



## FYI Column: March 2022

### PROPOSITION 65, FYI COLUMN, CHEMICALS OF INTEREST, PRODUCTS OF INTEREST

By FIONA SMITH, March 31, 2022

#### Personal Care Products

Over in another galaxy—New York to be specific—a company is fighting off an allegation that its Star Wars Mandalorian-branded hand sanitizer contained benzene that was not disclosed to consumers in violation of Proposition 65. **Law Street Media writes**<sup>1)</sup> about how the targeted company has sued the Prop. 65 enforcer Public Health and Safety Advocates in New York's Southern District Court.

Federal lawmakers are advancing a bill to ban per- and polyfluoroalkyl substances (PFAS) in cosmetics, according to a **story from Cosmetic Business**<sup>2)</sup>.

The stink continues over benzene in another product—antiperspirant sprays—with **Live5News covering**<sup>3)</sup> the Food and Drug Administration's (FDA's) announcement of recalls for Sure and Brut brands of antiperspirant.

#### Food

In another recall, salted dried plums are being pulled from shelves over concern of lead contamination, **writes PopCulture**<sup>4)</sup> and **SILive**<sup>5)</sup> and **Food Poisoning Bulletin**<sup>6)</sup>.

Environmental Defense Fund and other groups have filed a petition with the FDA to regulate bisphenol-A in food packaging, citing a recent move by the European Union (EU) to do just that, **writes The Guardian**<sup>7)</sup>.

And the French are cracking down on nitrites in cured meats, **reports Rappler**<sup>8)</sup>, with the French parliament approving a bill that calls for nitrite reductions in meats in response to cancer concerns.

The FDA has issued guidance over residues of the pesticide chlorpyrifos in foods, according to Keller & Heckman.

#### Baby Food

A California District Court judge has rejected a motion to dismiss a consumer class action suit against Plum Organics over allegations that its baby food contains high levels of arsenic and lead, **reports Top Class Actions**<sup>9)</sup>.

#### Glyphosate

A Canadian court has ordered the Pest Management Regulatory Agency of Health Canada to take another look at its safety finding which allowed the use of glyphosate in the country, **according to MSN.com**<sup>10)</sup> .

The controversy over glyphosate rages on around the globe, with the **Times of India running a commentary**<sup>11)</sup> on the question of glyphosate's carcinogenicity.

## Clothes

Recent testing of women's workout clothes—such as sports bras and leggings—show that some top brands contain PFAS, but it is unclear if PFAS are being intentionally added to the clothing, **according to Environmental Health News**<sup>12)</sup> .

## Chemicals

The COVID-19 pandemic and all its disruptions has not slowed down private enforcement of Prop. 65—in fact notices of violation have increased over the past two years, according to Kelley Drye & Warren LLP.

And how about this Prop. 65 warning language mug **featured in Pinterest**<sup>13)</sup> —it's unclear if the mug itself comes with a Prop. 65 warning.

A Canadian professor, with a major rubber ducky collection, weighs in on Prop. 65 while giving a history of Pilates and a shout out to Cardi B, in this **Montreal Gazette opinion piece**<sup>14)</sup> .

Staying in Canada—unexpectedly high levels of phthalates and flame retardants were detected in Canadian nail salons, **reports SciTechDaily**<sup>15)</sup> .

Moving onto the EU, which is now considering a wide ranging proposal to limit hazardous substances in consumer products as part of its Sustainable Products Initiative, **according to Euractiv**<sup>16)</sup> .

And the EU has made another move on chemicals—this time with the European Chemicals Agency potentially limiting the use of lead—**writes the Association of Equipment Manufacturers**<sup>17)</sup> .

And more news about PFAS being detected in all sorts of consumer products, as **covered by WAPT**<sup>18)</sup> and **Yahoo.com**<sup>19)</sup> .

Another reason to hate long commutes in your car—a recent study shows wiping your car seat down will not cut your exposure to the Prop. 65-listed carcinogen TDCPP, or chlorinated tris, which is found in the foam of car seats, **writes Science Daily**<sup>20)</sup> .

Ski bummer—the EPA has sent out an enforcement alert warning that ski wax products are being sold that may contain perfluorinated chemicals in violation of the Toxic Substances Control Act (TSCA) as **covered by the National Law Review**<sup>21)</sup> and Bergeson & Campbell PC.

## Resources for this article

### 1. Law Street Media writes

<https://lawstreetmedia.com/news/health/lawsuit-filed-over-hand-sanitizer-benzene-allegations/>

**2. story from Cosmetic Business**

[https://cosmeticsbusiness.com/news/article\\_page/Bill\\_to\\_ban\\_PFAS\\_in\\_cosmetics\\_moves\\_forward\\_in\\_Washington/198959](https://cosmeticsbusiness.com/news/article_page/Bill_to_ban_PFAS_in_cosmetics_moves_forward_in_Washington/198959)

**3. Live5News covering**

<https://www.live5news.com/2022/02/17/deodorant-antiperspirant-sprays-recalled-due-cancer-causing-chemical/>

**4. writes PopCulture**

<https://popculture.com/trending/news/fruit-snacks-recall-possibly-contaminated-lead-fda-says/>

**5. SILive**

<https://www.silive.com/nation/2022/02/dangerous-lead-levels-found-in-some-dried-plum-products-fda-warns.html>

**6. Food Poisoning Bulletin**

<https://foodpoisoningbulletin.com/2022/candies-tolteca-saladitos-salted-dried-plums-recalled-for-lead/>

**7. writes The Guardian**

<https://www.theguardian.com/us-news/2022/feb/06/americans-exposed-toxic-bpa-fda-study#:~:text=A%20comprehensive%20review%20of%20recent,European%20Union%20now%20considers%20safe>

**8. reports Rappler**

<https://www.rappler.com/life-and-style/food-drinks/france-cut-use-nitrite-cured-meats/>

**9. according to Keller & Heckman**

<https://www.dailyintakeblog.com/2022/02/fda-publishes-guidance-on-chlorpyrifos-residues/>

**10. reports Top Class Actions**

<https://topclassactions.com/lawsuit-settlements/lawsuit-news/baby-food-class-action-lawsuit-and-settlement-news/plum-organics-must-face-class-action-alleging-toxic-baby-food/>

**11. according to MSN.com**

<https://www.msn.com/en-ca/news/canada/advocates-thrilled-as-court-orders-health-canada-to-reassess-glyphosate-decision/ar-AATA3so>

**12. Times of India running a commentary**

<https://timesofindia.indiatimes.com/blogs/seeing-the-invisible/no-glyphosate-is-not-carcinogenic/>

**13. according to Environmental Health News**

<https://www.ehn.org/pfas-clothing-2656587709/pfas-in-athletic-wear>

**14. according to Kelley Drye & Warren LLP**

<https://www.jdsupra.com/legalnews/the-prop-65-pandemic-no-covid-slow-down-3847478/>

**15. featured in Pinterest**

<https://www.pinterest.com/pin/california-prop-65-warning-funny-coffee-or-tea-mug--68820700547698602/>

**16. Montreal Gazette opinion piece**

<https://montrealgazette.com/opinion/columnists/the-right-chemistry-pilates-cardi-b-and-california-warning-labels>

**17. reports SciTechDaily**

<https://scitechdaily.com/unexpectedly-high-levels-of-hazardous-chemicals-found-in-nail-salons/>

**18. according to Euractiv**

<https://www.euractiv.com/section/circular-economy/news/brussels-to-address-hazardous-chemicals-in-eu-green-products-initiative/>

**19. writes the Association of Equipment Manufacturers**

<https://www.aem.org/news/echa-recommends-restricting-the-use-of-lead-in-the-european-union>

**20. covered by WAPT**

<https://www.wapt.com/article/water-and-stain-resistant-products-contain-toxic-plastics-study-says-here-s-what-to-do/38894162#>

**21. Yahoo.com**

<https://www.yahoo.com/news/products-look-home-might-forever-152535729.html>

**22. writes Science Daily**

<https://www.sciencedaily.com/releases/2022/01/220126090505.htm>

**23. covered by the National Law Review**

<https://www.natlawreview.com/article/epa-issues-enforcement-alert-regarding-ski-wax-products-containing-perfluorinated>

**24. Bergeson & Campbell PC**

[https://www.lexology.com/library/detail.aspx?g=b60d3623-4b8a-421e-9bef-41b61bac715c&utm\\_source=Lexology+Daily+Newsfeed&utm\\_medium=HTML+email+-+Body+-+General+section&utm\\_campaign=Lexology+subscriber+daily+feed&utm\\_content=Lexology+Daily+Newsfeed+2022-02-16&utm\\_term=](https://www.lexology.com/library/detail.aspx?g=b60d3623-4b8a-421e-9bef-41b61bac715c&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2022-02-16&utm_term=)