

“Multi-State Pressure Outpaces FDA in Hair Relaxer Formaldehyde Fight,” *Daily Journal*

Publications

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In an article for the *Daily Journal*, Partner Alex Smith discussed the complex litigation efforts between the FDA and states regarding the use of a formaldehyde-based hair relaxer.

“In light of President Trump's recent executive order prohibiting executive branch agencies from issuing new rules until his appointees review them, it appears unlikely that the FDA will ban the use of formaldehyde in hair relaxers in the near future. And even if the FDA ultimately issues a proposed rule, it will likely take years to wade through the notice-and-comment process and finalize that rule,” Alex wrote.

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Regardless of the FDA’s proposed ban, Alex explains that manufacturers will still face pressure from two other sources to remove formaldehyde from personal care products.

“The hair relaxer litigation illustrates that states and private parties can often put pressure on industry to stop using that chemical--even if the FDA cannot or will not,” he wrote.

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