

CANADIAN COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION

ASSOCIATION CANADIENNE DES COSMÉTIQUES, PRODUITS DE TOILETTE ET PARFUMS

# EX5.21.1

April 21, 2015

His Worship John Tory Mayor, City of Toronto 100 Queen Street City Hall, 2<sup>nd</sup> floor, West Toronto, ON M5H 2N2

#### Re: Elimination of Non-Biodegradable Synthetic Plastic Microbeads in Personal Care Products

Dear Sir,

I am writing to you in your capacity as Chair of the Executive Committee of the City of Toronto on behalf of the Canadian Cosmetic, Toiletry & Fragrance Association (CCTFA). We are the leading Canadian association for the personal care products industry and our over 150 member companies are at the forefront of a \$9.47 billion retail industry in Canada. Our member companies include brand owners, distributors, manufacturers, exporters, importers, retailers and suppliers of goods and services to the industry, many of whom are located in the City of Toronto as well as the GTA.

It was recently brought to our attention that the Executive Committee will be considering a request at its April 22<sup>nd</sup> meeting from Councillor Paul Ainslie (Ward 43, Scarborough East) seeking support from City Council for the banning of non-biodegradable synthetic plastic microbeads in personal care products by either the federal or provincial governments.

As the trade association for the personal care products industry in Canada, the CCTFA has been engaged in discussions on this important issue over the past year with various interested parties including Environment Canada, the office of the Federal Minister of the Environment, federal MP's including Brian Masse (Windsor West) and Brad Butt (Mississauga Streetsville), MPP's Marie France Lalonde (Ottawa Orleans) and Lisa Thompson (Huron Bruce), as well as the environmental community. As a result of our consultations with MP Masse last fall, we were able to offer our support to the resolution that he and his colleague Meghan Leslie brought to the House of Commons on March 24th of this year. We believe that as a result of this cooperative approach, the resolution was ultimately able to be passed by a vote of 279 to 0.

We would therefore like to offer the following background information as well as some thoughts on this matter which we hope would be considered in your deliberations of Councillor Ainslie's request:

- 1. Non-biodegradable synthetic plastic microbeads have been primarily added to certain personal care products, such as face scrubs and body washes, to act as an exfoliating agent to remove dead or dry skin. With the relatively recent discovery that these microbeads are not being removed by wastewater treatment systems, thereby making their way into various water bodies such as the Great Lakes, CCTFA member companies have moved to reassess their use of this ingredient. Of the 14 CCTFA member companies that have used, or are using these microbeads in their products (representing the vast majority of products currently on the market), five have already been able to remove them from their manufacturing process, while the remaining nine have indicated that they will be or are in the process of doing so.
- 2. Since this matter came to our attention over a year ago, the CCTFA has been working with our industry's trade associations in both the United States and Europe, as well as officials of Environment Canada to pursue a regulatory approach that is aligned between jurisdictions and that ultimately will be effective in eliminating these microbeads from all sources of personal care products.
- 3. The CCTFA was contacted last fall by Mr. Brian Masse, MP for Windsor West, who reached out to our Association to seek our industry's thoughts on this issue. The recent letter from Mr. Masse and his colleague, Ms. Megan Leslie, MP for Halifax, to the federal Minister of the Environment, as well as the subsequent resolution adopted by the House of Commons, reflects the general advice and direction that we have offered and consequently has our support.
- 4. The personal care product industry through its various trade associations in the United States, Canada and the European Union is working with their respective governments to eliminate the use of non-biodegradable synthetic plastic microbeads in

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personal care products in an effective manner, both through its voluntary elimination by member companies and with the adoption of regulations that will be effective as well as aligned across jurisdictions.

- 5. As personal care and other consumer products are generally manufactured for more than a national market, and many Canadian waterways such as the Great Lakes are shared by both Canada and the United States, it is important that regulatory efforts be aligned between jurisdictions in terms of definitions, time frames for removal and other technical details in order to ensure a uniform approach for the greatest success in implementation and the avoidance of differing (and even contradictory) regulatory requirements.
- 6. Efforts to achieve alignment of the technical details between jurisdictions has resulted in the development of a draft template that was adopted by the State of Illinois last June with bi-partisan political support and subsequently by the State of New Jersey in March 2015. (This template has been recognized by the Council of State Governments of which many Canadian provinces are international members of their various regional conferences.)
- 7. This template (often referred to as the "Illinois model") includes, for example:
  - a) A common definition of synthetic plastic microbeads: "any intentionally added non-biodegradable, solid plastic particle measure less than five millimetres in size that is used to exfoliate or cleanse in a rinse-off product" Illinois *Bill SB2727*
  - b) A common schedule for the elimination in manufacturing and finished products (which is workable for industry to allow for reformulation):
    - December 31, 2017: discontinue the manufacturing of personal care products containing synthetic plastic microbeads
    - December 31 2018: discontinue the sale of personal care products containing synthetic plastic microbeads
    - December 31, 2018: discontinue the manufacturing of over the counter drug products containing synthetic plastic microbeads\*
    - December 31, 2019: discontinue the sale of over the counter drug products containing synthetic plastic microbeads\*

\*In the United States, some personal care products may be classified as over the counter drugs (OTC's). Similarly, Under the Canadian *Food & Drugs Act*, some personal care products can be classified as either "drugs" or "natural health products", thereby having differing regulatory frameworks to govern the reformulation of products.

- 8. For Canada, a national approach by the federal government is the most desirable and appropriate from a jurisdictional perspective. Not only does the federal government have responsibility for many significant waterways such as the Great Lakes, where non-biodegradable synthetic plastic microbeads have been detected, but it also regulates consumer products and their ingredients. Federal regulation ensures a common regulatory approach across the Canadian market, as well as the best possible enforcement (particularly against counterfeit products) since the Federal Government has inspectorates at both the border and store level (Health Canada).
- 9. A private members bill recently introduced in the Ontario Legislature (*Bill 75*) illustrates the potential difficulty with a province by province approach:
  - Differing definitions of microbeads;
  - Differing definitions of applicable products (as these are not defined in existing provincial statutes);
  - Differing implementation timeframes creating confusion and difficulties for distributors, retailers, consumers and enforcement officials;
  - Provinces do not have the inspectorates and enforcement mechanisms which the Federal Government now has to inspect and regulate personal care and other consumer products, especially at the borders where microbeads will still likely enter the Canadian market through counterfeit products; and
  - Provincial legislation or regulation may be open to a constitutional challenge on the basis of jurisdictional authority thereby leaving the validity of provincial legislation or regulations open to question as well as any penalties imposed under it.



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10. As we have suggested to the Federal Minster of the Environment, Mr. Masse and Ms. Lalonde (the sponsor of Ontario's *Bill 75)*, the most effective and administratively efficient way of ensuring the maximum compliance would be by regulation (likely under the *Canadian Environmental Protection Act*) using the Illinois template for international alignment. Furthermore, the adoption of such regulation could then allow for the addition of these non-biodegradable synthetic plastic microbeads to the <u>"Cosmetic Ingredient Hotlist</u>" which is an administrative tool maintained by Health Canada referenced by cosmetic manufacturers and importers. There is already precedent for including ingredients on the Hotlist that are either restricted or prohibited for use due to environmental regulations. <u>This would ensure that all legitimate companies can easily be made aware of the regulation and the rules. The Hotlist is also consulted by various inspectorates, including at the Canadian border, which would assist in ensuring as full as compliance as possible.</u>

To ensure the elimination of these non-biodegradable synthetic plastic microbeads from personal care products, it is important to appreciate that there will still be sources which will be more difficult to address following their removal from well known brand products. These include lesser known or single-run products (often imported for discount retailers), or counterfeit products where the appropriateness of their ingredients or regulatory compliance is not of much concern to either the counterfeiter or the seller of counterfeit products. Having effective regulatory and enforcement tools in place to address these remaining sources, such as the "Cosmetic Ingredient Hotlist" and the Federal inspectorates at the both the border and retail level, will be important.

Additionally, for your further background information, we are enclosing the following materials:

- A copy of the Cosmetic Ingredient Hotlist: Prohibited and Restricted Ingredients
- Background Paper from the Library of Parliament regarding Federal and Provincial Jurisdiction to Regulate Environmental Issues
- Letter from CCTFA to the Minister of the Environment regarding microbeads
- Letter from Brian Masse M.P. Windsor West and Megan Leslie M.P. Halifax to the Minister of the Environment regarding microbeads
- A copy of the Illinois Bill SB2727 Microbead-Free Waters

We hope that this background information, as well as our thoughts and comments on this issue, will be helpful to you.

Should the Executive Committee wish to recommend to City Council that it consider a resolution on this topic, then we would request an opportunity to discuss this further as we would hope that the details in any such resolution would be consistent with the consensus approach that has been developing around this issue.

If you have any comments or questions, or wish to discuss the details of any proposed resolution, please do not hesitate to contact me at dpraznik@cctfa.ca or 647-298-1152.

With best regards,

Í l'azn:

Darren Praznik President & CEO

CC. Members of the Executive Committee Jennifer Forkes, Secretarial Contact



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## **Consumer Product Safety**

### **Cosmetic Ingredient Hotlist**

Help on accessing alternative formats, such as Portable Document Format (PDF), Microsoft Word and PowerPoint (PPT) files, can be obtained in the <u>alternate format help section</u>.



(PDF Version - 742 K)

For assistance on the Ingredient Hotlist, please refer to "How to read the Cosmetic Ingredient Hotlist"

#### 2014

- List of Ingredients that are Prohibited for Use in Cosmetic Products
- List of Ingredients that are Restricted for Use in Cosmetic Products

A B C D E F G H I J K L M N O P Q R S	STUVWXYZ
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#### List of Ingredients that are Prohibited for Use in Cosmetic Products:

Ingredient	CAS	Synonyms and Related Compounds
1,2-Epoxybutane	106-88-7	
1,3-Butadiene	106-99-0	
1,3-Dimethylpentylamine and its salts	105-41-9	
11-a-Hydroxypregn-4-ene-3,20-dione and its esters	80-75-1	
1- and 2-Naphthylamines and their salts	134-32-7; 91-59-8	
1-Butyl-3-(N-crotonoylsulfanilyl) urea	52964-42-8	
1-Methoxy-2,4-diaminobenzene and its salts	615-05-4	2,4-diaminoanisole, Cl 76050
1-Methoxy-2,5-diaminobenzene and their salts	5307-02-8	2,5-diaminoanisole
2-(4-Allyl-2-methoxyphenoxy)-N,N-diethylacetamide and its salts	305-13-5	Estil
2-(4-Methoxybenzyl-N-(2-pyridyl)amino) ethyldimethylamine maleate	59-33-6	
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	

2,3-Dichloro-2-methylbutane	507-45-9	
2,4-Diaminophenylethanol and its salts	14572-93-1	
2,4-Dihydroxy-3-methylbenzaldehyde	6248-20-0	
2-Amino-1,2-bis(4-methoxyphenol) ethanol and its salts	5934-19-0	
2-Amino-4-nitrophenol	99-57-0	
2-Amino-5-nitrophenol	121-88-0	
2-Methoxypropanol	1589-47-5	
2-Methoxypropyl-1-acetate	70657-70-4	
2-Methylheptylamine and its salts	540-43-2	
2-Methyl-m-phenylenediamine	823-40-5	Toluene-2,6-diamine
2-Naphthol	135-19-3	
2-Pentylidenecyclohexanone	25677-40-1	
3-(a-Naphthyl)-4-hydroxycoumarin	39923-41-6	
3,6,10-Trimethyl-3,5,9-undecatrien-2-one	1117-41-5	
3-Diethylaminopropyl cinnamate	538-66-9	
3-Imidazol-4-ylacrylic acid	104-98-3; 27538-35-8	Urocanic acid and its ethyl ester (ethyl urocanate)
4-(4-Methoxyphenyl)-3-butene-2-one	943-88-4	
4,4'-Dihydroxy-3,3'-(3-methylthiopropylidene) dicoumarin		
4,4'-Bis(dimethylamino)benzophenone	90-94-8	Michler's ketone
4,4'-Isopropylidenediphenol	80-05-7	Bisphenol A
4,6-Dimethyl-8- <i>tert</i> -butylcoumarin	17874-34-9	
4-Amino-2-nitrophenol	119-34-6	
4-Aminosalicylic acid and its salts	65-49-6	
4-Benzyloxyphenol	103-16-2	Monobenzone
4-Ethoxy-m-phenylenediamine and its salts	5862-77-1	
4-Ethoxyphenol	622-62-8	
4-Methoxy-m-phenylenediamine and its sulfate salts	615-05-4; 39156-41-7; 6219-67-6	2,4-diaminoanisole; 2,4-diaminoanisole sulphate; 1,3-Benzenediamine, 4-methoxy-, sulfate
4-Methoxy-m-phenylenediamine-HCl	614-94-8	2,4-Diaminoanisole dihydrochloride
4-Methyl-m-phenylenediamine	95-80-7	Toluene-2,4-diamine
4- <i>tert</i> -Butylphenol	98-54-4	

4- <i>tert</i> -Butylpyrocatechol	98-29-3	
5- (α, β-Dibromophenethyl)-5-methylhydantoin	511-75-1	
5,5'-Diisopropyl-2,2'-dimethylbiphenyl-4,4'-diyl dihypoiodite	552-22-7	Thymol iodide
5,5-Diphenyl-4-imidazolidone	3254-93-1	
5-Methyl-2,3-hexanedione	13706-86-0	
6,10-Dimethyl-3,5,9-undecatrien-2-one	141-10-6	
6-Isopropyl-2-decahydronaphthalenol	34131-99-2	
7-Methoxycoumarin	531-59-9	
Acenocoumarol	152-72-7	
Acetonitrile	75-05-8	
Acetylcholine and its salts	51-84-3	$\beta$ -acetoxyethyl trimethyl ammonium hydroxide
Acetylsalicylic acid	50-78-2	
Aconitine and its salts	302-27-2	
Aconitum napellus L. leaves, roots and galenical preparations		
Acrylamide monomer	79-06-1	
Adonis vernalis L. and its preparations		
Alkali pentacyanonitrosylferrate (2-)		
Alkyne alcohols and their esters, ethers and salts		
Alloclamide and its salts	5486-77-1	
Allyl isothiocyanate	57-06-7	
Ambenonium salts		
Aminocaproic acid and its salts	1319-82-0	
Aminophylline	58-55-9; 317-34-0	
Amitriptyline and its salts	50-48-6	
Ammi majus and its galenical preparations		
Amydricaine and its salts	963-07-5	Alypine, 1,1-bis(dimethylaminomethyl) propyl benzoate)
Amylocaine and its salts	644-26-8	
Anaesthetic effects, substances with		
Analgesics		
Anamirta cocculus L. fruit		

Androgenic effects, substances with	58-22-0; 53-43-0	Including but not limited to: Testosterone; Prasterone.
Aniline, its salts and, its halogenated and sulfonated derivatives	62-53-3	
Anthracene oil	120-12-7	
Antiandrogens with steroid structure		
Antibiotics		
Antihistamines		
Antimony and its compounds	7440-36-0	
Apocynum cannabinum L. and its preparations		
Apomorphine and its salts	58-00-4	
Apronalide	528-92-7	
Arecoline	63-75-2	
Aristolochic acid and its salts	313-67-7	
Arsenic and its compounds	7440-38-2	
Atropa belladonna L. and its preparations		
Atropine, its salts and derivatives	51-55-8	
Azacyclonol and its salts	115-46-8	
Azamethonium salts		
Barbiturates		
Basic Violet 1	8004-87-3	CI 42535
Basic Violet 10	81-88-9	CI 45170
Basic Violet 3	548-62-9	CI 42555; CI 42555:1; CI 42555:2
Bemegride	64-65-3	
Benactyzine	302-40-9	
Bendroflumethiazide and its derivatives	73-48-3	
Benzatropine and its salts	86-13-5	
Benzazepines		
Benzene	71-43-2	
Benzidine	92-87-5	
Benzilonium bromide	1050-48-2	

Benzimidazol-2(3H)-one	615-16-7	2H-Benzimidazol-2-one, 1,3-dihydro-; N,N'-(1,2-Phenyleneurea)
Benzodiazepines		
Benzyl chloride	100-44-7	
Benzyl cyanide	140-29-4	
Benzylidene acetone	122-57-6	
Beryllium and its compounds	7440-41-7	
Betoxycaine and its salts	3818-62-0	
Bietamiverine	479-81-2	
Biphenamine and its salts	3572-52-9	
Bispyrithione	3696-28-4	
Bithionol	97-18-7	
<b>Bovine tissues and ingredients</b> derived from the skull, brain, trigeminal ganglia, eyes, spinal cord, and dorsal root ganglia of cattle aged 30 months or older and the small intestine and tonsils of cattle of all ages		This prohibition does not apply to tallow derivatives, or to gelatin, collagen and hydrolyzed proteins prepared from bovine hides and skins
Bretylium tosilate	61-75-6	
Bromine, elemental	7726-95-6	
Bromisoval	496-67-3	
Brompheniramine and its salts	86-22-6	
Butanilicaine and its salts	3785-21-5	
Butopiprine and its salts	55837-15-5	
Cadmium and its compounds	7440-43-9	
Cantharides		
Cantharidin	56-25-7	
Cantharis vesicatoria		
Captan	133-06-2	N-(trichloromethylthio)-4-cyclohexene- 1,2-dicarboximide)
Captodiame	486-17-9	
Caramiphen and its salts	77-22-5; 125-85-9	
Carbazole, nitroderivatives of	86-74-8	
Carbon disulfide	75-15-0	
Carbon tetrachloride	56-23-5	
Carbromal	77-65-6	

Carbutamide	339-43-5	
Carisoprodol	78-44-4	
Cephaeline and its salts	483-17-0	
<i>Cephaelis ipecacuanha Brot</i> . and related species, roots, powder, and galenical preparations		
Chenopodium ambrosioides essential oil	8006-99-3	
Chloral hydrate	302-17-0	
Chloramine T	127-65-1	
Chlorine	7782-50-5	
Chlormethine and its salts	51-75-2	
Chlormezanone	80-77-3	
Chloroacetamide	79-07-2	
Chloroethane	75-00-3	
Chloroform	67-66-3	
Chlorophacinone	3691-35-8	2-[2-(4-chlorophenyl)-2-phenylacetyl]indan- 1,3-dione
Chlorphenoxamine	77-38-3	
Chlorpropamide	94-20-2	
Chlorprothixene and its salts	113-59-7	
Chlortalidone	77-36-1	
Chlorzoxazone	95-25-0	
Choline salts and their esters	62-49-7	
Chromic acid and its salts	1308-14-1; 7738-94-5; 13530-68-2	
Chromium	7440-47-3	
Chrysoidine citrate hydrochloride	5909-04-6	2,4-Diaminoazobenzene hydrochloride citrate
CI 12120	2425-85-6	Pigment red 3
CI 12140	3118-97-6	
CI 13065	587-98-4	
CI 42640	1694-09-3	
Cinchocaine and its salts	85-79-0	
Cinchophen, its salts, derivatives and salts of these derivatives	132-60-5	
Claviceps purpurea Tul., its alkaloids and galenical preparations		

Clobetasone	54063-32-0	
Clofenamide	671-95-4	
Clofenotane	50-29-3	DDT
Clostridium botulinum		
Coal tars crude and refined	8007-45-2	
Cobalt benzenesulfonate		
Colchicine, its salts and derivatives	64-86-8	
Colchicoside and its derivatives	477-29-2	
Colchicum autumnale L. and its galenical preparations		
Coniferyl alcohol except for naturally occurring in plant extracts	458-35-5	4-hydroxy-3-methoxycinnamyl alcohol; Gamma-hydroxyisoeugenol
Coniine	458-88-8	
Conium maculatum L. fruit, powder and galenical preparations		
Convallatoxin	508-75-8	
Coumetarol	4366-18-1	
Creosote	8029-39-4; 8001-58-9	Coal tar creosote, wood creosote
Crimidine	535-89-7	2-chloro-6-methylpyrimidin-4-yldimethylamine
<i>Croton tiglium</i> oil	8001-28-3	
Curare	8063-06-7	
Curarine	22260-42-0	
Curarizants, synthetic		
Cyclarbamate	5779-54-4	
Cyclizine and its salts	82-92-8	
Cyclocoumarol	518-20-7	
Cyclomenol and its salts	5591-47-9	
Cyclophosphamide and its salts	50-18-0	
Datura stramonium L. and its galenical preparations		
Deanol aceglumate	3342-61-8	
Decamethylenebis salts		Trimethylammonium
Dextromethorphan and its salts	125-71-3	
Dextropropoxyphene	469-62-5	

Dialkanolamines, secondary	111-42-2; 110-97-4	Including, but not limited to: Diethanolamine (DEA); Diisopropanolamine (DIPA)
Dibromosalicylanilides	24556-64-7; 87-12-7; 2577-72-2	
Dichloroethanes	1300-21-6; 107-06-2	Ethylene chlorides
Dichloroethylenes	25323-30-2; 540-59-0; 75-35-4; 156-59-2; 156-60-5	Acetylene chlorides
Dichlorosalicylanilides	147-98-4; 4214-48-6	
Dicoumarol	66-76-2	
Diethyl 4-nitrophenyl phosphate	311-45-5	
Diethyl maleate	141-05-9	
Diethyl sulfate	64-67-5	
Diethyl toluamide	134-62-3	DEET
Diethylhexyl phthalate	117-81-7	DEHP
Difencloxazine	5617-26-5	
Digitaline	71-63-6	
Digitalis purpurea L., all heterosides of		
Dihydrocoumarin	119-84-6	
Dihydrotachysterol	67-96-9	
Dimethoxane	828-00-2	2,6-dimethyl-1,3-dioxan-4-yl acetate
Dimethyl citraconate	617-54-9	
Dimethyl sulfate	77-78-1	
Dimethyl sulfoxide	67-68-5	DMSO
Dimethylamine	124-40-3	
Dimethylformamide	68-12-2	
Dimevamide and its salts	60-46-8	
Dinitrophenol isomers	25550-58-7	
Dioxane	123-91-1	1,4-dioxane

Dioxethedrin and its salts	497-75-6	
Diphenhydramine and its salts	58-73-1	
Diphenoxylate hydrochloride	3810-80-8	
Diphenylamine	122-39-4	
Diphenylpyraline and its salts	147-20-6	
Disulfiram	97-77-8	
Doxylamine and its salts	469-21-6	
Emetine, its salts and derivatives	483-18-1	
Endrin	72-20-8	
Ephedrine and its salts	299-42-3	
Epichlorohydrin	106-89-8	Oxirane, chloromethyl
Epinephrine	51-43-4	
Eserine and its salts	57-47-6	
Estradiol	50-28-2	
Estrogens		
Estrone	53-16-7	
Ethinylestradiol	57-63-6	
Ethionamide	536-33-4	
Ethoheptazine and its salts	77-15-6	
Ethoxyethanol	110-80-5	
Ethoxyethanol acetate	111-15-9	
Ethyl biscoumacetate and salts of the acid	548-00-5	
Ethyl PABA	94-09-7	Benzocaine; 4-Aminobenzoic Acid, Ethyl Ester
Ethylene oxide	75-21-8	
Ethylenediamine	107-15-3	
Ethylphenacemide	90-49-3	
Fenadiazole	1008-65-7	
Fenozolone	15302-16-6	
Fenyramidol	553-69-5	
Ficus carica leaf absolute	68916-52-9	
Fluanisone	1480-19-9	
Fluoresone	2924-67-6	

Fluorouracil	51-21-8	
Furazolidone	67-45-8	
Furfuryltrimethyl ammonium salts		
Galantamine	357-70-0	
Gallamine triethiodide	65-29-2	
Glucocorticoids	1524-88-5	
Glutarimide and its salts	1121-89-7	
Glutethimide and its salts	77-21-4	
Glycyclamide	664-95-9	
Gold salts	6903-35-8; 105883-47-4	Including, but not limited to: Gold chloride HCI; Gold acetylmethionate; Gold aspartate/glutamate
Guaifenesin	93-14-1	
Guanethidine and its salts	55-65-2	
Haloperidol	52-86-8	
HC Blue No. 4	158571-57-4	
HC Blue No. 5	68478-64-8; 158571-58-5	
Hexachloroethane	67-72-1	
Hexachlorophene	70-30-4	2,2'-dihydroxy-3,3',5,5',6,6'- hexachlorodiphenylmethane
Hexaethyl tetraphosphate	757-58-4	
Hexamethonium salts		
Hexapropymate	358-52-1	
Hydrastine and their salts	118-08-1	
Hydrastinine and their salts	6592-85-4	
Hydrazides and their salts	54-85-3; 1071-93-8; 123-33-1	
Hydrazine, its derivatives and their salts	302-01-2	
Hydroabietyl alcohol	13393-93-6	
Hydrofluoric acid, its normal salts, its complexes and hydrofluorides	7664-39-3	
Hydrogen cyanide and its salts	74-90-8	

Hydroxyzine	68-88-2	
Hyoscine, its salts and derivatives	51-34-3	
Hyoscyamine its salts and derivatives	101-31-5	
Hyoscyamus niger L. leaves, seeds, powder, and galenical preparations		
Imperatorin	482-44-0	
Inproquone	436-40-8	
Inula helenium oil	97676-35-2	
Iodine	7553-56-2	
Isocarboxazide	59-63-2	
Isodrin	465-73-6	
Isometheptene and its salts	503-01-5	
Isophorone	78-59-1	
Isoprenaline	7683-59-2	
Isoprene monomer	78-79-5	1,3-butadiene, 2-methyl
Isopropamide salts		N-(3-carbamoyl-3,3-diphenylpropyl)- N,N-diisopropylmethylammonium)
Isosorbide dinitrate	87-33-2	
Juniperus sabina L. leaves, essential oil and galenical preparations	68916-94-9	
Laurus nobilis L., oil from the seeds of	8007-48-5	
Lead acetate	301-04-2	
Lead and its compounds	7439-92-1	
Levophacetoperane and its salts	24558-01-8	
Lidocaine	137-58-6	
Lindane	58-89-9	
Lobelia inflata L. and its galenical preparations		
Lobeline and its salts	90-69-7	
Lysergide and its salts	50-37-3	
Malononitrile	109-77-3	
Mannomustine and its salts	576-68-1	
Mecamylamine	60-40-2	
Mefeclorazine and its salts	1243-33-0	
Mephenesin and its esters	59-47-2	
Meprobamate	57-53-4	

Mercury and its compounds	7439-97-6; 21908-53-2; 62-38-4; 94-43-9; 102-98-7; 6273-99-0; 54-64-8	Including, but not limited to: Mercuric oxide; Phenyl mercuric acetate; Phenyl mercuric benzoate; Phenyl mercuric borate; Thimerosal
Mescaline and its salts	54-04-6	3,4,5-trimethoxyphenethylamine
Metaldehyde	9002-91-9	
Metamfepramone and its salts	15351-09-4	
Metethoheptazine and its salts	509-84-2	
Metformin and its salts	657-24-9	
Methapyrilene and its salts	91-80-5	
Metheptazine and its salts	469-78-3	
Methocarbamol	532-03-6	
Methotrexate	59-05-2	
Methoxydiglycol	111-77-3	Diethylene glycol monomethyl ether; DEGME
Methoxyethanol	109-86-4	
Methoxyethanol acetate	110-49-6	
Methyl methacrylate monomer	80-62-6	
Methyloxirane monomer	75-56-9	Propylene oxide
Methylphenidate and its salts	113-45-1	
Methyl- <i>trans</i> -2-butenoate	623-43-8	
Methyprylon and its salts	125-64-4	
Metyrapone	54-36-4	
Minoxidil, its saltsand derivatives	38304-91-5	
Mixed cresols and derivatives	1319-77-3	
Mofebutazone	2210-63-1	
Morpholine and its salts	110-91-8	
Musk ambrette	83-66-9	4- <i>tert</i> -butyl-3-methoxy-2,6-dinitrotoluene
Musk tibetene	145-39-1	5- <i>tert</i> -butyl-1,2,3-trimethyl-4,6-dinitrobenzene
N,N-bis(2-Chloroethyl)methylamine N-oxide and its salts	126-85-2	Nitrogen mustard N-oxide
N-5-Chlorobenzoxazol-2-ylacetamide and its salts	35783-57-4	
Nalorphine, its salts and ethers	62-67-9	

Naphazoline and its salts	835-31-4	
Naphthalene	91-20-3	
Narcotics, natural and synthetic		
Neodymium and its salts	7440-00-8	
Neostigmine and its salts	59-99-4	
Nicotine and its salts	54-11-5	
Nitrites, amyl		
Nitrites, inorganic, except sodium nitrite	14797-65-0	
Nitrobenzene	98-95-3	
<b>Nitrocresols</b> and their alkali metal salts	12167-20-3; 119-33-5; 4920-77-8; 2042-14-0; 2581-34-2; 5428-54-6; 700-38-9; 2666-76-4	Including but not limited to: 2-Nitro-4-cresol; 2-Nitro-m-cresol; 3-Nitro-p-cresol; 4-Nitro-m-cresol; 5-Nitro-o-cresol; 6-Nitro-m-cresol; Sodium 4-nitro-m-cresolate
Nitrofurantoin	67-20-9	
Nitroglycerin	55-63-0	
Nitrosamines		Including but not limited to: N-nitrosodiethanolamine
Nitrostilbenes, their homologues and their derivatives		
Nitroxoline and its salts	4008-48-4	
Noradrenaline and its salts	51-41-2	
Noscapine and its salts	128-62-1	
0,0'-Diacetyl-N-allyl-N-normorphine		Diacetylnalorphine

O-Alkyldithiocarbonic acids, salts of	140-93-2;	
<b>,</b>	140-92-1;	
	1000-90-4	
Octamoxin and its salts	4684-87-1	
Octamylamine and its salts	502-59-0	
Octodrine and its salts	543-82-8	
Oleandrin	465-16-7	
o-Phenylenediamine and its salts	95-54-5	
Oxanamide and its derivatives	126-93-2	
Oxpheneridine and its salts	546-32-7	
PABA, esters of; with a free amino group		4-aminobenzoic acid,
Paramethasone	53-33-8	
Parathion	56-38-2	O,O'-diethyl O-4-nitrophenyl phosphorothioate
Parethoxycaine and its salts	94-23-5	
Pelletierine and its salts	2858-66-4	
Pemoline and its salts	2152-34-3	
Pentachloroethane	76-01-7	
Pentaerythrityl tetranitrate	78-11-5	
Pentamethonium salts		
Pentyl dimethyl PABA, mixed isomers	14779-78-3	Amyl 4-dimethylaminobenzoate
Petrichloral	78-12-6	
Phenacemide	63-98-9	
Phenaglycodol	79-93-6	
Phenetamine	3590-16-7	Feclemine
Phenindione	83-12-5	
Phenmetrazine, its derivatives and salts	134-49-6	
Phenol	108-95-2	
Phenolphthalein	77-09-8	
Phenothiazine and its compounds	92-84-2	
Phenprobamate	673-31-4	
Phenprocoumon	435-97-2	
Phenylbutazone	50-33-9	
Pheromones		

Physostigma venenosum Balf.Phytolacca spp. and their preparationsPicric acidPicrotoxinPigment Orange 5 and its lakes, pigments and saltsPigment Red 53	88-89-1 124-87-8 3468-63-1 2092-56-0 92-13-7	CI 12075 CI 15585
Picrot acid Picrotoxin Pigment Orange 5 and its lakes, pigments and salts	124-87-8 3468-63-1 2092-56-0	
Picrotoxin Pigment Orange 5 and its lakes, pigments and salts	124-87-8 3468-63-1 2092-56-0	
Pigment Orange 5 and its lakes, pigments and salts	3468-63-1 2092-56-0	
	2092-56-0	
Diament Red 53		CI 15585
	92-13-7	
Pilocarpine and its salts		
Pilocarpus jaborandi Holmes and its galenical preparations		
Pipazetate and its salts	2167-85-3	
Piper methysticum extract	9000-38-8	kava kava
Pipradrol and its salts	467-60-7	
Piprocurarium salts		
Poldine methylsulfate	545-80-2	
Potassium bromate	7758-01-2	
Pramocaine	140-65-8	
Probenecid	57-66-9	
Procainamide, its salts and derivatives	51-06-9	
Progestogens		
Propatylnitrate	2921-92-8	
Propyphenazone	479-92-5	
Prunus laurocerasus L.		
Psilocybine	520-52-5	
Pueraria mirifica		
Pyrethrum album L. and its galenical preparations		
Pyrocatechol	120-80-9	Catechol
Pyrogallol	87-66-1	
Radioactive substances		
Rauwolfia serpentina alkaloids and their salts		
Retinoic Acid	302-79-4	Tretinoin
Safrole, except when naturally occurring in plant extracts	94-59-7	
Schoenocaulon officinale Lind. seeds and galenical preparations		
Selenium and its compounds	7782-49-2	Excluding selenium sulfide (7488-56-4)

Sodium hexacyclonate	7009-49-6	
Sodium pyrithione	3811-73-2	
Solanum nigrum L. and its galenical preparations		
Solvent Blue 35	17354-14-2	CI 61554
Solvent Red 24	85-83-6	CI 26105
Solvent Red 49:1	81-88-9	CI 45170:1; Rhodamine B
Sparteine and its salts	90-39-1	
Spironolactone	52-01-7	
Steroids		
Strontium nitrite	13470-06-9	
Strontium polycarboxylate		
Strophantines, their aglucones and derivatives	11005-63-3	
Strophantus spp. and their galenical preparations		
Strychnine and its salts	57-24-9	
Strychnos spp. and their galenical preparations		
Succinonitrile	110-61-2	
Sulfinpyrazone	57-96-5	
${\bf Sulfonamides}$ and their salts obtained by substitution of one or more H-atoms of the $-{\rm NH}_2$ groups	63-74-1; 10103-15-8; 6101-31-1; 723-46-6	
Sultiame	61-56-3	
Sympathicomimetic amines		
Symphytum spp., with the exception of Symphytum officinale		Comfrey
Tefazoline and its salts	1082-56-0	
Tellurium and its compounds	13494-80-9	
Tetrabenazine and its salts	58-46-8	
Tetrabromosalicylanilides		
Tetracain and its salts	94-24-6	
Tetrachloroethylene	127-18-4	
Tetrachlorosalicylanilides		
Tetraethyl pyrophosphate	107-49-3	
Tetrahydrozoline and its salts	84-22-0	

Tetrylammonium bromide	71-91-0	
Thalidomide and its salts	50-35-1	
Thallium and its compounds	7440-28-0	
Theophylline	58-55-9	
Thevetia neriifolia Juss. glycoside extract		
Thiamazole	60-56-0	
Thimerosal	54-64-8	See "Mercury and its compounds"
Thiotepa	52-24-4	
Thiourea and its derivatives	62-56-6	With the exception of thioglycolic acid and its salts and esters
Thiuram	137-26-8	
Thiuram disulfides		
Thiuram monosulfides		
Thyropropic acid and its salts	51-26-3	
Thyrothricine	1404-88-2	Tryothricin
Tiratricol	51-24-1; 1477-04-9	
Tolboxane	2430-48-8	
Tolbutamide	64-77-7	
Tolnaftate	2398-96-1	
Toluene Diisocyanates	584-84-9; 91-08-7; 26471-62-5	<ul> <li>Toluene Diisocyanates, (TDIs) including but not limited to:</li> <li>2,4-diisocyanato-1-methyl-benzene (2,4-toluene diisocyanate);</li> <li>2,6-diisocyanato-1-methyl-benzene (2,6 toluene diisocyanate);</li> <li>1,3-diisocyanatomethyl-benzene (mixed isomers of toluene diisocyanate)</li> </ul>
<b>Toluidines</b> , their isomers, salts and halogenated and sulfonated derivatives	26915-12-8; 95-53-4	Except 4-hydroxy-2-nitro-toluidine and hydroxyethyl-2-nitro-p-toluidine
Toxins		
trans-2-Heptenal	18829-55-5	
Tranylcypromine and its salts	155-09-9	
Tretamine	51-18-3	
Triamterene and its salts	396-01-0	

Tribromoethanol	75-80-9	
Tribromosalicylanilide	1322-38-9	
Trichlormethine and its salts	817-09-4	
Trichloroacetic acid	76-03-9	
Trichloronitromethane	76-06-2	
Tricresyl phosphate	1330-78-5	Tritolyl phosphate
Trifluperidol	749-13-3	
Triparanol	78-41-1	
Tripelennamine	91-81-6	
Tuaminoheptane, its isomers and salts	123-82-0	
Urginea scilla Stern. and its galenical preparations		
Vaccines		
Valnoctamide	4171-13-5	
Veratrine, its salts and galenical preparations	62-59-9	
Veratrum spp. and their preparations		
Versalide	88-29-9	
Vinyl chloride monomer	75-01-4	
Warfarin and its salts	81-81-2	
Xanthinol	2530-97-4	
Xylidines, their isomers, salts, halogenated and sulfonated derivatives	1300-73-8	
Xylometazoline and its salts	526-36-3	
Yohimbine and its salts	146-48-5	
Zoxazolamine	61-80-3	
a-Methylanisalacetone	104-27-8	1-(4-methoxyphenyl)-1-pentene-3-one
a-Santonin	481-06-1	
β-Eucaine	500-34-5	

# A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

#### List of Ingredients that are Restricted for Use in Cosmetic Products:

Ingredient Information		Restriction		
Chemical	CAS	Synonyms and Related Compounds	Conditions of Use	Warnings and Cautionary Statements

<b>1-Naphthol</b> , and its salts	90-15-3		Permitted at concentrations equal to or less than 2% in hair dyes as an oxidizing colouring agent only. Permitted at concentrations equal to or less than 1% when used in combination with hydrogen peroxide.	
2-Bromo-2-nitropropane- 1,3-diol	52-51-7		Permitted at concentrations equal to or less than 0.1%. Not permitted in formulations that contain amines or amides.	
5-Bromo-5-nitro-1,3-dioxane	30007-47-7		Permitted at concentrations equal to or less than 0.1%. Not permitted in formulations that contain amines or amides.	
7,11-Dimethyl-4,6,10- dodecatrien-3-one	26651-96-7		Permitted at concentrations equal to or less than 2% only as an impurity in methylionones.	
8-Hydroxyquinoline and its sulfate	148-24-3; 134-31-6		Permitted at concentrations equal to or less than 0.3% as stabilizers for hydrogen peroxide in rinse-off hair-care preparations, and 0.03% in leave-on preparations.	
Alkali earth metal sulfides	21109-95-5; 20548-54-3; 12032-36-9; 1314-96-1	Including, but not limited to: Barium sulfide; Calcium sulfide, Magnesium sulfide; Strontium sulfide	Permitted at concentrations equal to or less than 6% sulfur in hair removal (depilatory) products only.	
Alkali sulfides	12136-58-2; 1312-73-8; 1313-82-2	Including, but not limited to: Lithium sulfide; Potassium sulfide; Sodium sulfide	Permitted at concentrations equal to or less than 2% sulfur in hair removal (depilatory) products only.	
Alpha-hydroxy acids	77-92-9; 79-14-1; 50-21-5; 6915-15-7; 79-33-4; 5949-29-1; 617-73-2; 90-64-2; 35249-89-9	Including, but not limited to: Citric acid; Glycolic acid; Lactic acid; Malic acid; Mandelic acid; Ammonium glycolate; Glycolic acid + ammonium glycolate; Alpha-hydroxyethanoic acid + ammonium alpha-	Permitted at total concentrations equal to or less than 10% and a pH equal to or greater than 3.5. Preparations containing concentrations of AHAs between 10% and 30% or a pH between 3.0 to 3.5 may be permitted for professional use if the manufacturer provides Health Canada with evidence of their safety including: 1. pH levels	All skin products containing AHAs at concentrations equal to or greater than 3% shall carry cautionary statements to the effect: "Use only as directed.", "Avoid contact with the eyes.", "If irritation persists, discontinue use and consult a physician.", "It is recommended that prior to exposure to the sun, users cover areas where AHAs have been applied with sunscreen.", "Contact of the product with the skin must be of limited frequency or duration."

		hydroxyethanoate; Alpha-hydroxyoctanoic acid; Alpha-hydroxycaprylic Acid; Hydroxycaprylic Acid; Mixed fruit acid; Triple fruit acid; Tri-alpha hydroxy fruit acids; Alpha hydroxy and botanical complex; L-alpha hydroxy acid; Glycomer in cross- linked fatty acids alpha nutrium.	<ol> <li>AHA concentrations</li> <li>directions for use</li> <li>clinical studies demonstrating minimal skin irritation</li> <li>Preparations intended to be diluted in bath water may contain levels of citric acid exceeding 10%.</li> </ol>	
Aluminum chloride	7446-70-0; 7784-13-6		Permitted at concentrations equal to or less than 15% calculated as aluminum chloride hexahydrate. Deodorant and antiperspirant cosmetics containing aluminum chloride are not permitted in aerosol dispensers. Deodorant and antiperspirant cosmetics containing aluminum chloride must be in the form of an aqueous solution. Not permitted in combination with aluminum chlorohydrate or its associated complexes or aluminum zirconium complexes.	The inner and outer label of all deodorant and antiperspirant cosmetics containing aluminum chloride must carry a cautionary statement in English and French to the effect: "Discontinue use if rash or irritation occurs." "Do not use on broken skin."
Aluminum chlorohydrate and its associated complexes	12042-91-0; 1327-41-9; 173762-81-7; 173762-82-8; 10284-64-7; 173720-80-4; 180324-83-8; 11097-68-0; 173763-15-0; 242812-86-8; 173763-16-1; 245090-60-2	chlorohydrate; anhydrous; Aluminum chlorohydrex PEG; Aluminum chlorohydrex PG; Aluminum	Permitted at concentrations equal to or less than 25% (calculated as the anhydrous form). Not permitted in combination with aluminum chloride, other aluminum chlorohydrate complexes or aluminum zirconium complexes.	The inner and outer label of all deodorant and antiperspirant cosmetics containing aluminum chlorohydrate or associated complexes must carry a cautionary statement in English and French to the effect: "Discontinue use if rash or irritation occurs." "Do not use on broken skin." Deodorant and antiperspirant cosmetics containing aluminum chlorohydrate or associated complexes in aerosol dispensers must also carry a cautionary statement in English and French to the

		dichlorohydrex PG; Aluminum sesquichlorohydrate; Aluminum sesquichlorohydrex PEG; Aluminum sesquichlorohydrex PG		effect: "Keep away from face to avoid inhalation and spraying in the eyes." "Keep out of reach of children."
Aluminum zirconium complexes	98106-55-9; 174514-58-0; 173762-83-9; 98106-54-8; 125913-22-6; 57158-29-9; 98106-52-6; 90604-80-1; 134910-86-4; 246867-10-7; 235433-35-9; 98106-53-7; 34375-99-8	Including but not limited to: Aluminum zirconium octachlorohydrate; Aluminum zirconium octachlorohydrex GLY; Aluminum zirconium pentachlorohydrate; Aluminum zirconium	Permitted at concentrations equal to or less than 20% (calculated as the anhydrous form). Deodorant and antiperspirant cosmetics containing aluminum zirconium complexes are not permitted in aerosol dispensers. Not permitted in combination with aluminum chloride, aluminum chlorohydrate or its associated complexes or other aluminum zirconium complexes.	The inner and outer label of all deodorant and antiperspirant cosmetics containing aluminum zirconium complexes must carry a cautionary statement in English and French to the effect: "Discontinue use if rash or irritation occurs." "Do not use on broken skin."
Barium salts	21109-95-5; 7727-43-7		Permitted only as barium sulfide ( in hair removal products (see "Alkali earth metal sulfides"), as barium sulfate, or as a colouring agent or lake for preparation of other colouring agents.	
Benzalkonium chloride	8001-54-5; 61789-71-7; 68391-01-5; 68424-85-1		Permitted at concentrations equal to or less than 0.1% as a preservative only (i.e. benzalkonium chloride with chain lengths $\leq$ 14 C). Permitted at concentrations equal to or less than 3% in rinse-off hair care products only, as a conditioning agent (i.e. benzalkonium chloride with chain lengths $\geq$ 16 C).	The inner and outer label of all products containing more than 0.1% benzalkonium chloride shall carry a cautionary statement to the effect: "Avoid contact with eyes."

Benzethonium chloride	121-54-0		Permitted at concentrations equal to or less than 0.2% in leave-on products and 0.3% in rinse-off products. Not permitted in products to be applied to mucous membranes.	
Benzoyl peroxide	94-36-0		Permitted at concentrations equal to or less than 10% for use only as a catalyst in products to be applied to the fingernails or in hair dyes. Not permitted in products to be applied to the skin.	
<b>Boric acid</b> and its salts	10043-35-3; 11113-50-1		Permitted at concentrations equal to or less than 5%.	The label of the cosmetic shall carry cautionary statements to the effect: "Do not use on broken or abraded skin, not to be used by children under three years of age." Warning is not required when boric acid is used as a pH adjuster and the concentration is equal to or less than 0.1%
Brucine	357-57-3		Permitted at concentrations equal to or less than 0.1%.	
Butane	106-97-8		Prohibited when containing equal to or more than 0.1% w/w of 1,3-butadiene (106-99-0).	
Butoxyethanol	111-76-2		Permitted at concentrations equal to or less than 10% in hair dyes and nail products.	
Calcium peroxide	1305-79-9		See "Peroxide and peroxide- generating compounds".	
Camphor	76-22-2		Permitted at concentrations equal to or less than 3%.	
Cannabis sativa seed oil	8016-24-8; 89958-21-4	Hemp seed oil	Permitted at concentrations less than 10 µg/g THC (delta- 9-tetrahydrocannabinol), as per the <i>Industrial Hemp Regulations.</i>	
Carbamide (urea) peroxide	124-43-6		See "Peroxide and peroxide- generating compounds".	
Catalase	9001-05-2			The inner label and the outer label of the cosmetic shall carry a cautionary statement to the effect: "This product is not intended for use on broken or abraded skin."

Chlorhexidine and its salts	55-56-1; 56-95-1; 18472-51-0; 3697-42-5		Permitted at concentrations equal to or less than 0.14%, calculated as chlorhexidine free base; 0.19%, calculated as chlorhexidine diacetate; 0.20%, calculated as chlorhexidine digluconate; and 0.16%, calculated as chlorhexidine dihydrochloride.	
Cholecalciferol	67-97-0	Vitamin D3	Average daily absorption must be equal to or less than 25 µg per day.	
Citric acid	77-92-9		See "Alpha-hydroxy acids".	
<i>Citrus reticulata</i> leaf oil	8014-17-3		Permitted at concentrations equal to or less than 0.1% in leave-on products.	
Coal tar dye	95-70-5; 615-50-9	Coal tar dye base or coal tar dye intermediate, including but not limited to: Toluene-2,5-diamine; Toluene-2,5-diamine sulfate; p-Phenylenediamine	According to section 14 of the <i>Cosmetic Regulations</i> , "no person shall sell a cosmetic for use in the area of the eye that contains any coal tar dye, coal tar dye base or coal tar dye intermediate." "Area of the eye" is defined by the area bound by the supraorbital and infraorbital ridges and includes the eyebrows, the skin underlying the eyebrows, the eyelids, and eyelashes, the conjunctival sac of the eye, the eyeball and the soft tissue that lies below the eye and within the infraorbital ridge. The following coal tar dyes are permitted in the area of the eye: Blue 1 (3844-45-9) and lake, Green 5 (4403-90-1), Red 40 (25956-17-6) and lake, Yellow 5 (1934-21-0) and lake.	The inner label and the outer label of the cosmetic shall carry statements to the effect: "CAUTION: this product contains ingredients that may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dying the eyelashes or eyebrows. To do so, may cause blindness. MISE EN GARDE: Ce produit contient des ingrédients qui peuvent causer de l'irritation cutanée chez certaines personnes: il faut donc d'abord effectuer une épreuve préliminaire selon les directives ci-jointes. Ce produit ne doit pas servir à teindre les sourcils ni les cils: en ce faisant, on pourrait provoquer la cécité." Instructions to the following effect accompany each package of hair dye: i. the preparation may cause serious inflammation of the skin in some persons and a preliminary test should always be carried out to determine whether or not special sensitivity exists; and ii. to make the test, a small area of skin behind the ear or on the inner surface of the forearm should be cleansed, using either soap and water or alcohol, and a small quantity of the hair dye as prepared for use should be applied to

				the area and allowed to dry. After 24 hours, the area should be washed gently with soap and water. If no irritation or inflammation is apparent, it is usually assumed that no hypersensitivity to the dye exists. The test should, however, be carried out before each application. On no account should the hair dye be used for dyeing eyebrows or eyelashes as severe inflammation of the eye or even blindness may result.
<b>Cyanoacrylate</b> -based adhesives	7085-85-0; 137-05-3; 10586-17-1	Including, but not limited to: Ethyl cyanoacrylate; Methyl cyanoacrylate; Isopropyl cyanoacrylate	<ul> <li>For adhesives used in the area of the eye for the application of false eyelashes Manufacturers and/or distributors of glues must submit the following information to Health</li> <li>Canada to demonstrate safety of the product: <ul> <li>a. Description of training method;</li> <li>b. Submission of all training materials; and</li> <li>c. Description of measures taken by notifying company to limit the sale and access of the product to qualified and trained individuals.</li> </ul> </li> </ul>	The inner and outer label of the cosmetic shall carry cautionary statements to the effect of: "WARNING. BONDS SKIN INSTANTLY. AVOID CONTACT WITH EYES, MOUTH AND SKIN. KEEP AWAY FROM CHILDREN. Eyelid bonding: consult a physician. Skin bonding: soak and ease apart gently. Not for use in the area of the eye. ATTENTION. COLLE INSTANTANÉMENT À LA PEAU. ÉVITER TOUT CONTACT AVEC LES YEUX, LA BOUCHE ET LA PEAU. TENIR HORS DE LA PORTÉE DES ENFANTS. Paupières collées: consulter un médecin. Peau collée: tremper et séparer graduellement. Ne pas utiliser dans la région oculaire."
Diethylene glycol	111-46-6	DEG	Not permitted in oral or leave-on products (see also "Glycerin").	
Diethylhexyl Adipate	103-23-1	DEHA; Dioctyl Adipate; Bis(2- Ethylhexyl)Hexanedioate	Not permitted in leave-on body moisturizers in excess of 6.0%.	
Ergocalciferol	50-14-6	Vitamin D2	Average daily absorption should be equal to or less than 25 $\mu$ g per day.	
Ethyl methacrylate	97-63-2			The label of the cosmetic shall carry a cautionary statement to the effect: "Avoid skin contact."
<i>Eucalyptus</i> oil	8000-48-4		Permitted at concentrations equal to or less than 25%.	
Fluoride containing substances	16984-48-8; 1333-83-1; 7681-49-4; 7789-75-5; 7783-47-3; 10163-15-2	Including, but not limited to: Sodium fluoride; Calcium fluoride; Stannous fluoride ; Sodium	Not permitted in oral products.	

		monofluorophosphate		
Formaldehyde	50-00-0		Not permitted in aerosol cosmetics. Permitted at concentrations equal to or less than 0.01% in non-aerosol cosmetics that release formaldehyde vapours when used according to directions. Permitted at concentrations equal to or less than 0.1% in oral cosmetics. Permitted at concentrations equal to or less than 0.2% in non-oral cosmetics as a preservative only. Permitted at concentrations equal to or less than 5.0% in nail hardeners only. However, it must be sold with nail shields, directions for use and directions that inform the user about the presence of this substance in the cosmetic.	The label of a nail hardener containing formaldehyde must inform the user about the presence of that substance in the cosmetic. The following statement may be placed on the label to achieve that objective "This product contains formaldehyde which has the potential to cause skin sensitivity."
<b>Furocoumarins</b> , except for naturally occurring in plant extracts	66-97-7		Permitted at concentrations less than 1 mg/kg in sun tanning products.	
Glycerin	56-81-5		Manufacturers of oral and leave-on products containing glycerin must ensure the raw material used is within the specifications of an accepted pharmacopoeia with respect to diethylene glycol (DEG) impurities (e.g. Glycerin Official Monograph in the most current edition of the USP).	
Glycolic acid	79-14-1		See "Alpha-hydroxy acids".	
Human origin, substance of	73049-73-7	Including, but not limited to: Human placental extracts; Human placental enzymes; Human placental lipids; Human placental protein; Human umbilical extract; Hydrolyzed human placental protein; Hydrolyzed keratin	<ul> <li>Manufacturers using substances of human origin must provide the following information to Health Canada:</li> <li>a. Source of the substance;</li> <li>b. A description of the method of production;</li> <li>c. Quality control data, particularly those relating to microbial limits (including viruses) and the absence of estrogenic substances;</li> <li>d. Product labelling.</li> </ul>	

		from human hair; Lyophilized human placental extract		
Hydrogen peroxide	7722-84-1		See "Peroxide and peroxide- generating compounds".	
Hydrolyzed Hemp seed protein			Permitted at concentrations less than 10 µg/g THC (delta- 9-tetrahydrocannabinol), as per the Industrial Hemp Regulations.	
Hydroquinone	123-31-9		Restricted to hair dye products, nail products and cyanoacrylate-based adhesives. Permitted at concentrations equal to or less than 0.3% as an oxidizing colouring agent for hair dyes. Permitted at concentrations equal to or less than 0.02% in two-component (acrylic) artificial nail systems (after mixing for use). Permitted at concentrations equal to or less than 0.1% in cyanoacrylate adhesive products.	The inner and outer labels of hair dye products containing hydroquinone must carry a cautionary statement, in English and French, to the effect: "Contains hydroquinone."; "Do not use to dye eyelashes or eyebrows."; "Rinse eyes immediately if the product comes into contact with eyes." The inner and outer labels of nail products containing hydroquinone must carry a cautionary statement, in English and French, to the effect: "Avoid skin contact."; "Read directions carefully before using." The inner and outer labels of cyanoacrylate adhesive products containing hydroquinone must carry a cautionary statement, in English and French, to the effect: "Avoid skin contact."; "Read directions carefully before using."
Isobutane	75-28-5		Prohibited when containing equal to or more than 0.1% w/w of 1,3-butadiene (106-99-0).	
Keratin			See "Human origin, substances of" and/or "Bovine tissues and ingredients".	
Lactic acid	50-21-5		See "Alpha-hydroxy acids".	
Magnesium peroxide	1335-26-8		See "Peroxide and peroxide- generating compounds".	
Methacrylic acid	79-41-4			The inner label and the outer label of a cosmetic that contains more than 5% methacrylic acid shall carry a cautionary statement to the effect: "This product contains methacrylic acid, is poisonous, is to be kept out of reach of children" and,

				"In the case of accidental ingestion, a Poison Control Centre or physician is to be contacted immediately."
Methoxyisopropanol	107-98-2	Propylene glycol monomethyl ether	Prohibited when containing equal to or more than 0.5% of 2-methoxypropanol (1589-47-5).	
Methoxyisopropyl acetate	108-65-6; 84540-57-8	Propylene glycol monomethyl ether acetate.	Prohibited when containing equal to or more than 0.5% total of 2-methoxypropanol (1589-47-5) and/or 2-methoxypropyl-1-acetate (70657-70-4).	
Methyl alcohol	67-56-1		Cosmetics containing an amount of methyl alcohol equal to or greater than 5 ml must be packaged in a child-resistant container, according to part II of the <i>Consumer Chemicals</i> <i>and Containers Regulations</i> as they read on September 30th, 2001.	As per section 28.2 of the <i>Cosmetic</i> <i>Regulations</i> , the principal display panel of the inner label and the outer label of the container of a cosmetic, other than a disposal metal container designed to release pressurized contents by the use of a manually operated valve that forms an integral part of the container, that contains an amount of methyl alcohol equal or greater than 5 mL, shall display: (a) the hazard symbol set out in column II of item 1 of Schedule II of the <i>Consumer</i> <i>Chemicals and Containers Regulations</i> , as they read on September 30th, 2001, in accordance with paragraphs 16(a) and (b) of those Regulations; and (b) for each of the particulars set out in column 1 of items 1 to 5 of the <i>Consumer Chemicals and</i> <i>Containers Regulations</i> , the signal word and statements set out in column III and IV of those items which shall be located on the labels in accordance with paragraphs 15(2)(a) to (c) of those Regulations and printed in accordance with paragraphs 17(a) and (b), 18(a), (b) and 19(1)(a) and (b) and subsection 19(2) of those Regulations.
Methyl eugenol	93-15-2		Permitted as a naturally occurring component in botanical extracts at concentrations equal to or less than 0.01% in fine fragrances, 0.004% in eau de toilette, 0.002% in a fragrance cream, 0.0002% in other leave-on products and in oral hygiene products, and 0.001% in rinse-off products.	

Methyl N-methyl anthranilate	85-91-6		Permitted at concentrations equal to or less than 0.1%.	
Methyl salicylate	119-36-8		Permitted at concentrations equal to or less than 1%.	
Methylene chloride	1975-09-02		Not permitted in aerosol preparations.	
Methylene Glycol	463-57-0		See Formaldehyde.	
Methylisothiazolinone	2682-20-4		Permitted at concentrations equal to or less than 0.01% for use as a preservative.	
Methylisothiazolinone / Methylchloroisothiazolinone, in combination	26172-55-4; 2682-20-4		Methylchloroisothiazolinone is only permitted in combination with methylisothiazolinone. Permitted at concentrations equal to or less than 0.0015% (15 μg/mL or 15 ppm) in rinse-off products and 0.00075% (7.5 μμg/mL or 7.5 ppm) in leave-on products.	
Peroxide and peroxide- generating compounds	124-43-6; 1305-79-9; 7722-84-1; 1335-26-8; 7632-04-4; 1314-22-3	Including, but not limited to: urea carbamide peroxide; calcium peroxide; hydrogen peroxide; magnesium peroxide; sodium perborate; zinc peroxide	<ul> <li>Manufacturers of oral products containing peroxides or peroxide-generating compounds must submit the following information to Health Canada:</li> <li>a. data on the pH of the cosmetic product, when it is applied to the tooth or teeth, to ensure that the product is in compliance with section 13 of the <i>Cosmetic Regulations</i>, i.e. that the pH is greater than or equal to 4.0; and</li> <li>b. product labelling demonstrating that all cautionary statement requirements have been met.</li> <li>If an oral cosmetic contains more than 3% hydrogen peroxide (or equivalent), notifiers must submit safety evidence that the product does not cause the saliva or soft tissue of the oral cavity to exceed 3% hydrogen peroxide, and is safe when used as directed. Evidence may include analog studies from recognized sources or independent clinical research.</li> <li>NB: Be aware of the conversion factor between hydrogen peroxide and other</li> </ul>	

			peroxide-generating compounds. For example, 10% carbamide (urea) peroxide is approximately equivalent to 3% hydrogen peroxide.	
p-Hydroxyanisole	150-76-5	4-methoxyphenol	Permitted at concentrations equal to or less than 0.02% (after mixing), for professional use only, in artificial nail systems.	The inner label and the outer label of the cosmetic shall carry statements to the effect: "For professional use only", "Avoid skin contact", "Read use directions carefully."
Placental extracts			See "Human origin, substances of" and "Bovine tissues and ingredients".	
p-Phenylenediamine	106-50-3		Not permitted in products intended for use on the skin. Permitted only in oxidative hair dyes provided warnings and cautionary statements are met.	The inner label and the outer label of the cosmetic products carry the following warning: "CAUTION: This product contains ingredients that may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dying the eyelashes or eyebrows. To do so may cause blindness. MISE EN GARDE: Ce produit contient des ingrédients qui peuvent causer de l'irritation cutanée chez certaines personnes: il faut donc d'abord effectuer une épreuve préliminaire selon les directives ci-jointes. Ce produit ne doit pas servir à teindre les sourcils ni les cils: en ce faisant, on pourrait provoquer la cécité." Instructions to the following effect accompany each package of hair dye: i. the preparation may cause serious inflammation of the skin in some persons and a preliminary test should always be carried out to determine whether or not special sensitivity exists; and ii. to make the test, a small area of skin behind the ear or on the inner surface of the forearm should be cleansed, using either soap and water or alcohol, and a small quantity of the hair dye as prepared for use should be applied to the area and allowed to dry. After 24 hours, the area should be washed

				gently with soap and water. If no irritation or inflammation is apparent, it is usually assumed that no hypersensitivity to the dye exists. The test should, however, be carried out before each application. On no account should the hair dye be used for dyeing eyebrows or eyelashes as severe inflammation of the eye or even blindness may result.
Resorcinol	108-46-3		Not permitted in cosmetics intended for use on the skin. Additionally see "Coal tar dye."	
Retinol and its esters	68-26-8; 127-47-9; 79-81-2	Vitamin A; Retinyl acetate; Retinyl palmitate	Permitted at concentrations equal to or less than 1.0% retinol equivalents. NB: Please be aware of the conversion factor between retinol and other retinol equivalents. For example, 1.0% w/w retinol is equivalent to 1.15% w/w retinyl acetate and to 1.83% w/w retinyl palmitate.	
Salicylic acid	69-72-7		Permitted at concentrations equal to or less than 2%.	
Silver and its salts	7440-22-4	Colloidal Silver	Permitted at concentrations equal to or less than 0.04% in mouthwash.	Any cosmetic containing silver and/or its salts shall carry cautionary statements to the effect: "This product contains silver and/ or silver salts." "Avoid contact with broken or abraded skin."
Sodium borate	1303-96-4	Borax; Sodium tetraborate	Permitted at concentrations equal to or less than 5%.	The inner and outer label of the cosmetic shall carry cautionary statements to the effect: "Do not use on broken or abraded skin.", "Not to be used by children under three years of age." Warnings are not required where sodium borate is used as a pH adjuster, and the concentration is equal to or less than 0.1%
Sodium bromate	7789-38-0		Cosmetics containing an amount of sodium bromate equal to or greater than 600 mg must be packaged in a child-resistant container, according to part II of the <i>Consumer Chemicals</i> <i>and Containers Regulations</i> as they read on September 30th, 2001.	The inner label and the outer label of a cosmetic that contains an amount of sodium bromate equal to or greater than 600 mg shall carry a cautionary statement to the effect: "This product contains sodium bromate, is poisonous, is to be kept out of the reach of children and, in case of accidental

				ingestion, a Poison Control Centre or physician is to be contacted immediately."
Sodium perborate	7632-04-4		See "Peroxide and peroxide- generating compounds".	
Sodium picramate	831-52-7		Permitted at concentrations equal to or less than 0.1%.	
Solvent Red 23	85-86-9	CI 26100; Red No. 225; Tetrazobenzene- beta-Naphthol; Sudan Red BK; 2-Naphthalenol, 1-[[4- (Phenylazo)Phenyl]Azo]-; D&C Red no. 17; Red 17; Toney Red; Sudan III	Not permitted in cosmetics intended to be used on or around mucosal membranes such as eyes, nose or mouth. Additionally see "Coal tar dye."	Hair dye products containing Solvent Red 23 must contain directions to inform people not to use the cosmetic to dye eyelashes or eyebrows and not to use the cosmetic in or around the eye, mouth or nose. The following statements may be placed on the label of a cosmetic to achieve that objective "Do not use to dye eyelashes or eyebrows." "Do not use in or around the area of the eye, mouth or nose."
<b>Strontium</b> and its salts, other than nitrite	7440-24-6		Permitted at concentrations equal to or less than 6.6% in salt, or equal to or less than 2.1% elemental strontium, whichever represents the smallest amount of strontium (depending on the salt). Permitted at concentrations equal to or less than 3.5% strontium in depilatory products. Not permitted in aerosol products.	
Tagetes oil and absolute	8016-84-0		Permitted at concentrations equal to or less than 0.01% in leave-on products.	
Talc				The inner and outer label of preparations in powder form intended for infants and children shall carry cautionary statements to the effect: "Keep out of reach of children", "Keep powder away from child's face to avoid inhalation which can cause breathing problems."
твно	1948-33-0	t-butylhydroquinone	Permitted at concentrations equal to or less than 0.1%.	
Thioglycolic acid and its salts	68-11-1		A. Permitted at concentrations equal to or less than 8% with a pH of 7	A. The label of the cosmetic shall carry directions for use and cautionary

		<ul> <li>to 9.5 in hair waving and straightening products.</li> <li>B. Permitted at concentrations equal to or less than 11% with a pH of 7 to 9.5 in hair waving and straightening products for professional use.</li> <li>C. Permitted at concentrations equal to or less than 5% with a pH of 7 to 12.7 in depilatory products.</li> <li>statements to the effect: "Avoid direct skin contact, wear suitable gloves."</li> <li>B. The label of the cosmetic shall carry, in addition to the above directions, a statement to the effect: "For professional use only."</li> <li>C. The label of the cosmetic shall carry cautionary statements to the effect: "Avoid contact with eyes and, in the event of contact with eyes, rinse immediately with plenty of water and seek medical attention."</li> </ul>
Triclosan	3380-34-5	Permitted at concentrations equal to or less than 0.03% in mouthwashes.       The labels of oral cosmetics shall carry statements to the effect:         Permitted at concentrations equal to or less than 0.3% in other cosmetic products.       The labels of not to be used by children under the age of 12." In the case of mouthwashes, the labels shall also carry a statement to the effect of "Avoid swallowing."         All oral products must meet the following conditions:       Manufacturers must ensure that polychlorinated dibenzo-p-dioxin (PCDD) and polychlorinated dibenzofuran (PCDF) impurities must not be present in quantities that exceed:       "The arbon of the mouthwashes".         i. 0,1 ng/g 2,3,7,8-tetra- chlorodibenzo-p-dioxin and 2,3,7,8-tetra-chlorodibenzofuran.       "In jug/g total other PCDD/PCDF impurities, with no individual impurity greater than 5 µg/g.         Manufacturers must possess the following:       I. raw material specifications for triclosan;       I. indentification of the method of analysis used to determine the levels of PCDDs and PCDFs in triclosan;         ii. Inished product specifications.       "Inished product specifications."
Urea	57-13-6	Permitted at concentrations equal to or less than 10%. Cosmetics intended to be diluted in

		bath water may contain levels exceeding 10% urea.
Urea (carbamide) peroxide	124-43-6	See "Peroxide and peroxide- generating compounds".
Zinc peroxide	1314-22-3	See "Peroxide and peroxide- generating compounds".
<b>Zirconium</b> and its compounds	7440-67-7	Permitted as aluminum zirconium complexes and as zirconium lakes, salts and pigments of colouring agents only. Not permitted in aerosol dispensers. See also "Aluminum zirconium complexes".

Date Modified: 2014-04-11
AN ACT concerning safety.

# Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Environmental Protection Act is amended by changing Section 42 and by adding Section 52.5 as follows:

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the

NPDES permit program, shall be liable to a civil penalty of not to exceed \$10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed \$2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed \$10,000 for the violation and an additional civil penalty of not to exceed \$1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed \$25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of \$500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the

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Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21, Section 22.51, Section 22.51a, or subsection (k) of Section 55 of this Act shall pay a civil penalty of \$1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be \$3,000 for each violation of any provision of subsection (p) of Section 21, Section 22.51, Section 22.51a, or subsection (k) of Section 55 that is the person's second or subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section39.5 of this Act or any CAAPP permit, or term or condition

thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed \$10,000 per day of violation.

(6) Any owner or operator of a community water system that violates subsection (b) of Section 18.1 or subsection (a) of Section 25d-3 of this Act shall, for each day of violation, be liable for a civil penalty not to exceed \$5 for each of the premises connected to the affected community water system.

(7) Any person who violates Section 52.5 of this Act shall be liable for a civil penalty of up to \$1,000 for the first violation of that Section and a civil penalty of up to \$2,500 for a second or subsequent violation of that Section.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of \$100 per day for each day the forms are late, not to exceed a maximum total penalty of \$6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties

shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any permit or term or condition of term or term or condition of a permit, or any regulation adopted under this Act, any permit or term or condition of a permit, or any condition of a permit, or any Board order.

(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such

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actions in the name of the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a wilful, knowing or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay. Public Act 098-0638

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(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) the duration and gravity of the violation;

(2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;

(3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;

(4) the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;

(5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;

(6) whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;

(7) whether the respondent has agreed to undertake a "supplemental environmental project," which means an

environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and

(8) whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), or (5) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent.

(i) A person who voluntarily self-discloses non-compliance to the Agency, of which the Agency had been unaware, is entitled to a 100% reduction in the portion of the penalty that is not based on the economic benefit of non-compliance if the person can establish the following:

(1) that the non-compliance was discovered through an environmental audit or a compliance management system documented by the regulated entity as reflecting the

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regulated entity's due diligence in preventing, detecting, and correcting violations;

(2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;

(3) that the non-compliance was discovered and disclosed prior to:

(i) the commencement of an Agency inspection,investigation, or request for information;

(ii) notice of a citizen suit;

(iii) the filing of a complaint by a citizen, the Illinois Attorney General, or the State's Attorney of the county in which the violation occurred;

(iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or

(v) imminent discovery of the non-compliance by the Agency;

(4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;

(5) that the person agrees to prevent a recurrence of the non-compliance;

(6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;

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(7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;

(8) that the person cooperates as reasonably requested by the Agency after the disclosure; and

(9) that the non-compliance was identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, rule, permit, judicial or administrative order, or consent agreement.

If a person can establish all of the elements under this subsection except the element set forth in paragraph (1) of this subsection, the person is entitled to a 75% reduction in the portion of the penalty that is not based upon the economic benefit of non-compliance.

(j) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates Section 22.52 of this Act shall be liable for an additional civil penalty of up to 3 times the gross amount of any pecuniary gain resulting from the violation.

(k) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates subdivision (a)(7.6) of Section 31 of this Act shall be liable for an additional civil penalty of \$2,000.

(Source: P.A. 96-603, eff. 8-24-09; 96-737, eff. 8-25-09;

96-1000, eff. 7-2-10; 96-1416, eff. 7-30-10; 97-519, eff. 8-23-11.)

(415 ILCS 5/52.5 new)

Sec. 52.5. Microbead-free waters.

(a) As used in this Section:

<u>"Over the counter drug" means a drug that is a personal</u> care product that contains a label that identifies the product as a drug as required by 21 CFR 201.66. An "over the counter drug" label includes:

(1) A drug facts panel; or

(2) A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

"Personal care product" means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and any article intended for use as a component of any such article. "Personal care product" does not include any prescription drugs.

"Plastic" means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during life cycle and after disposal. "Synthetic plastic microbead" means any intentionally added non-biodegradable solid plastic particle measured less than 5 millimeters in size and is used to exfoliate or cleanse in a rinse-off product.

(b) The General Assembly hereby finds that microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal, and pumice, found in over 100 personal care products, including facial cleansers, shampoos, and toothpastes, pose a serious threat to the State's environment.

<u>Microbeads have been documented to collect harmful</u> <u>pollutants already present in the environment and harm fish and</u> <u>other aquatic organisms that form the base of the aquatic food</u> <u>chain. Recently, microbeads have been recorded in Illinois</u> <u>water bodies, and in particular, the waters of Lake Michigan.</u>

Although synthetic plastic microbeads are a safe and effective mild abrasive ingredient effectively used for gently removing dead skin, there are recent concerns about the potential environmental impact of these materials. More research is needed on any adverse consequences, but a number of cosmetic manufacturers have already begun a voluntary process for identifying alternatives that allay those concerns. Those alternatives will be carefully evaluated to assure safety and implemented in a timely manner.

Without significant and costly improvements to the majority of the State's sewage treatment facilities, microbeads contained in products will continue to pollute

<u>Illinois' waters and hinder the recent substantial economic</u> <u>investments in redeveloping Illinois waterfronts and the</u> <u>ongoing efforts to restore the State's lakes and rivers and</u> <u>recreational and commercial fisheries.</u>

(c) Effective December 31, 2017, no person shall manufacture for sale a personal care product, except for an over the counter drug, that contains synthetic plastic microbeads as defined in this Section.

(d) Effective December 31, 2018, no person shall accept for sale a personal care product, except for an over the counter drug, that contains synthetic plastic microbeads as defined in this Section.

(e) Effective December 31, 2018, no person shall manufacture for sale an over the counter drug that contains synthetic plastic microbeads as defined in this Section.

(f) Effective December 31, 2019, no person shall accept for sale an over the counter drug that contains synthetic plastic microbeads as defined in this Section.