United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

CPSA 6 (b)(1) Cleared
3/15/99
___No Mfrs/PrvtLbls or
Products Identified
X Excepted
___Firms Notified,
Comments Processed.

MEMORANDUM

DATE: 3/15/99

TO : EHHS

Through: Sadye E. Dunn, Secretary, OS

FROM : Martha A. Kosh, OS

SUBJECT: Requirements for Child-Resistant Packaging; Household Products Containing Methacrylic Acid

ATTACHED ARE COMMENTS ON THE CP99-1

COMMENT	DATE	SIGNED BY	AFFILIATION
CP99-1-1	1/25/99	Ila Hirsch	Beatrice Kaye 12970 San Vicente Blvd Los Angeles, CA 90049
CP99-1-2	2/10/99	Larry Gaertner	No Lift Nails, Inc. 5301 Business Dr. Huntington Beach, CA 92649
CP99-1-3	3/11/99	Joel Alpert MD, FAAP President	American Academy of Pediactrics The Homer Building 601 Thirteenth St, NW Suite 400 North Washington, DC 20005
CP99-1-4	3/15/99	William Althen Atty On behalf of American Beauty Association	Heenan, Althen & Roles Suite 400 1110 Vermont Ave, NW Washington, Dc 20005

CP99-1-1

Beatrice Kaye

January 25, 1999

Susan C. Aitken, Ph.D.
Pharmacologist
Division of Health Sciences
U.S. CPSC
4330 East-West Highway
Bethesda, MD 20814

RE: 16CFR Part 1700

Dear Dr. Susan Aitken,

While I appreciate being on the list to be notified about upcoming safety packaging for Methacrylic Acid, I feel that the bigger issue is alerting unsuspecting manicurists and citizenry about the potential harm of using this chemical in the beauty field.

The unfortunate examples of health problems as a result of coming in contact with the substance are all of the accidental nature. The real problem is that an entire industry of salon professionals and patrons are exposing themselves to the substance and vapors of this substance and their slightly altered relative substances without the least bit of forewarning. There is no way of safely testing the results on lungs, female organs and unborn fetuses.

I am constantly requesting that our State Cosmetology Board take some action to alert students in cosmetoloy schools and salon patrons. As we all know, large cosmetic companies just stay one step ahead of the changes and pose health threats with altered chemicals.

Please see that my comments are entered into public record.

Thank you,

Ila M. Hirsch

IMH/RSC

encl.

12970 San Vicente Boulevard ★ Los Angeles, California 90049
310 394-3277 ★ FAX 310 451-4469

HIRSCH

12970 SAN VICENTE BLVD.
LOS ANGELES CA 90049

Telephone 310 394-3277
Fax 310 451-4486

OFFICE OF THE SECRETARY
INFORMATION
1999 FEB -2 A 10: 47

January 9, 1999

Pamela Reed
Program Administrator
Barbering and Cosmetology Program
P.O. Box 944226
Sacramento, CA 94244

RE: Advisory Council Curriculum Task Force-Schools

Dear Pamela Reed,

I wish you and all of the State Board and Advisory Council Members a happy and healthy New Year as we get around to addressing the serious matter of the instruction of those students that look to our Barbering and Cosmetology Programs to give them the necessary information to lead a productive and healthy life in the services that they choose to perform for the general public.

The time has come to make important decisions about our school instruction policies. The State Board must assume the responsibility of alerting the unsuspecting student, instructor and patron that products that they are using can be harmful to health. I suggest that a simple form be required of all those that begin instruction and that a notice be placed on the entrance of any establishment that uses chemicals that can be harmful to health.

Secondly, I suggest that the time has come to establish an educational program for cosmetologists that can provide the education for the professional without using products that can be harmful for health.

The Barbering and Cosmetology Program will be held accountable for not disseminating this information. The chemical content and hazards to health of the products used in the beauty profession must be identified and acknowledged.

I request that this letter be included in the public record for the Meeting of the Curriculum Task Force by the manicurist member and if she is not present, as per last meetings, I request to be named as the substitite or alternative.

The actions that we take at this first meeting of the new year will help generations.

Sincerely,

Ila M. Hirsch
IMH/RSC

cc: Governor Gray Davis
FDA

BARBERING AND COSMETOLOGY PROGRAM
P.O. BOX 944226
SACRAMENTO, CA 94244-2260
INFORMATION: (916) 327-6250 FAX (916) 445-8893

July 28, 1998

Ms. Ila Hirsch, President
Beatrice Kaye
12970 San Vicente Boulevard
Los Angeles, CA 90049

Dear Ms. Hirsch:

Thank you for your letter dated June 23, 1998. This letter was provided to all Advisory Council members at the July 27, 1998 meeting in San Diego.

While air quality in licensed establishments is a concern to the Barbering and Cosmetology Program it is not within the purview of our mandate. As previously stated, if this issue is to be addressed you must contact the appropriate State agency for assistance.

The mission of the Barbering and Cosmetology Program (B&CP) is to protect the public welfare by licensing only qualified persons, establishing and enforcing appropriate standards of competency and practice and educating consumers to enable them to make informed decisions in the market place. To this end, it is encumbent upon the B&CP to identify those products and/or services that may cause potential harm to the consumer, identify the health and safety concerns associated with them and examine potential candidates for licensure on the knowledge, skills and abilities associated with these health and safety concerns for the protection of the consumer. While you may not agree with the testing of candidates on the use of chemical products associated with this industry, from a consumer protection vantage point, the B&CP would be remiss in its responsibilities if this were eliminated.

Additionally, the B&CP does not have jurisdiction over the issue of air quality in its licensed establishments. Therefore, we do not have the authority to pursue this issue. In my previous letter I provided you with referrals to the Division of Occupational Safety and Health and the California Building Standards Commission. The Advisory Council members have additionally suggested you contact the Air Resources Control Board. You may contact them at 2020 L Street, P.O. Box 2815, Sacramento, CA 95812 to determine if they can assist you.

If I can be of assistance in the future please do not hesitate to contact me at the letterhead address noted above.

Sincerely,

Pamela Reed
Program Administrator

PR/sv
cc Members, Advisory Council

Beatrice Kaye

May 18, 1998

Pamela Reed
Program Administrator
Barbering and Cosmetology Program
P.O. Box 944226
Sacramento, CA 94244-2260

RE: Advisory Council Meeting/Salon Sanitation

Dear Miss Pamela Reed and Advisory Council Meeting

Both consumers and professionals are currently at risk due to health practices that are not being addressed. Artificial nails fumes that are present in salons are harmful. This is a much more important issue than the amount of hair on a floor.

Salon ownership and booth rental questions are just obfuscating the fact that "olfactory assault" is taking place every minute that consumers and professionals are in salons that are contaminated. Inadequate ventilation requirements and limited formulation changes cannot diminish risks.

The time for a serious discussion about the air quality problem that exits in beauty salons and nail salons is at hand. Unsuspecting consumers and professionals deserve to have their health taken more seriously.

I propose that the Advisory Council study the health problems of our professionals. I also would like to open debate on the reduction of salon pollution and the establishment of a designation for shops and salons that can be identified as clean air salons. I am also suggesting that it is time the licensing of professionals is more in line with the health and beauty.

I look forward to taking part in discussions regarding the above topics.

Sincerely,

Ila Hirsch

Ila M. Hirsch
President

IMH/RSC

cc: Pete Wilson, Governor
David Satcher, Assistant Secretary For Health

12970 San Vicente Boulevard ★ Los Angeles, California 90049
310 394-3277 ★ FAX 310 451-4469

Beatrice Kaye

September 16, 1998

Roger L. Mayer
President
Turner Entertainment Co.
1888 Century Park East 14th Floor
Los Angeles, CA 90067

Re: Beatrice Kaye Humanitarian Efforts

Dear Mr. Mayer,

Beatrice and I would very much like to thank you for your sincere and honest concern for both our company and our causes.

The Beatrice Kaye Company has always represented the highest quality of beauty care and products. Our "world renown company" is a classic just like the original MGM Studio films and particularly, "Gone With The Wind." Beatrice Kaye's natural nail manicuring products and techniques have brought beauty and health to many people and saved countless individuals from painful arthritic conditions.

Our company would very much appreciate any support in trying to save the lungs, organs and unborn fetuses of those that unsuspectingly use artificial nails in the pursuit of beautiful hands. Second hand cigarette smoke was a new concept a short time ago. Acrylic nails are harmful chemicals. We could never have sold out the health of future generations for present monetary gain. However, the time has come to ask for help in our efforts to inform the public about healthy hand hygiene. It is like David fighting Goliath.

Thank you again for any help in the area of recognition or publicity.

Sincerely,

Ila M. Hirsch.

IMH/RSC

encl.

cc: Senator Rick Santorum

12970 San Vicente Boulevard ★ Los Angeles, California 90049
310 394-3277 ★ FAX 310 451-4469

No Lift Nails®

CP99-1-2

CPSC/OFC OF THE SECRETARY
FREEDOM OF INFORMATION
1999 FEB 16 A 10

NO LIFT NAILS, INC. • (714) 897-0070 • (800) 779-6245 • FAX (714) 897-0409 • noliftnail@aol.com

2/10/99

To whom to it may concern,

The problem with child resistant caps, is that there are no caps available that will fit a 15 mm neck.
The 15 mm neck is important in that it does not allow the primer to spill all over the table when the bottle is tipped.
I sincerely feel that the majority of child injury cases were caused from parental neglect. Hopefully by placing child resistant caps on nail primer, this will not increase the sale of primer into the home, however, if they save one child from injury, it will be worth it.
It is our wish, that with the caps in place on the few primers taken into the households with small children that they will make a difference.
Now that we may have to go to a 20 mm neck in order to comply with your rule requiring child resistant caps, my concern , is with the manicurists that uses the primer everyday to make a living. When they are working with the primer, most professionals leave the cap off the bottle.
We respectfully recommend that you try and make it safer for them, by requiring that the primer sold, have a small orifice, so that when the bottle is spilled the primer will not run all over the table and onto there lap. We also recommend that primer not be sold in a bottle larger than 1/2 oz.
In twenty years of selling primer we have come to the conclusion that the 1/2 oz. bottle and the small orifice has saved many professional manicurists from the discomfort of a primer burn.
I know that when the rule goes into effect some companies will put their primer into a 1 oz. container with a 20 mm neck and sell it .
They may as well sell a loaded gun, because as sure as tomorrow, we will be having this same discussion, two or three years from now, about protecting adults from spillage.
Let's do it right this time around, since we will have child resistant caps, then can't you help us make it safe for the professional as well?

Sincerely ,

Larry Gaertner
No Lift Nails Inc.

5301 Business Drive • Huntington Beach, CA 92649

CP99-1-3

American Academy of Pediatrics

Reply To:
Department of Federal Affairs
American Academy of Pediatrics
The Homer Building
601 Thirteenth Street, NW
Suite 400 North
Washington, DC 20005
202/347-8600
800/336-5475
Fax: 202/393-6137
e-mail: kids1st@aap.org
http://www.aap.org

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Houston, Texas

Jon R. Almquist, MD
Federal Way, Washington

Lucy S. Crain, MD, MPH
San Francisco, California

Immediate Past President

Joseph R. Zanga, MD

March 11, 1999

Office of the Secretary
Consumer Product Safety Commission
4330 East-West Highway
Room 502
Bethesda, MD 20814-4408

RE: Proposed Rule on Requirements for Child-Resistant Packaging; Household Products Containing Methacrylic Acid (16 CFR Part 1700)

To Whom It May Concern:

On behalf of the American Academy of Pediatrics, I offer our support for the proposed rule requiring child-resistant packaging of household products containing more than five percent of methacrylic acid.

The American Academy of Pediatrics is an organization of 55,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults.

Methacrylic acid is commonly found in nail care products, specifically in the primers used to adhere acrylic nails to the natural nail surface. Its corrosive nature is capable of causing permanent disability or death. Children who are exposed face possible skin burn, oral and esophageal burns, nasal irritation and blindness. A significant complication following ingestion of methacrylic acid is esophageal stricture, which may produce lifelong swallowing difficulties and a risk for cancer of the esophagus. Between 1993 and 1995, methacrylic acid found in nail care products were the cause of 759 reports of exposure to poison control centers – with more than 74 percent occurring in children less than 6 years-old.

Because of the potential harm posed to children exposed to methacrylic acid and its common use in the home for nail care, the American Academy of Pediatrics supports the proposed rule requiring child-resistant packaging.

Sincerely,

Joel J Alpert, MD

Joel J. Alpert, MD, FAAP
President

JJA/kbf

CP99-1-4

AMERICAN BEAUTY ASSOCIATION

Comment Regarding Proposed Rule Requiring Child-Resistant Packaging; Household Products Containing Methacrylic Acid

63 Fed. Reg. 71800 (December 30, 1998)

The American Beauty Association ("ABA") is a non-profit, trade association representing over 200 manufacturers of professional-use salon products and over eighty percent (80%) of products sold in the professional salon industry. As the association representing manufacturers of products used in professional salons applications, ABA ordinarily does not comment upon matters involving consumer and/or household cosmetic products. However, ABA believes that every manufacturer of cosmetics and every association in the professional and consumer cosmetics industries must be concerned with preventing hazards to children that may result from any product.

ABA's and its members' commitment to safety is demonstrated by a long record of active participation in, and encouragement of, industry-wide safety programs. ABA expects compliance by all members with government safety requirements and programs and strongly encourages all companies to participate in voluntary programs directed toward cosmetic safety.

While ABA strongly affirms the need for, and efficacy of, voluntary industry actions supporting and preserving the safety of all products, ABA also supports reasonable and appropriate rules by federal and state agencies designed to assure the safety of products. Rules are useful and efficacious when promulgated within an agency's area of jurisdiction after full and fair consideration of all relevant data, including safety, scientific, feasibility, cost and other information bearing upon the need for the rule and the reasonableness of a particular proposal.

ABA finds that the Consumer Product Safety Commission has engaged in such a full and fair analysis in the proposed rule related to household products containing methacrylic acid. ABA submits that the Commission fairly weighed the hazards to children from household products containing methacrylic acid and properly considered those hazards in conjunction with a fair analysis of the practicality and feasibility of protecting children against the hazards. As a result, ABA supports the proposed rule related to household products and suggests adoption of the rule in the form proposed by the Commission.