

111TH CONGRESS
1ST SESSION

H. R. 2088

To require the Food and Drug Administration to finalize a standard for broad-spectrum protection in sunscreen products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2009

Mrs. LOWEY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Food and Drug Administration to finalize a standard for broad-spectrum protection in sunscreen products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Skin Cancer Preven-
5 tion, Education, and Consumer Right-To-Know Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) Skin cancer is a growing epidemic in the
9 United States with more than 1,000,000 new cases
10 diagnosed each year.

1 (2) About 10,000 Americans die each year from
2 skin cancer.

3 (3) The most deadly form of skin cancer, mela-
4 noma, has tripled among Caucasians since 1980.

5 (4) One in five Americans and one in three
6 Caucasians will develop skin cancer in the course of
7 a lifetime.

8 (5) A person's risk for skin cancer doubles if he
9 or she has had five or more sunburns.

10 (6) More than 90 percent of all skin cancers are
11 caused by sun exposure, yet fewer than 33 percent
12 of adults, adolescents, and children routinely use sun
13 protection.

14 (7) Most skin cancer is caused by prolonged ex-
15 posure to the ultraviolet rays from the sun. This in-
16 visible radiation is classified as UVA radiation and
17 UVB radiation.

18 (8) UVB radiation is the chief cause of sunburn
19 and skin cancer.

20 (9) UVA radiation is more constant, year-
21 round, and penetrates the skin more deeply, causing
22 both premature aging and skin cancer.

23 (10) Current United States sunscreen stand-
24 ards set by the Food and Drug Administration

1 (FDA) require protection from UVB radiation but
2 not UVA radiation.

3 (11) The current United States sunscreen
4 standards provide a false sense of security to Ameri-
5 cans, since their sunscreen is protecting successfully
6 against sunburn, but not adequately against other
7 forms of skin damage, including skin cancers. Con-
8 sumers may wrongly believe that their sunscreen is
9 sufficiently protecting them and therefore stay in the
10 sun longer.

11 **SEC. 3. EFFECTIVE DATE FOR RULE RELATING TO SUN-**
12 **SCREEN DRUG PRODUCTS FOR OVER-THE-**
13 **COUNTER HUMAN USE.**

14 Notwithstanding subchapter II of chapter 5, and
15 chapter 7, of title 5, United States Code (commonly known
16 as the “Administrative Procedure Act”) and any other
17 provision of law, the proposed rule issued by the Commis-
18 sioner of Food and Drugs entitled “Sunscreen Drug Prod-
19 ucts for Over-the-Counter Human Use; Proposed Amend-
20 ment of Final Monograph”, 72 Fed. Reg. 49070 (August
21 27, 2007), shall take effect on the date that is 180 days
22 after the date of enactment of this Act, unless such Com-
23 missioner issues the final rule, which includes formulation,
24 labeling, and testing requirements for both ultraviolet B

1 (UVB) and ultraviolet A (UVA) radiation protection, be-
2 fore such effective date.

3 **SEC. 4. EDUCATION.**

4 (a) EDUCATION.—The Secretary of Health and
5 Human Services shall implement a general, nationwide
6 education campaign identifying the risks posed by sun ex-
7 posure without the use of a sunscreen providing broad-
8 spectrum protection.

9 (b) CONTENTS.—The education campaign under this
10 section shall be designed to increase the level of knowledge
11 and awareness among the general public of the causes of
12 skin cancer, the risks posed by unprotected sun exposure,
13 the respective roles of ultraviolet B (UVB) and ultraviolet
14 A (UVA) radiation in the development of skin cancer, the
15 effective application of sunscreen, and the promulgation
16 under section 3 of the standard requiring broad-spectrum
17 protection in sunscreen products.

18 (c) DURATION.—The education campaign under this
19 section shall be implemented for not less than one year.

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