

April 15, 2020

The Honorable Ron DeSantis
Governor, State of Florida
The Capitol
400 South Monroe Street
Tallahassee, FL 32399

Subject: Veto Request for SB 172, Florida Drug and Cosmetic Act

Dear Governor DeSantis:

On behalf of the undersigned organizations, we respectfully request that you veto Senate Bill 172, the Florida Drug & Cosmetic Act. This bill harms home rule, strips Key West of its reef protection sunscreen ordinance, and jeopardizes one of Florida's most precious and unique natural resources.

On January 30th, you unveiled *Florida's Coral Reef*, a new awareness campaign and website created by the Florida Department of Environmental Protection and twenty-five partner organizations, including NOAA, Florida State Parks, the Coral Restoration Foundation, and others. The website urges the public to "Check sunscreen active ingredients. Some chemicals commonly found in popular sunscreens have been shown to negatively impact marine life." This is reflective of a widely accepted body of science which shows oxybenzone and octinoxate damage the health and reproduction of coral reefs, making them more vulnerable to bleaching, disease, and death. NOAA and the National Park Service urge consumers to avoid these chemicals; and bans are already in place in Hawaii, the U.S. Virgin Islands, Bonaire, and Palau.^{1 2} Even CVS, one of the nation's largest drugstore chains, has voluntarily opted to remove oxybenzone and octinoxate from all of its branded sunscreens by the end of this year.³

SB 172 is a direct attack on the City of Key West's coral reef protection ordinance. Coral reefs in southeast Florida have an asset value of \$8.5 billion, generating \$4.4 billion in local sales, \$2 billion in local income, and 70,400 full and part-time jobs. They also are imperiled. After a deliberative and public process, Key West passed an ordinance to protect the health and

¹ The [National Parks Service](#) advises visitors to avoid these chemicals, "Sunscreens that include the ingredients oxybenzone, octinoxate, and avobenzone, can harm coral reefs, leading to coral bleaching and adverse effects of reef reproduction. And unfortunately, through water sampling around coral reef sites, the National Park Service has detected high concentrations of some of these harmful chemicals."

² [NOAA](#) notes the harmful effects of oxybenzone include "four major toxic effects in early, developing coral: increased susceptibility to bleaching, DNA damage, abnormal skeleton growth (via endocrine disruption), and gross deformities of baby coral." NOAA urges consumers to "Seek shade, use UPF sunwear and choose sunscreens that don't harm marine life."

³ www.msn.com/en-us/lifestyle/lifestyle-buzz/cvs-is-eliminating-oxybenzone-and-octinoxate-from-nearly-60-of-its-store-brand-sunscreens/ar-AAFeVX6

viability of their coral reefs by banning the sale of sunscreens containing oxybenzone and octinoxate, effective January 1, 2021. Alternatives to these chemical sunscreens are affordable, effective, and widely available. In fact, the FDA is currently conducting rulemaking on the safety and efficacy of over-the-counter sunscreens. The FDA's proposed rule listed *only* zinc oxide and titanium dioxide (mineral sunscreens) as Generally Recognized as Safe and Effective (GRASE). The FDA determined there was not enough health and safety data on oxybenzone and octinoxate to list them as GRASE. The primary concerns are the absorption rate and what effect it has on human health.⁴ The FDA is conducting additional studies and recently published findings in the Journal of the American Medical Association that these chemical sunscreens are absorbed into the bloodstream after a single day's use, and met or exceeded the levels considered safe without additional testing. The FDA's final rule (monograph) was due in November 2019 but has not yet been released.

Last session you stood for home rule and defended the authority of local governments to respond to the concerns of their constituents. The Legislature now moves to implement a sweeping statewide preemption in response to a single local ordinance that is well grounded in science and local support. We ask that you veto SB 172 to protect home rule and the imperiled Florida Reef Tract.

Sincerely,

Holly Parker Curry
Florida Policy Manager
Surfrider Foundation

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Chapter Director
Sierra Club Florida

Mill McCleary
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⁴ U.S. FDA Proposed Rule: "Because **the public record does not currently contain sufficient data to support positive GRASE determinations for . . . octinoxate . . . oxybenzone** [and ten other chemical sunscreens] we are proposing that these ingredients are Category III. For example, **the available literature includes studies indicating that oxybenzone is absorbed through the skin to a greater extent than previously understood and can lead to significant systemic exposure, as well as data showing the presence of oxybenzone in human breast milk, amniotic fluid, urine, and blood plasma.** The significant systemic availability of oxybenzone, coupled with a lack of data evaluating the full extent of its absorption potential, is a concern, among other reasons, because of questions raised in the published literature regarding the **potential for endocrine activity in connection with systemic oxybenzone exposure. Nearly all of these sunscreen active ingredients also have limited or no data characterizing their absorption.**" <https://www.federalregister.gov/documents/2019/02/26/2019-03019/sunscreen-drug-products-for-over-the-counter-human-use>

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