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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To amend the Federal Food, Drug, and Cosmetic Act to require that children’s cosmetics containing talc include an appropriate warning unless the cosmetics are demonstrated to be asbestos-free, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. DINGELL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to require that children’s cosmetics containing talc include an appropriate warning unless the cosmetics are demonstrated to be asbestos-free, 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 “Children’s Product
5 Warning Label Act of 2019”.

1 **SEC. 2. LABELING OF TALC IN CHILDREN'S COSMETICS.**

2 (a) MISBRANDING.—Section 602 of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amend-
4 ed by adding at the end the following:

5 “(g) If it is marketed for use in children (meaning
6 individuals under the age of 18) and contains talc (as de-
7 fined in section 604) unless—

8 “(1) its label includes the following statement
9 printed in conspicuous text: ‘WARNING: Talc in
10 this product has not been evaluated for asbestos con-
11 tamination. Asbestos may be present. Asbestos at
12 any level is known to the FDA to cause cancer, in-
13 cluding lung cancer and mesothelioma. This product
14 is not suitable for use by children.’; or

15 “(2) a waiver is in effect with respect to the
16 cosmetic pursuant to section 604.”.

17 (b) PREMARKET SAFETY VERIFICATION OF TALC
18 CONTENT.—Chapter VI of the Federal Food, Drug, and
19 Cosmetic Act (21 U.S.C. 361 et seq.) is amended by add-
20 ing at the end the following:

21 **“SEC. 604. PREMARKET SAFETY VERIFICATION OF TALC**
22 **CONTENT.**

23 “(a) IN GENERAL.—The Secretary shall waive the
24 applicability of section 602(g)(1) with respect to a cos-
25 metic containing talc if the manufacturer of the cos-
26 metic—

1 “(1) attests in writing to the Secretary that the
2 source of the talc is an asbestos-free mine; and

3 “(2) demonstrates to the Secretary that the talc
4 is asbestos-free using the transmission electron mi-
5 croscopy method.

6 “(b) DEFINITIONS.—In this section:

7 “(1) The term ‘asbestos’ means the asbestiform
8 varieties of chrysotile (serpentine), crocidolite
9 (riebeckite), amosite (cummingtonitegrunerite),
10 anthophyllite, tremolite, and actinolite.

11 “(2) The term ‘asbestos-free’ means containing
12 no traceable asbestos fibers.

13 “(3) The term ‘talc’—

14 “(A) means a basic silicate of magnesium;
15 and

16 “(B) includes talcum powder, hydrous
17 magnesium silicate, non-fibrous talc, non-
18 asbestiform talc, steatite talc, and fibrous non-
19 tremolite talc.

20 “(4) The term ‘transmission electron micros-
21 copy’ refers to the asbestos analysis method used by
22 laboratories that—

23 “(A) are accredited by the National Bu-
24 reau of Standards; and

1 “(B) use the protocol described in appen-
2 dix A to subpart E of part 763 of title 40, Code
3 of Federal Regulations (or any successor regu-
4 lations).”.

5 (c) APPLICABILITY.—Sections 602(g) and 604 of the
6 Federal Food, Drug, and Cosmetic Act, as added by sub-
7 sections (a) and (b), apply beginning on the date that is
8 180 days after the date of enactment of this Act.

9 (d) REGULATIONS.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary of Health
11 and Human Services, acting through the Commissioner of
12 Food and Drugs, shall promulgate final regulations to im-
13 plement such sections 602(g) and 604.