



# City of Chicago



O2015-7985

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 10/28/2015

**Sponsor(s):** Burke (14)  
Laurino (39)  
O'Connor (40)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapter 7-28 by adding new Section 7-28-368 concerning nail polish containing triphenyl phosphate

**Committee(s) Assignment:** Committee on Finance

**ORDINANCE**

**WHEREAS**, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

**WHEREAS**, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, triphenyl phosphate ("TPHP") is a chemical that is commonly used as an ingredient in nail polish to render it more flexible and durable; and

**WHEREAS**, TPHP is a suspected endocrine-disrupting chemical, which means that it interferes with normal hormone functioning; and

**WHEREAS**, studies link TPHB to reproductive and developmental irregularities in animals and suggest that TPHB interacts with a protein central to regulating the human body's metabolism and production of fat cells; and

**WHEREAS**, a recent study co-authored by researchers at Duke University and the Environmental Working Group suggests that TPHP is absorbed into the body from nail polish; and

**WHEREAS**, the study entitled, *Nailed: Endocrine Disruptor In Nail Polishes Gets Into Women's Bodies*, which was published on October 19, 2015 in the peer-reviewed journal *Environmental International*, detected evidence of TPHP in the bodies of every woman who painted her nails for the study; and

**WHEREAS**, the study concluded that nail polish may be an important contributor to short-term TPHP exposure and, for frequent users of nail polish, exposure to TPHP may be a long-term hazard; and

**WHEREAS**, researchers have additionally expressed concern that millions of young people are being exposed to a suspected hormone-disrupting chemical when their bodies are rapidly developing and entering puberty; and

**WHEREAS**, according to market research, nail polish use is almost universal among teenage girls; and

**WHEREAS**, the Food and Drug Administration has stated that under federal law manufacturers are not required to prove that cosmetic ingredients are safe before putting products on the market; and

**WHEREAS**, the City of Chicago intends to prohibit the use of TPHB in nail polish in order to limit Chicago residents' exposure to the suspected endocrine-disrupting chemical; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

**SECTION 2.** Chapter 7-28 of the Municipal Code of the City of Chicago is hereby amended by inserting new section 7-28-368 as follows:

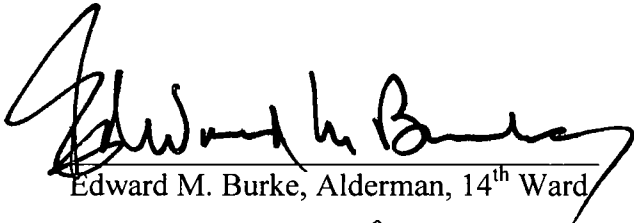
**7-28-368 Nail polish – TPHP.**

(a) As used in this section, the term “nail polish” means any clear or colored coating designed for application to the fingernails or toenails including, but not limited to, lacquers, enamels, acrylics, base coats, and top coats.

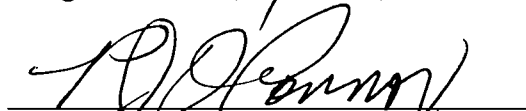
(b) It shall be unlawful for any person to sell, offer or expose for sale, give, or furnish any nail polish containing triphenyl phosphate, otherwise known as TPHP or TPP.

(c) Any person violating this section shall be fined not less than \$100.00 nor more than \$300.00 for the first offense, and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense. Each day that a violation continues shall constitute a separate and distinct offense.

**SECTION 3.** This ordinance shall be in full force and effect upon passage and publication.

  
Edward M. Burke, Alderman, 14<sup>th</sup> Ward

  
Margaret Laurino, Alderman, 39<sup>th</sup> Ward

  
Patrick O'Connor, Alderman, 40<sup>th</sup> Ward