

NANOS-INGREDIENTS

2024

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Introduction

Who says “nano”, “nanoparticle” or “nanomaterial” also says immediately suspicion of the general public, blacklisting by consumer protection associations and by cosmetic decoding applications, bad press and in a word: another category of controversial ingredients...

It is impossible to “hide” them since the regulations require that they be clearly identified in the list of ingredients that must appear on product labels, by the word [nano] after the INCI name of the substance concerned.

This already requires the ability to accurately identify and characterize a raw material to determine whether or not it falls within the definition of a nanomaterial. And it is still a big challenge for the industry since, on the one hand, there are several definitions (even if the one given by Regulation 1223/2009 prevails for cosmetic products), and on the other hand, it is still often difficult to choose the right analytical method depending on the raw material (all those available today sometimes lead to erroneous or contradictory results)...

Yes, nanomaterials are still “tricky” to deal with on a daily basis in the cosmetics sector.

Aware of these issues, the European Commission has set up a declaration system for nanomaterials present in cosmetic products, so that those on the market can be identified. This famous catalogue, which Regulation 1223/2009 gives it the task of establishing and regularly updating, is based on the declarations made by companies on the European notification portal and has highlighted the difficulties of stakeholders to determine whether an ingredient is nano or not. For example, after some discussions, it was concluded that no, water is not nano .

A first version, finally published in 2017 (when it was planned to be published in 2014), included 43 substances. In the second, in November 2019, only 27 substances were left, divided into three categories: “Colorants”, “UV Filters”, “Other functions”.

This catalogue, most likely still incomplete and/or containing inaccuracies, nevertheless constitutes today a reference list, allowing manufacturers to pay particular attention to the substances it contains.

But it is also the basis for uncertainties about the regulatory fate of the ingredients listed there. Indeed, the Cosmetics Regulation stipulates that if the European Commission has concerns about the safety of a nanomaterial, it must request, “without delay”, the opinion of the SCCS (Scientific Committee on Consumer Safety). And then take this opinion into account when deciding on possible restrictions or even bans.

A favourable SCCS opinion may also allow colorants, UV filters or preservatives to be added to the positive lists of the Annexes of the Cosmetics Regulation, for safe (sanitary and regulatory) use in cosmetic products. Because if they are not included, they are considered prohibited... and the competent authorities do not fail to check their presence in products on the market.

Since 2013 (and the entry into force of the Cosmetic Regulations and its new provisions on nanomaterials), requests for Opinions to the SCCS have been made one after the other.

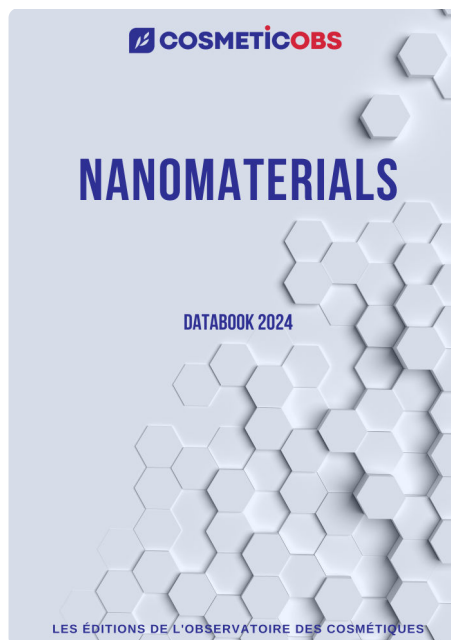
In a first step, this has allowed to define conditions for the safe use of UV filters in nano form (Titanium dioxide, Zinc oxide...) as well as a preservative (Methylene bis-benzotriazolyl tetramethylbutylphenol - MBBT) . But things got more complicated afterwards, and more and more frequently, the Scientific Committee can only conclude... that it cannot conclude, for lack of sufficient or adequate data. This

makes it impossible to decide on the regulatory status of substances, and leaves them, often for an indefinite period of time, in a most uncomfortable legal limbo... until the European Commission drew the consequences and eventually banned them.

As a result, today, as for several years now, and most certainly for many years to come, manufacturers of raw materials or cosmetic products are left with questions with often random answers: is my ingredient nano or not? Can I use it in my formulas? And if so, for how much longer? Should I label it nano or not?

It is to help them see more clearly and make the right decisions that CosmeticOBS has gathered in this ebook all the detailed sheets of ingredients listed in version 2 of the European catalogue of nanomaterials in cosmetics. With for each one, all the currently applicable regulations, the specifications to be respected for their use, their progress in the regulatory process, the blocking points that delay their evaluation...

To be read in addition to the **Databook Nanomaterials**, for a complete overview of the definitions, characterization, safety assessment and regulation, scientific studies, alerts and debates... that form the changing context in which nanomaterials are evolving today.



The Catalogue of Nanomaterials

Entitled “Catalogue of nanomaterials in cosmetic products placed on the market” in its first version of June 2017, it became “Catalogue of nanomaterials in cosmetic products placed on the market, as notified to the European Commission by the Responsible Persons” for its second version of November 2019.

A way for the Commission to take a slight distance from the relevance of its content.

Let’s look back at the two texts, the first one as a reminder, and the second one which is in force today.

