UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Ballot Vote Sheet

CPSC/OFFICE OF THE SECRETARY

2000 FEB -8 A 8:58

Date: February 3, 2000

TO : The Commission
Sadye E. Dunn, Secretary

FROM : Michael S. Solender, General Counsel MSS
Stephen Lemberg, Asst. General Counsel SL
Harleigh Ewell, Attorney, GCRA (ext. 2217) HE

SUBJECT : Options on Obtaining Additional Information About Mineral-Oil-Based Cosmetics

BALLOT VOTE DUE: FEB 15, 2000.

This ballot vote concerns the attached memorandum from the staff discussing a plan for the collection of additional information on incidents involving ingestion of mineral-oil-based cosmetics. If the Commission desires such data, the staff recommends purchasing 1998 brand name data from the American Association of Poison Control Centers (AAPCC), subject to approval by the AAPCC Board of Directors.

Please indicate your vote on the following options.

I. STAFF IS DIRECTED TO IMPLEMENT THE PLAN DESCRIBED IN THE ATTACHED MEMORANDUM.

_____ (Signature)

_____ (Date)

NOTE: This document has not been reviewed or accepted by the Commission.
Initial _____ Date 2/4/00

CPSA 6 (b)(1) Cleared 2/4/00
___ No Mfrs/Prvtlblrs or Products Identified
X Excepted by _____
___ Firms Notified,
Comments Processed.

II. THE DESCRIBED PLAN SHOULD NOT BE IMPLEMENTED.

_____ _____
(Signature) (Date)

III. TAKE OTHER ACTION (please specify).

_____ _____
(Signature) (Date)

Attachment

Comments/Instructions:

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Memorandum

Date: FEB - 4 2000

TO : The Commission
Sayde E. Dunn, Secretary

THROUGH: Michael S. Solender, General Counsel MSS
Pamela Gilbert, Executive Director PG

FROM : Ronald L. Medford, Assistant Executive Director for Hazard Identification and Reduction RLM
Suzanne Barone, Ph.D. Project Manager for Poison Prevention, Directorate for Health Sciences

SUBJECT : Plan for obtaining additional information about mineral oil-based cosmetics.

This memorandum presents an option to obtain additional information about mineral oil-based cosmetics.

BACKGROUND

At the Commission meeting on December 3, 1999, Commissioner Gall requested that the staff develop a plan for the collection of additional information on mineral oil-based cosmetic ingestion incidents. This plan is to be forwarded to the Commission for their review and consideration.

In the briefing package dated August 10, 1999, the staff recommended that the Commission propose child-resistant packaging requirements for household chemical and cosmetic products that contain 10 percent or more hydrocarbons and have a viscosity under 100 SUS at 100°F. The staff presented ingestion data from general cosmetic categories that may contain low viscosity hydrocarbons collected by the American Association of Poison Control Centers' (AAPCC) Toxic Exposure Surveillance System (TESS). The categories included creams/lotions/make-up, miscellaneous nail products, bath oil/bubble bath, and suntan/sunscreen products. The data presented were from the years 1995 through 1997. A total of 74,042 ingestion incidents from these product categories were recorded. The staff also noted that 114 of the cases were coded as aspirations.

It is not known how many of these incidents involved products that contain low viscosity hydrocarbons that would be subject to the rule recently proposed by the Commission. These data were relied on by the staff to demonstrate that children access cosmetic products that may contain low viscosity hydrocarbons.

CPSA 6 (b)(1) Cleared
2/4/00
No Mfrs/PrvtLblrs or
identified
by

OTE: This document has not been
viewed or accepted by the Commission
Date 2/4/00

For this project, the staff purchased TESS data on baby oil ingestions for the years 1996 and 1997 to examine incidents from products that are known to contain low viscosity hydrocarbons. A total of 2,560 ingestions of baby oil were in the database for these two years including a death in 1996. These ingestion cases are a subset of the creams/lotions/make-up category.

POSSIBLE STUDY

As described above, the ingestion incident data that CPSC purchases annually from the AAPCC does not identify specific products or brand names. Identification of specific brand name cosmetic products would provide more information about the cosmetic products that are being ingested and aspirated by children under five years of age.

The AAPCC collects brand name information when a poisoning occurs. According to Dr. Toby Litovitz, Executive Director of the AAPCC, brand names are identified about 70 percent of the time in the TESS database. This percentage may vary for individual product categories. However, the product is identified generically (i.e. bubble bath or suntan oil) even when the brand name is not known. This additional information would provide more specificity than is currently available. However, it may not be possible to identify only products that would be included in the proposed rule. If a product is only identified as suntan oil, the staff has no way of determining the chemical composition and viscosity of the product.

Even if the additional information identifies the brand name of the product, it will not identify the percent of mineral oil in the product or its viscosity. Therefore, unless the staff has already tested a particular product in the laboratory (currently 23 cosmetic products have been tested), there will be no way to know if the product falls within the definition of the proposed rule. This information could only be obtained by requesting it from the manufacturer or by laboratory analysis. To collect and test the potentially large number of products identified from the data (depending on the number of brand names identified) could place a large burden on the CPSC chemistry laboratory. Any lotions, creams, or other emulsions identified by the study can be eliminated from the data since they are specifically excluded from the proposed rule. In addition, baby oil may be assumed to be in scope, unless it is a gel or lotion, because the viscosities of baby oils measured previously by the staff were all below 100 SUS.

In order to purchase information on specific brand names, the CPSC must obtain special permission from the AAPCC Board of Directors. The rationale for the need to identify the products in the interest of public health must be provided to the Board for their consideration. The CPSC staff has made requests for brand name data twice in the past and was granted permission on both occasions. The estimated cost of buying brand name data for the four cosmetic codes is $3,400 per year for an electronic copy.

CONCLUSION

If the Commission determines that these data are necessary, the staff recommends purchasing 1998 brand name data for the four cosmetic categories. These data should be readily available if permission for the purchase is granted to CPSC by the AAPCC Board of Directors.