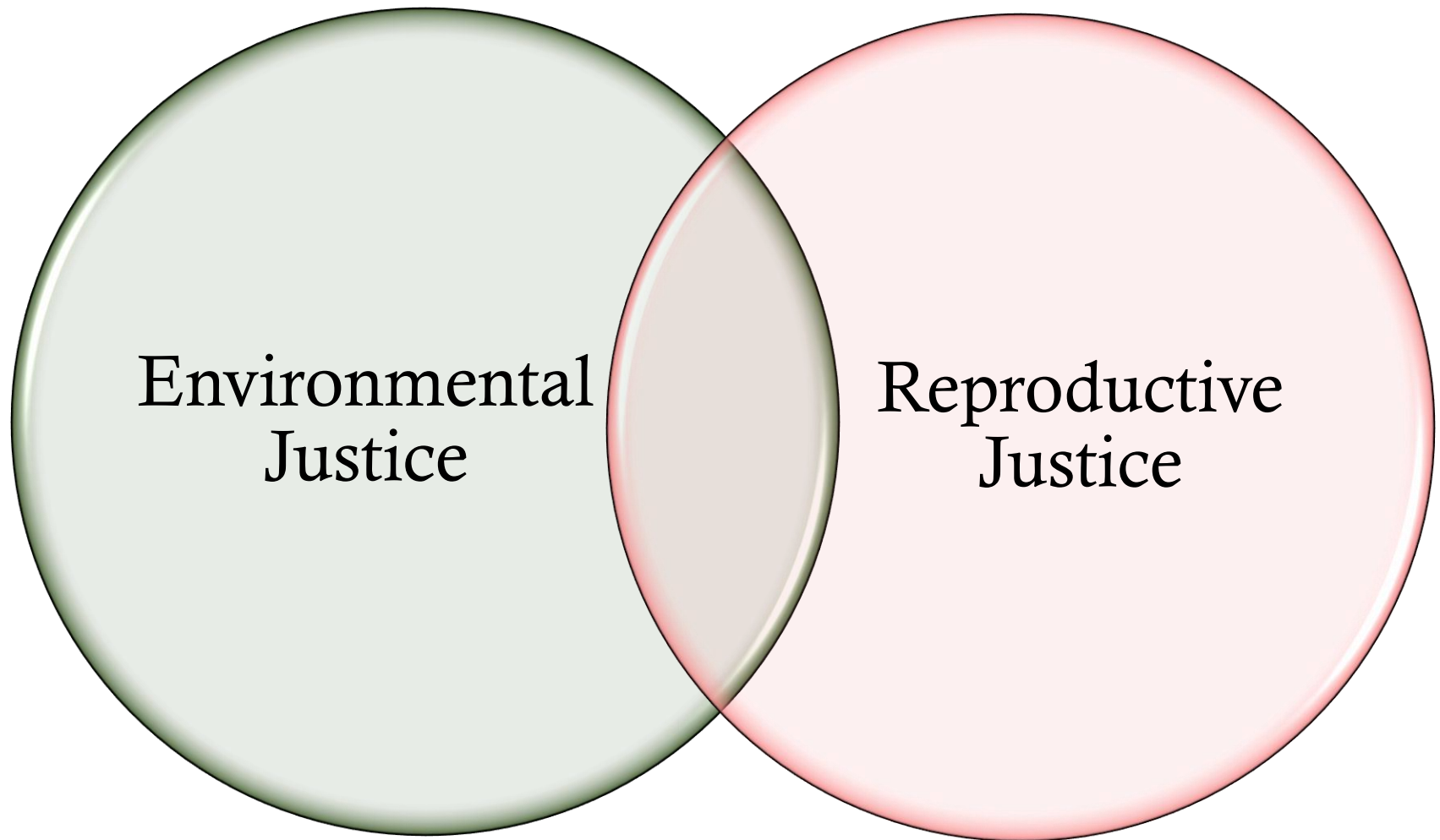


Endocrine-Disrupting Chemicals: A Reproductive Justice Issue

Health Law Professors Conference
“Building a Healthier Environment”
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Example:

[Pregnant Workers and the Climate Crisis](#), 91 Tenn. L. Rev. 431 (2024).



Environmental
Justice

Reproductive
Justice



The diagram consists of two concentric circles. The inner circle is light red and contains the text 'Reproductive Justice'. The outer circle is light green and contains the text 'Environmental Justice' at the bottom. The circles have a slight 3D effect with shadows.

Reproductive
Justice

Environmental
Justice



Justice

Roadmap

- What are endocrine-disrupting chemicals (EDCs)?
- How do they affect health (including reproductive health)? (EDCS are a reproductive justice issue!)
- How are they currently regulated in the United States?
- What would a reproductive justice approach look like?

What are endocrine-disrupting chemicals (EDCs)?

Substances in the environment (air, soil, or water supply), food sources, personal care products, and manufactured products that interfere with the normal function of the body's endocrine system

—*Endocrine Society*

What are endocrine-disrupting chemicals (EDCs)?

- [Diethylstilbestrol \(DES\)](#) (prescribed 1940–1971 to prevent miscarriage, premature labor, and related complications of pregnancy)
- [Phthalates](#) (plastics, cosmetics, personal care products, children's toys)
- [Parabens](#) (preservatives in cosmetics, pharmaceuticals, foods, and beverages)
- [Triclosan](#) (antimicrobial agent in soaps, sanitizers, personal care products)
- [BPA](#) (plastics and some canned food and beverage linings)
- [PFAS](#) ("[forever chemicals](#)"; nonstick pans, paper, and textile coatings)
- [Bonded to microplastics](#)
- Many more . . .

Phthalates in personal care products

5 Second Bite Free Nail Treatment

- Contains dibutyl phthalate (DBP)

–[Environmental Working Group](#)
(April 2024)



Phthalates in food (likely leached from packaging and manufacturing equipment)

Annie's Homegrown Macaroni & Cheese

- Contains trace phthalates
- First discovered 2017
- General Mills committed to eliminate in 2021

—see [*N.Y. Times*](#)



Parabens in cosmetics

L'Oreal Paris
Telescopic Precision
Liquid Eyeliner,
Carbon Black

- Contains
butylparaben,
isobutylparaben,
propylparaben
 - [Environmental Working Group](#)
(November 2022)



Parabens in personal care products

Bee Naturals Ultimate Foot Creme

- Contains isopropylparaben, isobutylparaben, butylparaben
 - [Environmental Working Group](#)
(August 2022)



How do EDCs affect health (including reproductive health)?

Phthalates linked to:

- [Infertility](#)
- [Preterm birth](#)
- [Breast cancer](#)
- [Adverse effects on offspring genital development](#)
- [Adverse effects on offspring neurodevelopmental and neurobehavioral outcomes](#)

Parabens linked to:

- [Preterm birth](#)
- [Lower birthweight](#)
- [Breast cancer](#)
- [Adverse effects on offspring genital development](#)

EDCs are a reproductive justice issue.

- Implicate [the right to have a child](#)
- Implicate [the right to parent one's child with dignity](#)
- Structural, not individual

→ *E.g., socially expected use of personal care products is a structural issue that can be considered from economic, gender, race, and environmental angles.*

See [Jespersen v. Harrah Operating Co.](#), 444 F.3d 1104 (9th Cir. 2006) (en banc) (upholding employer policy requiring that women wear facial makeup).

How are EDCs currently regulated in the United States?

Phthalates:

- [Consumer Product Safety Improvement Act](#) (2008), and [Consumer Product Safety Commission regulations](#) (2017) (setting concentration limits in children's toys and child care items)

How are EDCs currently regulated in the United States?

Phthalates:

- Environmental Protection Agency regulations under [Toxic Substances Control Act](#) (DnPP monitoring and limitation), [Safe Drinking Water Act](#) (DEHP concentration limit), [Clean Air Act](#) (DBP, DMP, DEHP regulated), [Recovery Conservation and Recovery Act](#) (DBP, DEHP, DEP, DMP, DINP, BBP regulated as hazardous waste), [Emergency Planning and Community Right-to-Know Act](#) ([Toxic Release Inventory](#) reporting requirement for release of DBP, DEHP, DMP, DINP, others), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) (reporting requirement and [Superfund](#) cost recovery for certain phthalates)

How are EDCs currently regulated in the United States?

Phthalates:

- Food & Drug Administration regulations under [Federal Food, Drug, and Cosmetic Act](#) for [bottled water](#) (setting concentration limits for DEHP) and for [food packaging](#) (banning food contact use of 23 phthalates and two other substances, but after abandonment of those chemicals by industry), [Fair Packaging and Labeling Act](#) and [Modernization of Cosmetic Regulations Act](#) for cosmetics (requiring ingredient disclosure)

How are EDCs currently regulated in the United States?

Phthalates:

- States
 - California [Prop 65](#) (warning requirement)
 - Maine [Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging](#) (bans intentional additions of phthalates to food packaging), [regulation on children's products](#) (requiring reporting of intentional addition of 4 phthalates to children's products)
 - Minnesota [Toxic Free Kids Act](#) (maintains lists of concerning chemicals, including phthalates, for outreach and education purpose)
 - New York [phthalate legislation](#) (similar to federal Consumer Product Safety Improvement Act and sets concentration limits in children's toys and child care items)

How are EDCs currently regulated in the United States?

Phthalates:

- States
 - Oregon [Toxic Free Kids Act](#) (requiring reporting and removal of 6 phthalates in children's products)
 - Vermont [law on chemical disclosure for children's products](#) (requiring reporting of inclusion of listed phthalates in children's products)
 - Washington [Children's Safe Products Act](#) (similar to federal Consumer Product Safety Improvement Act and sets concentration limits in children's toys and child care items), [Toxic-Free Cosmetics Act](#) (bans intentional additions of phthalates to cosmetics effective 2025)

How are EDCs currently regulated in the United States?

Parabens:

- Food & Drug Administration regulations under [Fair Packaging and Labeling Act](#) and [Modernization of Cosmetic Regulations Act](#) for cosmetics (requiring ingredient disclosure)
- States
 - Oregon [Toxic Free Kids Act](#) (requiring reporting and removal of 4 parabens in children's products)
 - Vermont [law on chemical disclosure for children's products](#) (requiring reporting of inclusion of listed parabens in children's products)
 - Washington [Children's Safe Products Act](#) (similar to federal Consumer Product Safety Improvement Act and sets concentration limits on 4 parabens in children's toys and child care items)

How are EDCs currently regulated in the United States?

Litigation on phthalates and parabens:

- [Hair relaxer multi-district litigation, MDL-360 \(N.D. Ill.\)](#) (8000+ personal injury lawsuits) (phthalates)
- [Annie's / General Mills macaroni & cheese lawsuits](#) (false advertising) (phthalates)
- [Sephora class action](#) (false advertising) (parabens and phthalates)
- [California Prop 65 lawsuits](#) (failure to comply with warning requirement) (phthalates)

What would a reproductive justice approach look like?

- NOT relying on individual responsibility



What would a reproductive justice approach look like?



What would a reproductive justice approach look like?



What would a reproductive justice approach look like?

- The same fronts:
 - Legislation
 - Regulation
 - Litigation
 - Advocacy and public consciousness-raising
- Reproductive rights and justice advocates and scholars can prioritize attention to advocacy on EDCs among other issues (including strategies and frameworks that environmental justice advocates and scholars use).
- Environmental advocates and scholars can prioritize attention to EDCs with reproductive health harms (including strategies and frameworks that reproductive rights and justice advocates and scholars use).

Thank you for your attention!

Please feel free to contact me with your comments and feedback:

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