AND BEAUTY**  
3 **SALON WORKERS.**

4 Part P of title III of the Public Health Service Act  
5 (42 U.S.C. 280 et seq.), as amended by section 3, is fur-  
6 ther amended by adding at the end the following:

7 **“SEC. 399V-9. RESEARCH ON HEALTH CONCERNS IMPACT-**  
8 **ING PROFESSIONAL NAIL, HAIR, AND BEAUTY**  
9 **SALON WORKERS.**

10 “(a) IN GENERAL.—The Secretary shall—

11 “(1) conduct, or award grants for, research, in-  
12 cluding community-based participatory research, re-  
13 lating to epidemiological, clinical, ecological, and so-  
14 cial scientific investigations into—

15 “(A) the chemicals that are linked to ad-  
16 verse health effects and most commonly found  
17 in cosmetics used by professional nail, hair, and  
18 beauty salon workers;

19 “(B) the types and categories of profes-  
20 sional salon products containing such chemicals  
21 and the availability of safer alternatives;

22 “(C) the specific adverse health effects ex-  
23 perience by professional nail, hair, and beauty  
24 salon workers from exposure to unsafe chemi-  
25 cals present in cosmetics used in nail, hair, and  
26 beauty salons; and

1           “(D) interventions that reduce exposure to,  
2           or harm done by exposure to, unsafe chemicals  
3           present in cosmetics used in nail, hair, and  
4           beauty salons; and

5           “(2) disseminate the results of the investiga-  
6           tions conducted or supported under paragraph (1) to  
7           help professional nail, hair, and beauty salon work-  
8           ers identify and eliminate potentially unsafe chem-  
9           ical exposures in their workplace.

10          “(b) ELIGIBILITY.—To be eligible to receive a grant  
11 under subsection (a), an entity shall be any of the fol-  
12 lowing:

13           “(1) An accredited institution of higher edu-  
14           cation.

15           “(2) A community-based organization.

16           “(3) A nongovernmental organization with ex-  
17           pertise working with communities of color or immi-  
18           grant populations.

19          “(c) REPORT.—Not later than 5 years after awarding  
20 the first grant under this section, the Secretary shall make  
21 publicly available and submit to the Committee on Energy  
22 and Commerce of the House of Representatives and the  
23 Committee on Health, Education, Labor, and Pensions of  
24 the Senate a report on the results of the investigations  
25 conducted or supported under subsection (a), including—

1           “(1) summary findings, with respect to profes-  
2           sional nail, hair, and beauty salon workers, on—

3                   “(A) chemicals of concern and products  
4                   and product categories containing ingredients  
5                   linked to adverse health effects; and

6                   “(B) the demographics of the populations  
7                   using these products and product categories;  
8                   and

9           “(2) recommended occupational health informa-  
10           tion strategies for professional nail, hair, and beauty  
11           salon workers to reduce potentially unsafe exposures  
12           to cosmetics.

13           “(d) DEFINITION.—In this section, the term ‘salon  
14           worker’ means a licensed or nonlicensed cosmetologist,  
15           nail technician, barber, or esthetician who applies or ad-  
16           ministers a cosmetic within the scope of their business  
17           practices.

18           “(e) AUTHORIZATION OF APPROPRIATIONS.—To  
19           carry out this section, there is authorized to be appro-  
20           priated \$7,500,000, for the period of fiscal years begin-  
21           ning with the fiscal year including the date of enactment  
22           of this section and running through the fifth fiscal year  
23           commencing after such date of enactment.”.

1 **SEC. 5. SUPPORT FOR CREATING SAFER ALTERNATIVES.**

2 (a) IN GENERAL.—The Secretary of Health and  
3 Human Services (in this section referred to as the “Sec-  
4 retary”), acting through the Commissioner of Food and  
5 Drugs, in consultation with the Administrator of the Envi-  
6 ronmental Protection Agency, shall award grants to sup-  
7 port research focused on the design of cosmetic chemicals  
8 that have no inherent toxicity or association with adverse  
9 health effects.

10 (b) PRIORITY.—In awarding grants under subsection  
11 (a), the Secretary shall give priority to applicants pro-  
12 posing to focus on—

13 (1) replacing chemicals in professional cosmetic  
14 products used by professional nail, hair, and beauty  
15 salon workers with chemicals that are not associated  
16 with adverse health events;

17 (2) replacing chemicals in cosmetic products  
18 marketed to women and girls of color, including any  
19 such beauty, personal hygiene, and intimate care  
20 products, with chemicals that are not associated with  
21 adverse health events; or

22 (3) providing assistance in creating safer prod-  
23 uct formulations to minority-owned cosmetic compa-  
24 nies that are manufacturing and marketing cosmetic  
25 products to women or girls of color or professional  
26 nail, hair, and beauty salon workers.

1 (c) DEFINITION.—In this section, the term “salon  
2 worker” means a licensed or nonlicensed cosmetologist,  
3 nail technician, barber, or esthetician who applies or ad-  
4 ministers a cosmetic within the scope of their business  
5 practices.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry  
7 out this section, there is authorized to be appropriated  
8 \$10,000,000 for the period of fiscal years beginning with  
9 the fiscal year including the date of enactment of this sec-  
10 tion and running through the fifth fiscal year commencing  
11 after such date of enactment.

12 **SEC. 6. NATIONAL RESOURCE CENTER ON BEAUTY JUS-**  
13 **TICE.**

14 (a) IN GENERAL.—The Secretary of Health and  
15 Human Services, acting through the Deputy Assistant  
16 Secretary for Minority Health, shall award a grant to an  
17 eligible entity to establish a National Resource Center on  
18 Beauty Justice for the purpose of addressing unsafe cos-  
19 metic chemical exposures experienced by—

- 20 (1) women and girls of color;
- 21 (2) men and boys of color;
- 22 (3) immigrant populations;
- 23 (4) language minorities;
- 24 (5) the LGBTQIA community; and

1           (6) other underserved populations as deter-  
2           mined appropriate by the Deputy Assistant Sec-  
3           retary for Minority Health for purposes of this sub-  
4           section.

5           (b) ELIGIBILITY.—To be eligible to receive a grant  
6           under subsection (a), an eligible entity shall be a commu-  
7           nity-based or other nonprofit organization that—

8                   (1) has a primary focus on eliminating toxic  
9                   chemical exposures linked to increasing rates of dis-  
10                  ease; and

11                  (2) works with culturally and linguistically di-  
12                  verse minority communities, including populations  
13                  traditionally underserved due to—

14                           (A) their immigration status;

15                           (B) geographic location;

16                           (C) sexual orientation;

17                           (D) gender identity; or

18                           (E) language barriers.

19           (c) USE OF FUNDS.—The National Resource Center  
20           on Beauty Justice funded through this section shall use  
21           such funds to carry out activities and initiatives that are  
22           for the purpose described in subsection (a) and driven by  
23           the needs, opportunities, and priorities of communities of  
24           color, which may include activities and initiatives designed  
25           to—

1           (1) conduct community outreach and organizing  
2           and develop community-based interventions that em-  
3           power and equip communities of color with the infor-  
4           mation they need to select safe, non-toxic cosmetics;

5           (2) develop and implement outreach, awareness,  
6           and education strategies targeted at women and  
7           girls of color, men and boys of color, immigrant pop-  
8           ulations, language minorities, and other underserved  
9           populations, to decrease unsafe cosmetic chemical  
10          exposures experienced by these populations;

11          (3) create or develop collaborative partnerships  
12          to educate and train, and create best practices for,  
13          relevant stakeholders including nongovernmental or-  
14          ganizations, health care professionals, sororities and  
15          fraternal organizations, community leaders, profes-  
16          sional salon workers, faith leaders, teachers, and  
17          leaders from the LGBTQIA community;

18          (4) develop educational curricula and outreach  
19          strategies for middle and high schools and institu-  
20          tions of higher education that include linguistically,  
21          culturally, and community relevant content and sug-  
22          gested interventions for youth populations; or

23          (5) create public education campaigns utilizing  
24          culturally and linguistically appropriate images and  
25          messaging for targeted populations including com-

1 munity members, youth, health care professionals,  
2 salon workers, teachers, and other thought leaders.

3 (d) REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after  
5 the date of enactment of this Act, and annually  
6 thereafter, the recipient of the grant under sub-  
7 section (a) shall submit an annual report to the Sec-  
8 retary of Health and Human Services and the Con-  
9 gress regarding activities carried out pursuant to the  
10 grant and an evaluation of the results of the activi-  
11 ties.

12 (2) PUBLIC AVAILABILITY.—The Secretary of  
13 Health and Human Services, acting through the  
14 Deputy Assistant Secretary for Minority Health,  
15 shall make each report under paragraph (1) avail-  
16 able to the public by posting a copy of the report on  
17 the website of the Office of Minority Health.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$2,000,000 for each of fiscal years 2024 through 2028.

21 **SEC. 7. TRANSLATION OF AND ACCESS TO SAFETY DATA**  
22 **SHEETS.**

23 (a) IN GENERAL.—Not later than 18 months after  
24 the date of enactment of this Act, the Secretary of Labor  
25 shall issue a standard under section 6 of the Occupational

1 Safety and Health Act of 1970 (29 U.S.C. 655) that re-  
2 quires the following:

3 (1) Each manufacturer or importer selling any  
4 cosmetic for professional use shall—

5 (A) obtain or develop a safety data sheet  
6 described in subsection (b) for each such cos-  
7 metic that—

8 (i) the manufacturer or importer pro-  
9 duces or imports; and

10 (ii) includes a hazardous chemical, or  
11 a product ingredient associated with any  
12 chemical hazard, that is classified as a  
13 health hazard in accordance with the cri-  
14 teria found in section 1910.1200(d) of title  
15 29 of the Code of Federal Regulations, and  
16 any successor regulations; and

17 (B) make the safety data sheet available  
18 on the manufacturer or importer's website (in  
19 addition to any other required manner of mak-  
20 ing such sheet available) to distributors and  
21 employers, including owners of hair, nail, and  
22 beauty salons or spas or other establishments  
23 that provide cosmetic services for humans, in  
24 English, Spanish, Vietnamese, Chinese, Korean,  
25 and upon request other languages.

1           (2) Each distributor of a cosmetic for profes-  
2 sional use shall distribute and provide safety data  
3 sheets described in subsection (b) in the same man-  
4 ner as a distributor of a chemical hazard is required  
5 to distribute and provide safety data sheets under  
6 section 1910.1200(g) of title 29, Code of Federal  
7 Regulations, or any successor regulations.

8           (3) Each employer, including any operator of a  
9 salon or other establishment described in paragraph  
10 (1)(B), shall—

11                   (A) have a safety data sheet in the work-  
12 place for each cosmetic for professional use that  
13 is used in the course of the employer’s business;

14                   (B) make such safety data sheet available  
15 to all employees of the employer who are ex-  
16 posed or use the product to the same extent  
17 and in the same manner as safety data sheets  
18 are required to be made available under section  
19 1910.1200(g) of title 29, Code of Federal Reg-  
20 ulations, or any successor regulations; and

21                   (C) upon request, provide employees with  
22 translations of such safety data sheet in other  
23 languages, including Spanish, Vietnamese, Chi-  
24 nese, Korean, and upon request other lan-  
25 guages.

1 (b) CONTENTS OF SAFETY DATA SHEET.—A safety  
2 data sheet for a cosmetic for professional use described  
3 in this section shall—

4 (1) contain the information required in a safety  
5 data sheet under section 1910.1200(g) of title 29,  
6 Code of Federal Regulations, or any successor regu-  
7 lations, for each hazardous chemical, or product in-  
8 gredient associated with any chemical hazard, de-  
9 scribed in subsection (a)(1)(A)(ii); and

10 (2) include the following statement: “This safe-  
11 ty data sheet is also available in multiple languages  
12 by contacting the manufacturer, using the contact  
13 information provided on this sheet.”.

14 (c) DEFINITIONS.—In this section:

15 (1) INGREDIENT.—The term “ingredient”  
16 means an intentionally added chemical in a cosmetic  
17 that has a technical or functional effect, including—

18 (A) the breakdown products of an inten-  
19 tionally added chemical that also have a func-  
20 tional or technical effect in the cosmetic;

21 (B) a fragrance, flavor, preservative, or  
22 colorant (and the components thereof); and

23 (C) any individual component that the Sec-  
24 retary deems an ingredient for purposes of this  
25 section.

1           (2) MANUFACTURER.—The term “manufac-  
2           turer” means the entity that produces ingredients or  
3           combines one or more ingredients to produce a cos-  
4           metic product.

5           (3) PROFESSIONAL.—The term “professional”  
6           has the meaning given to such term in section  
7           609(c) of the Federal Food, Drug, and Cosmetic Act  
8           (21 U.S.C. 364e(c)).

9   **SEC. 8. NATIONAL RESOURCE CENTER ON SALON WORKER**  
10                           **HEALTH AND SAFETY.**

11          (a) IN GENERAL.—The Secretary of Health and  
12          Human Services, acting through the Deputy Assistant  
13          Secretary for Minority Health, shall award a grant to an  
14          eligible entity to establish a National Resource Center on  
15          Salon Worker Health and Safety for the purpose of ad-  
16          dressing unsafe cosmetic chemical exposures experienced  
17          by—

18                   (1) women and girls of color;

19                   (2) men and boys of color;

20                   (3) immigrant populations;

21                   (4) language minorities;

22                   (5) the LGBTQIA community; and

23                   (6) other underserved populations as deter-  
24          mined appropriate by the Deputy Assistant Sec-

1       retary for Minority Health for purposes of this sub-  
2       section.

3       (b) ELIGIBILITY.—To be eligible to receive a grant  
4       under subsection (a), an entity shall be a community-  
5       based or other nonprofit organization that—

6             (1) has a primary focus on eliminating toxic  
7       chemical exposures linked to increasing rates of dis-  
8       ease; and

9             (2) works with culturally and linguistically di-  
10       verse minority communities, including populations  
11       traditionally underserved due to—

12                (A) their immigration status;

13                (B) geographic location;

14                (C) sexual orientation;

15                (D) gender identity; or

16                (E) language barriers.

17       (c) USE OF FUNDS.—The National Resource Center  
18       on Salon Worker Health and Safety funded through this  
19       section shall use such funds to carry out activities and  
20       initiatives that are for the purpose described in subsection  
21       (a) and driven by the needs, opportunities, and priorities  
22       of communities of color, which may include activities and  
23       initiatives designed to—

1           (1) develop and disseminate information, edu-  
2           cational resources, training, and technical assistance  
3           to diverse populations of salon workers;

4           (2) conduct culturally appropriate and lan-  
5           guage-specific salon worker outreach and develop  
6           and implement culturally appropriate interventions  
7           that empower and equip salon workers with the in-  
8           formation they need to select safe, non-toxic hair,  
9           nail, and beauty salon products;

10          (3) create culturally specific outreach strategies,  
11          resource materials, training curricula, and training  
12          programs to serve, and build the capacity of, com-  
13          munity-based organizations seeking to support cul-  
14          turally diverse and language-diverse populations of  
15          professional salon workers; or

16          (4) create or develop collaborative partnerships  
17          to create, and educate and train regarding, best  
18          practices for health care professionals and other rel-  
19          evant stakeholders to identify and treat the negative  
20          health impacts experienced by professional salon  
21          workers because of toxic cosmetic chemical expo-  
22          sures.

23          (d) REPORT.—

24                 (1) IN GENERAL.—Not later than 1 year after  
25                 the date of enactment of this Act, and annually

1 thereafter, the recipient of the grant under sub-  
2 section (a) shall submit an annual report to the Sec-  
3 retary of Health and Human Services and the Con-  
4 gress regarding activities carried out pursuant to the  
5 grant and an evaluation of the results of the activi-  
6 ties.

7 (2) PUBLIC AVAILABILITY.—The Secretary of  
8 Health and Human Services, acting through the  
9 Deputy Assistant Secretary for Minority Health,  
10 shall make each report under paragraph (1) avail-  
11 able to the public by posting a copy of the report on  
12 the website of the Office of Minority Health.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$2,000,000 for each of fiscal years 2024 through 2028.

○