



## FYI Column: April 2022

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

By FIONA SMITH, April 22, 2022

Here is this month's roundup of recent news articles of interest.

#### Personal Care Products

Cosmetics makers are at a growing risk of litigation over the presence of toxic chemicals, such as per- and polyfluoroalkyl substances (PFAS), in their products, **according to Environmental Health News<sup>1)</sup>**. Case in point: **Top Class Action writes<sup>2)</sup>** about a new lawsuit filed in federal court in California against L'Oreal over allegations that it failed to disclose the presence of PFAS in its waterproof mascara. And, in not good news for companies trying to keep such chemicals out of their products, **Environmental Health News writes<sup>3)</sup>** that myriad challenges stand in their way.

#### Food Packaging

That burger and fries you're ordering? It's coming with a side of PFAS, according to testing conducted by Consumer Reports. The testing showed PFAS is widespread in all sorts of food packaging, even in packaging from companies that have eschewed PFAS, **according to the Guardian<sup>4)</sup>**. And in response, major restaurant chains are pledging to get PFAS out of their packaging, **writes the Washington Post<sup>5)</sup>**.

#### Food

The U.S. Food and Drug Administration (FDA) has for years been dragging its heels in its review of a drug carbadox that pork producers feed to their pigs. Carbadox was banned in Canada and Europe over cancer fears and the FDA signaled six years ago it would do so, but that hasn't happened, **writes Bloomberg<sup>6)</sup>**.

More in cancer scares—a new study from China discusses a mechanism by which alcohol directly causes cancer, **writes WishTV<sup>7)</sup>**.

Even the warm beverage popular in South America and beyond—yerba mate—can cause cancer, according to a recent study that **BestLife covers<sup>8)</sup>**.

#### Baby Food

Baby food makers are in the legal hotseat in the wake of a Congressional report released last year showing a wide variety of their products contain toxic metals. This is playing out in a court in Los

Angeles where a hearing was recently held in a case in which a mother has sued baby food makers over the toxic metals, **reports Goldberg Segalla LLP<sup>9)</sup>** .

New York Attorney General Leticia James is cracking down on companies making claims their baby food is lead-free, as **covered by Cozen O'Connor<sup>10)</sup>** .

## Glyphosate

Back to basics—**Environmental Health News<sup>11)</sup>** has prepared an explainer on the controversial chemical.

## Baby Products

The legal battle over claims that Johnson & Johnson's baby powder gave people cancer continues, with the **Financial Times writing<sup>13)</sup>** that a court has allowed Johnson & Johnson to declare bankruptcy thereby freezing the talc litigation and potentially shielding the company from some of its liability. Documents have emerged from the legal battle revealing that Johnson & Johnson funded a prison study in the 1960s which included injecting mostly black prisoners with asbestos to study the effects of talc, **writes Bloomberg<sup>14)</sup> <sup>12)</sup>** .

The maker of Adam the Apple Children's Stackable Toys has recalled the toys due to high lead levels, **writes PopCulture<sup>15)</sup>** .

## Chemicals

Nordstrom has also had to recall a product over lead — children's handbags made by the Kelly Wynne brand, **writes BestLife<sup>16)</sup>** .

Pfizer Canada has recalled its blood pressure medication Accuretic due to the presence of the carcinogenic impurity N-nitroso-quinapril, **reports Reuters<sup>17)</sup>** .

Chromium-6, aka hexavalent chromium, aka the Erin Brokovich chemical, is present in the drinking water of more than 250 million Americans, according to an **updated survey by the Environmental Working Group<sup>18)</sup>** .

The U.S. Environmental Protection Agency (EPA) has not done a great job assessing chemical risk as it implements the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act, according to a paper **published in Environmental Health Perspectives<sup>19)</sup>** . Researchers assessed how the EPA managed its first 10 chemical risk evaluations, pointing out "substantial deviations from best practices in risk assessment" that "result in underestimation of population exposures and health risks."

And perhaps EPA can look to a new tool for chemical risk assessment that researchers have unveiled in another paper **published in Environmental Health Perspectives<sup>21)</sup> <sup>20)</sup>** The tool—PROduction-To-EXposure High Throughput (PROTEX-HT)—is a new mathematical model aimed at predicting the environmental fate of understudied chemicals in production.

## Resources for this article

1. according to Environmental Health News

<https://www.ehn.org/pfas-cosmetics-lawsuits-2656976809/recent-pfas-lawsuits-highlight-vulnerabilities-for-cosmetics-industry>

**2. Top Class Action writes**

<https://topclassactions.com/lawsuit-settlements/consumer-products/beauty-products/loreal-waterproof-mascara-class-action-alleges-product-contain-hidden-toxic-substances/>

**3. Environmental Health News writes**

<https://www.ehn.org/pfas-in-makeup-2656887006/pfas-common-in-makeup>

**4. according to the Guardian**

<https://www.theguardian.com/environment/2022/mar/24/revealed-pfas-dangerous-chemicals-food-wrappers>

**5. writes the Washington Post**

<https://www.washingtonpost.com/business/2022/03/24/fast-food-pfas-forever-chemicals/>

**6. writes Bloomberg**

<https://www.bloomberqint.com/business/stalemate-at-fda-puts-pork-with-toxic-risk-in-u-s-food-supply>

**7. writes WishTV**

<https://www.wishtv.com/news/medical/alcohol-consumption-directly-causes-cancer-new-study-shows/>

**8. BestLife covers**

<https://bestlifeonline.com/news-yerba-mate-cancer/>

**9. reports Goldberg Segalla LLP**

[https://www.lexology.com/library/detail.aspx?g=1017afca-7348-45f7-8924-569a4edc92c8&utm\\_source=Lexology+Daily+Newsfeed&utm\\_medium=HTML+email+-+Body+-+General+section&utm\\_campaign=Lexology+subscriber+daily+feed&utm\\_content=Lexology+Daily+Newsfeed+2022-03-01&utm\\_term=](https://www.lexology.com/library/detail.aspx?g=1017afca-7348-45f7-8924-569a4edc92c8&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2022-03-01&utm_term=)

**10. covered by Cozen O'Connor**

[https://www.lexology.com/library/detail.aspx?g=acccf727-6eac-49f4-bee8-5a458105e16d&utm\\_source=Lexology+Daily+Newsfeed&utm\\_medium=HTML+email+-+Body+-+General+section&utm\\_campaign=Lexology+subscriber+daily+feed&utm\\_content=Lexology+Daily+Newsfeed+2022-02-28&utm\\_term=](https://www.lexology.com/library/detail.aspx?g=acccf727-6eac-49f4-bee8-5a458105e16d&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2022-02-28&utm_term=)

**11. Environmental Health News**

<https://www.ehn.org/glyphosate-explained-2656803555.html>

**12. Financial Times writing**

<https://www.ft.com/content/4bff8f60-8fdd-4e52-aaaf-5ada92d4311d>

**13. writes Bloomberg**

<https://www.bloomberqint.com/onweb/j-j-s-controversial-prison-testing-resurfaces-in-baby-powder-lawsuits>

**14. writes PopCulture**

<https://popculture.com/trending/news/kids-toy-recalled-due-lead-poisoning-hazard/>

**15. writes BestLife**

<https://bestlifeonline.com/news-nordstrom-kelly-wynne-handbags/>

**16. reports Reuters**

<https://www.reuters.com/business/healthcare-pharmaceuticals/pfizer-canada-recalls-bp-drug-potential-cancer-causing-impurity-2022-03-04/>

**17. updated survey by the Environmental Working Group**

<https://www.ewg.org/news-insights/news-release/2022/03/brockovich-carcinogen-found-tap-water-more-250-million->

americans

**18. published in Environmental Health Perspectives**

<https://ehp.niehs.nih.gov/doi/10.1289/EHP9649>

**19. published in Environmental Health Perspectives**

<https://ehp.niehs.nih.gov/doi/10.1289/EHP10756>