

Minnesota's ban on triclosan adds fuel to the chemicals debate

Ban puts pressure on companies to phase out the chemical used as an antibacterial agent, but the science on the danger it presents remains far from certain



Minnesota has banned triclosan, a commonly used anti-bacterial ingredient in consumer products. Photograph: Sarah Lee

Leigh Stringer

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"Although many people have never heard of triclosan, most of us have it in our bodies", says state senator John Marty, who supported Minnesota's recent ban of the controversial chemical. The first state to do so, Minnesota's decision, he says, "adds to the growing pressure on personal care product manufacturers to phase it out".

Unilever, Procter & Gamble and Johnson & Johnson, all large corporate players in the personal care products industry, have either limited the use of triclosan in their products or announced plans to phase it out. But their decisions have been largely based on consumer concern rather than scientific evidence and legislation. All three dispute claims that triclosan is unsafe for humans.

The debate started in the 70s, when triclosan was first introduced in a surgical scrub. Since then, it has become the most commonly used antibacterial ingredient in consumer products worldwide. And with its increasing level of use, scrutiny of the chemical has followed. Some studies suggest that triclosan is now found throughout the environment, including surface waters, soil, fish tissue, even human breast milk. One study claims that triclosan was found in

75% of urine samples from more than 2,000 people analyzed.

Despite this, the US Food and Drug Administration (FDA) suggested in 2010 that triclosan was not known to be hazardous to humans but did acknowledge that several scientific studies have surfaced since its last review of the substance. The FDA is taking into account these latest studies in its current review of triclosan.

“Despite strong industry pressure, I would guess that the agency will continue to study the issue for a couple more years before negotiating a “voluntary agreement with the industry” to stop adding triclosan,” says senator Marty. He adds that the FDA “almost never actually bans products - they let the industry voluntarily withdraw the product without acknowledging that the health risks were well founded”.

In another twist, studies, including the FDA's, claim there is no evidence that triclosan in antibacterial soaps and body washes provides any benefit over washing with regular soap and water. Unilever, Johnson & Johnson and Procter & Gamble all failed to respond to the Guardian's request for comment on these studies.

Consumers come first

Global health care company Johnson & Johnson, which produces several popular skin and body care products, says triclosan's ability to block a key bacterial enzyme is what makes it so effective, and because humans lack that enzyme, “no known evidence has shown a risk to human health”. Wanting its consumers to have “peace of mind” however, Johnson & Johnson says it is continuing its research program to discover new alternatives and has committed to phasing out the use of triclosan in its products by 2015.

Again, despite defending its safety, consumer product company Procter & Gamble also decided to eliminate triclosan from its few products containing it, this year.

Beauty and personal care company Avon announced in April its own phase-out plan. “Although scientific evidence supports the safe use of triclosan in consumer products, we have made this decision based on the preferences expressed by some of our customers for products without triclosan,” it states. Avon says it is no longer using triclosan in new product development and it has begun replacing the chemical in existing products.

Also involved in the debate is Unilever, which says that triclosan is an effective anti-bacterial ingredient, which “we use in a limited number of products where it has a clear role in maintaining health and hygiene”. According to the company, its Safety and Environmental Assurance Centre (SEAC) continually reviews the latest scientific data and it is “confident that triclosan is safe at the level used in our products”.

Many companies feel regulating or restricting certain substances can be a significant challenge, in terms of the complexity of removing or replacing a substance and the associated costs. “You

have a lot of people with a lot of vested interest in the economics of an existing chemical”, says Michelle Harvey, senior retail project manager at the Environmental Defense Fund (EDF).

“There is a real level of disagreement as to what the risk of certain chemicals of concern really is and whose science is better,” she adds. However, when the science is suggesting a substance is dangerous to humans, “you need to err on the side of that being right”. She adds that in the chemicals industry there is a grey area that creates “a lot of toing and froing” between the corporate and science communities.

“We believe that companies that want to do the right thing are leaning in the direction of constricting chemicals in the products they sell, including restrictions that drive towards greener chemistry. Because they realize that this is what their customers expect of them,” says Harvey.

Managing chemicals

The attention triclosan has received recently is likely to push chemical management further up the corporate sustainability agenda. With tighter chemical regulation being introduced in the US, companies, particularly those in the cosmetics and personal care products industry, are having to ensure their sustainability strategies incorporate robust chemical management plans.

Along with Minnesota's ban, Vermont recently passed into law the Toxic-Free Families Act, which, as well as listing chemicals of concern, gives the state the ability to enforce substitution of potentially hazardous chemicals. California also recently progressed its own chemical restriction rules requiring manufacturers to reduce toxins in some household items.

But it is Minnesota's “bold law”, which requires the phase out of triclosan in consumer soaps by 2017, says senator Marty, that could bring around national awareness of other potentially hazardous chemicals and the importance of chemical management. “The real impact of this legislation will likely occur long before the ban takes effect in 2017, by encouraging other states to adopt similar bans and by increasing pressure on the industry to stop using triclosan,” he says.

Currently, legislation restricting triclosan in other states is only pending in New York but with the likes of Vermont and California cracking down on the use of chemicals of concern, a domino effect is a real possibility. The implications of the ban are twofold, says Sarah Doll from Safer States, a network of diverse environmental health coalitions and organizations. “One, it sends a strong signal to the marketplace and we are likely to start seeing more “triclosan free” products available. And two, I would anticipate that next state legislative season (beginning in 2015) you will see more state legislatures picking up the issue. I base these statements on my experience with other state ban bills, for example BPA, phthalates etc”.

However, senator Marty describes the US regulatory system as “one that does not operate under a “precautionary” approach, where regulators err on the side of public safety when

determining whether it is acceptable to use a chemical like triclosan”.

He says, instead it tends to allow chemicals or products to be produced and sold, even if there are health concerns, until there is very strong, almost incontrovertible, evidence that the product will cause significant harm.

“This is problematic when the public assumes that government regulators would not allow people to sell products that may harm them. Nevertheless, that is the reality,” he adds.

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