

## IEM Committee

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**From:** Alicia McAfee <mcafee@personalcarecouncil.org>  
**Sent:** Monday, October 16, 2017 4:07 AM  
**To:** IEM Committee; Elle Cochran  
**Cc:** Donald S. Guzman; Alika A. Atay; Robert Carroll; Riki Hokama; Yukilei Sugimura; Mike White; Mike Thompson; Karin E Ross; Tom F Myers  
**Subject:** Letter of Opposition  
**Attachments:** Maui County Letter Opposition Letter October 16 2017 FINAL.pdf

Infrastructure and Environmental Management Committee Members:

Please see the attached letter of opposition in response to an item on today's agenda.

Thank you.

Alicia McAfee  
Specialist, Government Affairs | Personal Care Products Council  
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202.454.0329



October 16, 2017

The Honorable Elle Cochran  
Chair, Infrastructure and Environmental Management Committee  
Council of the County of Maui  
200 South High Street  
Kalana O Maui Building, 8<sup>th</sup> Floor  
Wailuku, HI 96793  
Via email: [iem.committee@mauicounty.us](mailto:iem.committee@mauicounty.us)

**RE: Opposition to Proposed Oxybenzone and Octinoxate Ordinances**

Chair Cochran and Members of the Committee:

On behalf of the Personal Care Products Council (the Council), I am writing to express opposition to the two proposed local ordinances that seek to ban the sale and use of personal care products with oxybenzone and octinoxate.

The Council is the leading national trade association representing the cosmetic and personal care products industry. The Council's approximately 600 member companies manufacture and distribute the vast majority of products marketed in the U.S. As the makers of a diverse range of products that consumers rely on daily, from sunscreen, shampoo, and toothpaste to antiperspirant, moisturizer and lipstick, personal care product companies are global leaders committed to safety, quality and innovation.

**The proposed ordinances are not based on proven science, but rather on a single laboratory experiment that lacks sufficient scientific evidence connecting sunscreen ingredients to coral bleaching.** Regulations and legislation should be based on validated methods, reproducible studies, and conducted by more than one independent lab. The laboratory experiment was based on preliminary research conducted under exaggerated laboratory conditions, which do not accurately reflect the complexity of the natural marine environment. According to noted scientists, coral requires an elaborate ecosystem to survive. Transporting coral to an artificial setting alone, such as a laboratory, makes the coral less viable and likely to die in the face of any disturbance. In addition, the data presented by Downs *et al.* (2015) raise questions over the validity and reliability of the study's analytical and toxicological findings.

In a recent news article, Terry Hughes, Director of the Australian Research Council Centre of Excellence for Coral Reef Studies at James Cook University, suggests that **extrapolations asserting sunscreen is damaging the world's coral "are a bit of a stretch."** He continues, **"the conclusion from the media is sunscreen is killing the world's coral, and that's laughable."** Another study involving five weeks of chronic exposure to UV filters at concentrations above those reported in natural sea waters reported that sunscreens did not induce coral bleaching nor reduce the photosynthetic efficiency of the symbiotic micro-algae.

The threat to the world's coral reefs is a very serious concern. **According to the U.S. National Oceanic and Atmospheric Administration's (NOAA) Coral Reef Conservation Program, coral reefs are impacted by an increasing array of hazards – primarily from global climate change, ocean acidification, and unsustainable fishing practices.** Climate change and

ocean warming are the most notable culprits for reef bleaching. According to NOAA, coral bleaching events have occurred as the world's oceans temperatures have increased to the warmest levels recorded since measuring began in the late 19th century.

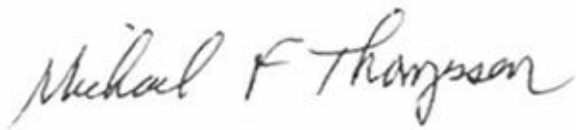
**Sunscreen products are vital to human health. A county-specific restriction on the use of this product would put citizens and tourists visiting the state at great risk.** The U.S. Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), the U.S. Surgeon General, the American Academy of Dermatology (AAD), the Skin Cancer Foundation and health care professionals worldwide emphasize that using sunscreens is a critical part of a safe sun regimen. The dangers of sun exposure are clear and universally recognized by public health professionals and dermatologists. The National Institutes of Health Report on Carcinogens identifies solar UV radiation as a 'known human carcinogen.' A single bad burn in childhood greatly increases the risk of developing skin cancer later in life.

**Oxybenzone and octinoxate are FDA and internationally approved critical ingredients to the worldwide sunscreen market.** These are broad spectrum sunscreens, absorbing both UVA and UVB rays, that also photostabilize other sunscreens to provide long lasting protection. The cost of oxybenzone and octinoxate containing sunscreens is substantially less than other alternative ingredients. **Consumer costs for effective sunscreen products that have the same or similar high SPF levels will increase significantly with no measurable environmental benefit.**

These proposed ordinances lack the necessary scientific evidence to demonstrate that this sunscreen ingredient is in any way responsible for coral bleaching. Moreover, skin cancer is the most commonly diagnosed cancer in the United States. If passed, this local law will create confusion, put consumers' health at risk and potentially discourage the use of sunscreens – an important part of a safe sun regimen. **Oxybenzone and octinoxate based sunscreens are affordable daily use products that have excellent skin cancer prevention properties that cannot be easily attained using alternative ingredients.**

We ask that you oppose this legislation. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Michael F. Thompson". The ink is dark and the signature is fluid, with a large, stylized 'M' and 'T'.

Michael F. Thompson  
Senior Vice President, Government Affairs

Cc: Members, Infrastructure and Environmental Management Committee