

Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

SB 754 (Durazo) – As Amended June 24, 2025

SENATE VOTE: 39-0

SUBJECT: Menstrual products: disposable tampons and pad products: chemicals of concern

SUMMARY: Requires a manufacturer of disposable tampons or menstrual pads to maintain information regarding the concentrations of lead, arsenic, cadmium, and zinc in their products and to provide that information to the Department of Toxic Substances Control (DTSC) upon request. Specifically, **this bill:**

- 1) Requires a manufacturer of disposable tampons or pad products to, on or before December 31, 2026, maintain information regarding the concentrations of lead, arsenic, cadmium, and zinc in their products.
- 2) Authorizes DTSC to, on or before January 1, 2027, determine additional chemicals of concern in disposable tampons or pad products and publish on its internet website a list of those chemicals.
- 3) Authorizes DTSC to make its determination of additional chemicals of concern in disposable tampons or pad products (per above) pursuant to either, or both, of the following:
 - a) The Safer Consumer Products Regulations; and/ or,
 - b) A finding that both of the following criteria have been met:
 - i) The chemical of concern has been present or detected in disposable tampon or pad products; and,
 - ii) The chemical of concern has been found to have adverse public health impacts.
- 4) Authorizes DTSC to, on or before January 1, 2028, require a manufacturer of disposable tampons or pad products to maintain information regarding the concentrations of additional chemicals of concern determined pursuant to the process delineated in (3) above.
- 5) Authorizes DTSC to publish on its internet website a list of acceptable testing methods, frequencies for testing, and appropriate third-party laboratory accreditations, for the testing of disposable tampon or pad products for the presence of chemicals of concern, as follows:
 - a) For lead, arsenic, cadmium, and zinc, on or before July 31, 2026; and,
 - b) For additional chemicals determined by the DTSC, on or before January 1, 2027.
- 6) Authorizes DTSC to update the list of accepted testing methods as it deems necessary.
- 7) Requires a manufacturer to, upon request from DTSC, provide any technical documentation, including test methods and analytical test results, to assess the concentrations of listed chemicals in their disposable tampon or pad products.

- 8) Authorizes DTSC to also conduct its own tests to confirm the manufacturer's results, or to contract with third-party laboratories for that testing. Requires the manufacturer to pay for the costs of DTSC's testing of the manufacturer's products before the testing is conducted.
- 9) Requires that any charges collected by DTSC pursuant to this bill be deposited into the existing Take All Menstrual Product-PFAS Out Now (T.A.M.P.O.N.) Act Fund, to be made available, upon appropriation by the Legislature, to DTSC for the purposes of implementing the provisions of this bill, including, but not limited to, the administration of chemical testing pursuant to, and the oversight of manufacturers' compliance with, this bill.
- 10) Authorizes DTSC to publish any analytical test results received from manufacturers or obtained through its own testing, along with any departmental analysis of these results; and, to provide information regarding the potential health impacts associated with the presence of specific chemicals in disposable tampon or pad products by making the information available to the public in a searchable format on DTSC's internet website.

EXISTING LAW:

- 1) Under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65):
 - a) Prohibits a person, in the course of doing business, from knowingly discharging or releasing a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water;
 - b) Prohibits a person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual; and
 - c) Requires the Governor to publish a list of chemicals known to cause cancer or reproductive toxicity and to annually revise the list. (Health and Safety Code (HSC) § 25249.5 et seq.)
- 2) Under the Safer Consumer Products (Green Chemistry) statutes:
 - a) Requires DTSC to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered chemicals of concern, as specified;
 - b) Requires DTSC to adopt regulations to establish a process to evaluate chemicals of concern in consumer products, and their potential alternatives, to determine how to best limit exposure or to reduce the level of hazard posed by a chemical of concern; and,
 - c) Specifies, but does not limit, regulatory responses that DTSC can take following the completion of an alternatives analysis, ranging from no action, to a prohibition of the chemical in the product. (HSC § 25252, et seq.)
- 3) Prohibits, under the T.A.M.P.O.N. Act, a person from manufacturing, distributing, selling, or offering for sale any menstrual product that contains perfluoroalkyl and polyfluoroalkyl substances (PFAS); requires manufacturers of menstrual products to provide specified information to DTSC; and, requires DTSC to adopt regulations to implement, interpret, and enforce this prohibition. (HSC § 25258, et seq.)

- 4) Requires a package or box containing menstrual products manufactured on or after January 1, 2023, for sale or distribution in the state to be labeled with all intentionally added ingredients in the product by weight and requires this information to be posted on the internet. (HSC § 111822, et seq.)
- 5) Under Safer Consumer Product (Green Chemistry) Regulations:
 - a) Identifies a chemical as a candidate chemical if it exhibits a hazard trait and/or an environmental or toxicological endpoint, and meets one or both of the following criteria:
 - i) The chemical is on one or more of specified lists; and/ or,
 - ii) The chemical is one or more of specified types of chemicals (e.g. chemicals for which primary maximum contaminant levels have been established and adopted; chemicals identified as toxic air contaminants; chemicals that are identified as priority pollutants in California water quality control plans; priority chemicals that are identified under the California Environmental Contaminant Biomonitoring Program). (22 California Code of Regulation (CCR) § 69502.2)
 - b) Designates a candidate chemical that is the basis for a product-chemical combination being listed as a priority product as a chemical of concern for that product. (22 CCR § 69503.5(b)(2)(B))

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, "Tampons have existed for nearly 100 years, and pads for over 150. Disposable menstrual products are used by 9 million people in California, including 1 million children, in one of the most sensitive and permeable areas of the body. Yet research consistently finds new chemicals in them.

SB 754 requires manufacturers to disclose the concentrations of potentially harmful chemicals in their products to [DTSC]. This bill also allows the DTSC to publish these results along with their own analyses, providing researchers with valuable information about the concentrations of chemicals in these products. By ensuring access to information, SB 754 helps safeguard our public health and empowers consumers to make informed decisions about their personal health products."

Menstruation and menstrual products: Half of the world's population has experienced or will experience menstrual bleeding, a physiologic process that occurs, on average, every 24 – 38 days over four decades of a menstruating person's life. Menstrual products are essential to managing menstrual bleeding. From menarche (average age 12 years) until menopause (average age 52 years), the average menstruator in the United States (U.S.) will use approximately 11,000 menstrual products resulting in a total of about 1800 days (about a solid 5 years) of exposure to those products over a lifetime. In the U.S., sales of tampons and menstrual pads, the most commonly used menstrual products, exceeded \$2.8 billion in the year 2018 alone, with nearly 600 million units sold.

Exposure from menstrual product use: According to the 2022 article, "Menstrual products as a source of environmental chemical exposure: A review from the epidemiologic perspective," published in *Current Environmental Health Reports*, "It is biologically plausible that

environmental contaminants in contact with vaginal and vulvar epithelium can be absorbed and pass into systemic circulation." The article describes that the vaginal epithelium is comprised of a mucosal membrane that is permeable to a range of compounds, and the vagina's numerous folds increase the absorbing surface area. Furthermore, the vagina is well-vascularized and chemicals absorbed by the vagina bypass first-pass metabolism by the liver, and, therefore, directly enter systemic circulation. Because of the efficiency of vaginal absorption and systemic drug transport through this process, vaginal medication is often administered to provide prolonged, continuous drug delivery throughout the body. The list of medications administered vaginally is growing, including vaginal rings for hormonal contraception and hormone therapy.

Of particular concern is the fact that, by the very nature of menstruation, menstrual products are used by people of reproductive age; therefore, environmental exposure through menstrual products could potentially impact unborn children, as well as the person using the menstrual product. Also, experts are particularly concerned about the effects of exposure to chemicals during phases when the body is especially vulnerable, such as when someone gets their first period or is pregnant or is in menopause transition. During these times, the body and brain undergo major shifts, making them extra sensitive to endocrine disrupters and other chemicals.

Contaminants in menstrual products: While menstruation and its importance in environmental health has long been overlooked in epidemiological research, several recent studies, including literature reviews, have found many environmental chemicals and metals in menstrual products. For example, the authors of the study, "Chemicals in menstrual products: A systematic review," published in September 2023, in *BJOG: An International Journal of Obstetrics & Gynaecology*, conducted a review of the literature to determine exposure to environmental chemicals in menstrual products, and found that, "Menstrual products contained measurable levels of a range of endocrine disrupting chemicals including phthalates, phenols and parabens. This reflects a potentially important route of exposure to chemicals that can impact women's reproductive health." In addition to the chemicals mentioned above, the 2022 *Current Environmental Health Reports* article reported that dioxins, fragrances, bisphenols, triclocarban, glyphosate, volatile organic compounds, and other environmental chemicals have been detected in menstrual products. Many of these chemicals have been associated with cancer, endocrine disruption, and reproductive effects.

Toxic, heavy metals have also been found in menstrual products. The study, "Tampons as a source of exposure to metal(loid)s," published in 2024 in *Environment International*, found measurable concentrations of all 16 metals assessed (arsenic, barium, calcium, cadmium, cobalt, chromium, copper, iron, manganese, mercury, nickel, lead, selenium, strontium, vanadium, and zinc) in tested tampons. The authors of this study concluded, "Tampon use is a potential source of metal exposure. We detected all 16 metals in at least one sampled tampon, including some toxic metals like lead that has no "safe" exposure level." Of particular concern is that the study's authors found lead in all the tested tampons. The authors note, "There is no safe exposure level to [lead]; any proportion of [lead] that may leach out of a tampon and reach systemic circulation might contribute to negative health outcomes... [Lead] is associated with numerous adverse neurological, renal, cardiovascular, hematological, immunological, reproductive, and developmental effects. Of particular note, even low-level exposure to [lead] can result in neurobehavioral impacts in adults and children, including decreased cognitive function such as impaired attention, memory, and learning ability." The heavy metals found in tampons in the study are carcinogens, and/ or are associated with adverse neurological, cardiovascular, respiratory, immunological, reproductive, or developmental health impacts.

How do metals get in to menstrual products? The 2023 *BJOG: An International Journal of Obstetrics & Gynaecology* study described that there are several routes through which metals can be introduced to tampons. First, the raw materials used in tampons, such as cotton, rayon, or viscose, may be contaminated during plant growth and production (e.g., through atmospheric deposition, wastewater application, etc.). Second, tampons may be contaminated with metals from water during the manufacturing process (e.g., water in the European Union and the U.S. is sometimes contaminated with lead). Third, metals may be intentionally added to tampons during manufacturing for various purposes, including as antimicrobial agents designed to release from the tampon when it absorbs liquid (menstrual blood), for odor control, or as lubricants to aid in smooth insertion.

Federal regulation of menstrual products: In the U.S., the Food and Drug Administration (FDA) regulates menstrual tampons and pads as medical devices. Before menstrual products can be legally sold in the U.S., they must go through the FDA's review process to determine whether they are as safe and effective as (substantially equivalent to) legally marketed menstrual products; however, the 2023 *BJOG: An International Journal of Obstetrics & Gynaecology* study notes that, "[U.S.] regulations around tampons are not extensive and do not require regular product testing... there is no requirement to test tampons for chemical contaminants, and the FDA only recommends [not requires] that tampons not contain two dioxin compounds or pesticide residues."

In response to the 2023 *BJOG: An International Journal of Obstetrics & Gynaecology* study on tampons, the FDA commissioned an independent, systematic, literature review and initiated a laboratory study on metals in tampon materials. The FDA concluded, "Although limitations were identified in the literature review, as is common, the findings did not identify safety concerns associated with tampon use and contaminant exposure. The FDA continues to recommend FDA-cleared tampons as a safe option for use as a menstrual product." The author notes, "In the FDA's literature review, which looked to find all research on exposure to contaminants via tampons from 2004 to 2024, they were only able to find nine studies. In the five of those studies that reported race/ethnicity, only two included Latinos, and only one included Asian Americans. Their conclusion was that 'additional studies are needed to illuminate the relationships between vaginal tampon use and exposure to contaminants.'"

Recent state action on toxics in menstrual products: Due to increased awareness and concern about toxics in menstrual products, the California legislature recently passed, and Governor Gavin Newsom signed, Assembly Bill (AB) 2515 (Papan, Chapter 1008, Statutes of 2024), which prohibits a person from manufacturing, distributing, selling, or offering for sale any menstrual product that contains regulated PFAS, and AB 1989 (Garcia, Chapter 272, Statutes of 2020), which requires a package containing menstrual products manufactured on or after January 1, 2023, to have printed on the label a plain and conspicuous list of all ingredients, as defined, in the product, by weight. AB 1989 also requires the same information to be posted on an internet website.

Administratively, DTSC implements the California Safer Consumer Products (SCP) Program, the goal of which is to advance the design, development, and use of products that are chemically safer for people and the environment. DTSC's website currently states, "We are conducting screening research on menstrual products, including pads and tampons, for the presence of Candidate Chemicals. Menstruating individuals come into intimate contact with menstrual

products multiple times a month for up to 40 years over a lifespan, resulting in high exposure to Candidate Chemicals through these products. We plan to release a public background document in early 2025 and hold a public workshop to share our findings." (The SCP Regulations define a Candidate Chemical as a chemical that exhibits a "hazard trait and/or an environmental or toxicological endpoint" and is found on one or more of the authoritative lists specified). No public background document on menstrual products is currently posted on DTSC's SCP webpage, and no public workshop on this topic has been held, to the knowledge of the Committee.

According to the author's office, "In 2020, the Menstrual Products Right to Know Act (AB 1989) mandated that manufacturers disclose intentionally added ingredients in menstrual products. However, this law does not include the unintended contaminants—such as lead and phthalates—that pose significant health risks. In August of 2024, a study found average concentrations of lead in tampons at 120 ppb, when the federal limit for lead in drinking water is 15 ppb. This is concerning because the vagina is highly permeable, and chemicals absorbed vaginally bypass detoxification by the liver, which can lead to greater bioavailability compared to oral absorption. In short, despite the potential for higher absorption through the vagina than the mouth, lead concentrations in tampons were found to exceed the limit for drinking water by eight times. In addition, phthalates—linked to numerous health concerns, and associated with plastic products—have been found in higher concentrations in menstrual pads than even common commercial plastic products. These findings highlight a need for greater transparency and accountability in the menstrual product industry."

This bill: This bill requires a manufacturer of disposable tampons or pad products to maintain information regarding the concentrations of the metals lead, arsenic, cadmium, and zinc in their disposable tampon or pad products and to provide that information to DTSC upon request. It also authorizes DTSC to publish any analytical test results received from manufacturers or obtained through its own testing, along with any departmental analysis of these results; and, to provide information regarding the potential health impacts associated with the presence of specific chemicals in disposable tampon or pad products by making the information available to the public in a searchable format on DTSC's internet website. This bill authorizes DTSC to also conduct its own tests to confirm the manufacturer's results, or to contract with third-party laboratories for that testing, and then requires the manufacturer to pay for the costs of DTSC's testing before the testing is conducted.

Arguments in support: The Los Angeles County Sanitation Districts writes in support of the bill, "Harmful chemicals and toxic heavy metals have been found in menstrual products, and while some of these substances are intentionally added, others result from contamination during manufacturing. Exposure to these chemicals is linked to serious potential health issues, including cancer and reproductive harm. Menstrual products are often flushed down the drain or sent to solid waste facilities when disposed of in the trash. In landfills, these products break down and can result in chemical-laden leachate (rainwater that filters through waste), which is collected for proper treatment at wastewater treatment facilities. SB 754 would require manufacturers to disclose the concentrations of potentially harmful chemicals in their products to DTSC, making the information available to the public. As passive receivers, the Sanitation Districts believe this would help safeguard public health by enhancing transparency, while also potentially reducing the presence of these chemicals entering waste streams and the environment."

The American College of Obstetricians and Gynecologists writes in support of this bill, "As OB-GYNs, we understand the risks of prolonged exposure to toxic substance, especially when used in sensitive areas of the body such as the vaginal canal. Despite widespread use of these products by millions of Californians, particularly adolescents and underserved populations, there remains a troubling gap in testing, regulation, and transparency. SB 754 helps close that gap by establishing a proactive, science-based framework for oversight and public awareness."

Planned Parenthood Affiliates of California (PPAC), writes in support of this bill, "PPAC supports science-based policies that aim to reduce human exposure to hazardous chemicals that have been found to cause cancer and damage to the reproductive health system and/or fetal development. PPAC also supports efforts to reduce environmental hazards that have a negative impact on public health, and particularly on reproductive health... In 2020, the Menstrual Products Right to Know Act became law (AB 1989, Chapter 272, Statutes of 2020), requiring that manufacturers of menstrual products disclose all ingredients in their products beginning in 2023. However, disclosure of intentionally added ingredients does not require disclosure of unintentional contaminants, which can include heavy metals such as lead, arsenic, and cadmium, plasticizers, volatile organic compounds, pesticides, and fragrances, among others... SB 754 takes a proactive approach to address this by facilitating monitoring and reporting of the levels of potentially dangerous chemicals in menstrual products. By requiring manufacturers to provide information to [DTSC], this bill empowers the state to better monitor chemicals of concern and ensure that menstrual products are safe for consumers. This will increase accountability and encourage manufacturers to take the necessary steps to remove or lower the concentration of potentially harmful substances in their products."

Arguments in opposition: A coalition of opponents including the California Manufacturers & Technology Association (CMTA), the American Chemistry Council, and the Consumer Healthcare Products Association, write in an "opposed unless amended" position:

"... [DTSC] is currently looking at menstrual products as part of their 2024-2026 Priority Product Work Plan via the Beauty, Personal Care, and Hygiene Products category. Additionally, in July 2024 a tampons study was released by researchers from Columbia University, University of California Berkeley and Michigan State University. In light of that study, the [FDA] commissioned an independent contractor to undertake a thorough literature review to assess any possible links between tampon use and adverse health effects. In December 2024, FDA released its findings and did not identify any safety concerns. The FDA continues to recommend FDA-cleared tampons as a safe option for menstrual protection...

SB 754 requires manufacturers, by December 31, 2026, to maintain information about the concentrations of specified chemicals, while allowing [DTSC] to determine additional chemicals of concern in disposable tampons or menstrual pads. However, the bill does not specify how DTSC will determine which chemicals are considered "of concern," nor does it define the scientific standards or thresholds for these decisions... Additionally, recent amendments include two criteria under DTSC's consideration of adding chemicals for evaluation. There is lack of clarity which creates uncertainty and raises the risk of shifting to arbitrary compliance expectations...

The bill mandates that manufacturers must, upon request, provide any technical documentation—including test methods and results—and also allows DTSC to conduct its

own testing or outsource it to third parties. Notably, manufacturers would be required to pay for the cost of testing upfront, regardless of whether previous internal testing already demonstrates compliance. This not only duplicates efforts but imposes unpredictable financial burdens, especially for small and mid-sized manufacturers...

This proposal, if signed would go into effect January 1, 2026, however manufacturers would need to comply just twelve months later by December 31, 2026, without knowing when DTSC would come out with their list of chemicals "of concern," leaving little to no time to be in compliance.

We request the following amendments:

- Specify the use of relevant physiological testing methods on intact products that mimic consumer use of menstrual products (e.g. such as the [FDA's] Chemical Analysis for Biocompatibility Assessment of Medical Devices or ISO10993.)
- Remove zinc from specified chemicals list and replace with another recognized heavy metal such as mercury.
- Remove the language that manufacturers shall pay for DTSC's testing costs.
- Remove the language about publication of testing results on DTSC's website."

Related legislation:

- 1) AB 2515 (Papan, Chapter 1008, Statutes of 2024). Prohibits a person from manufacturing, distributing, selling, or offering for sale any menstrual product that contains regulated PFAS.
- 2) AB 246 (Papan, 2023). Would have prohibited the manufacture, sale, delivery, or offering for sale any menstrual product that contains regulated PFAS and would have required a manufacturer to use the least toxic alternative for PFAS. This bill was vetoed by Governor Gavin Newsom.
- 3) AB 1989 (Garcia, Chapter 272, Statutes of 2020). Requires a package containing menstrual products manufactured on or after January 1, 2023, to have printed on the label a plain and conspicuous list of all ingredients, as defined, in the product, by weight. Requires the same information to be posted on an internet website.

REGISTERED SUPPORT / OPPOSITION:

Support

A Voice for Choice Advocacy
 American College of Obstetricians & Gynecologists, District IX
 Los Angeles County Sanitation Districts
 Planned Parenthood Affiliates of California

Opposition

American Chemistry Council
 American Forest & Paper Association
 Baby and Adult Hygiene Products
 California Chamber of Commerce
 California Manufacturers and Technology Association

Consumer Brands Association
Consumer Healthcare Products Association

Analysis Prepared by: Shannon McKinney / E.S. & T.M. / (916) 319-3965