



July 13, 2022

The Honorable Gavin Newsom
Governor
1021 O St, Suite 9000
Sacramento, CA 95814

The Honorable Rob Bonta
Attorney General
P.O. Box 944255
Sacramento, CA 94244

Re: New Provision Added to FDASLA will Preempt the Existing California Cruelty-free Cosmetics Act

Dear Governor Newsom and Attorney General Bonta:

We are writing to urge you to help us save our 2018 landmark law, the California Cruelty-free Cosmetics Act (SB 1249 Galgiani), which is under threat of being preempted by S.4348, the Food and Drug Administration Safety and Landmark Advancements Act (FDASLA). The bill is currently being finalized for a vote on the Senate floor. Our organizations ask you to contact Senators Feinstein, Padilla, and Senator Patty Murray, who is the Chair of the relevant Senate HELP Committee, and Speaker Pelosi to ensure the final bill retains states’ ability to pass laws and keep in place existing state laws. Subsequently, eight other states have followed California’s lead, including Illinois, Hawaii, Louisiana, Maine, Maryland, Nevada, New Jersey, and Virginia, and soon New York, by enacting, laws aiming to limit or eliminate new animal testing of cosmetics, as nonanimal tests are able to reliably inform safety decisions for products.

The poison pill that must be removed is within Sec. 802 of S. 4348, which would add a new “Sec. 614. Preemption” to Chapter VI of the Federal Food Drug, and Cosmetics Act. This preemption provision would end states’ ability to limit new animal testing of cosmetics. The pertinent language reads as follows:

SEC. 614. PREEMPTION.

(a) In General.— No State or political subdivision of a State may establish or continue in effect any law, regulation, order, or other requirement for cosmetics that is different from or in addition to, or otherwise not identical with, any requirement applicable under this chapter with respect to registration and product listing, good manufacturing practice, recordkeeping, recalls, adverse event reporting, or safety substantiation.

This preemption would be catastrophic – a major step back in terms of science, sovereignty, and ethics. This language is an attack on California and other states that followed us. It goes against the wishes of consumers, erases years of progress at the state level to implement ethical and effective science and impedes states’ ability to drive future progress in nonanimal innovation. If Sec. 614 is enacted, there would be no limitations on animal testing of cosmetics or sales thereof.

To reiterate, our organizations ask that you urge our California Senators, Senator Murray, and Speaker Pelosi to defend California and other states’ law by ensuring the Senate removes this preemption language as FDASLA moves to the Senate floor. The Food and Drug Administration depends on this bill being passed by Congress in the coming weeks to prevent employee furloughs. Time is very limited and therefore ask for quick intervention on behalf of ethical science, animal protection, and consumers. Thank you for your attention to this important issue.

Sincerely,

Neal D. Barnard, MD
President
Physicians Committee for Responsible Medicine

Gary K. Michelson, MD
Founder and Co-Chair
Michelson Center for Public Policy

Judie Mancuso
Founder/CEO/President
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Kathy Guillermo
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