

Official Information Act Request

Requester's details

Date: 14 July 2021

Name: [REDACTED]

Email: [REDACTED]

Reference number: ENQ-41801-X8C1R8

Dear [REDACTED]

Thank you for your Official Information Act (OIA) request, received on 16 June 2021:

"I am concerned after reading The Guardian article 'toxic 'forever chemicals' widespread in top makeup brands', dated 15 June 2021:

<https://www.theguardian.com/fashion/2021/jun/15/pfas-makeup-forever-chemicals>

Could you please advise whether makeup sold in New Zealand is safe i.e. doesn't contain dangerous levies of PFAS?

I ... have a particular interest in these ... MAC, Chanel, Dior, Revlon."

In New Zealand, cosmetic products that contain hazardous substances are regulated under the Hazardous Substances and New Organisms Act 1996 (HSNO Act). Under the HSNO Act, the Cosmetic Products Group Standard sets out the conditions that manufacturers and importers must comply with for their products to be considered approved for use in New Zealand. You can find this at: <https://www.epa.govt.nz/industry-areas/hazardous-substances/group-standards/2020-group-standards/?tag=583>

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large group of chemicals. Included in this group of PFAS chemicals are perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). These two chemicals and their related substances are not permitted in cosmetic products in New Zealand, as they are listed in Schedule 2A of the HSNO Act as persistent organic pollutants.

The Cosmetic Products Group Standard contains an exclusion in clause (5) of the group standard that prohibits persistent organic pollutants:

(5) This Group Standard excludes any substance if it contains-

(a) asbestos; or

(b) a chemical that:

(i) is a persistent organic pollutant within the definition in section 2 of the Act; or

(ii) exhibits the characteristics of a persistent organic pollutant as set out in paragraph 1 of Annex D to Schedule 1AA of the Act.

There is also an obligation in the Group Standard for cosmetic products to not cause harm.

The responsibility to comply with the requirements of the Cosmetic Products Group Standard sits with the importer and manufacturer. There are rules around the listing of ingredients in the Group Standard and the Hazardous Substances (Labelling) Notice 2017. If the EPA is made aware of any issues or instances of cosmetics containing banned substances, including PFOS and PFOA, we would undertake an investigation and appropriate compliance intervention if non-compliance with the rules was identified.

The EPA is working with the parties to the Stockholm Convention on Persistent Organic Pollutants to include other PFAS substances into the Stockholm Convention as persistent organic pollutants. This means they would also become banned substances in New Zealand.

The EPA does not hold any information relating to levels of PFAS in any of the four brands of cosmetic products you asked about.

I am therefore refusing this request under section 18(g), as the information is not held by the EPA and the EPA has no grounds for believing that the information is either held by another department or connected more closely with the functions of another department.

You have the right to seek an investigation and review by the Ombudsman of this decision. You can contact the Ombudsman on 0800 802 602, or by email at: info@ombudsman.parliament.nz

If you have any further queries, please do not hesitate to contact us via: ministerials@epa.govt.nz

We may publish your request and our response on our website, www.epa.govt.nz. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Yours sincerely



Dr Allan Freeth
Chief Executive