

September 27, 2023

RE New FDA Requirements under Modernization of Cosmetics Regulation Act (MoCRA)

Dear Valued Business Partner:

As you know, The Modernization of Cosmetics Regulation Act (MoCRA) will be coming into effect at the end of this year. This new regulation expands the U.S. Food and Drug Administration's (FDA) regulatory authority over the cosmetics industry. If you are manufacturing cosmetics to be sold to Burlington, we expect your full compliance with MoCRA, including, where applicable, registering your facilities with the FDA and fulfilling all other mandatory FDA requirements.

Additionally, please be aware that non-compliance with MoCRA may result in the FDA suspending your facility's registration. Burlington will not accept products manufactured at a facility that is not registered or suspended. Further, we will not accept products subject to an FDA recall, even if such recall is still pending.

Burlington reserves the right to request its vendors provide evidence of compliance with MoCRA's requirements including but not limited to facility regulations, product listing mandates, serious adverse event provisions/reporting, and safety substantiation criteria. If a vendor is unable to provide this documentation, Burlington may cancel its order or place the order on hold until documentation is provided.

We kindly request that you assess your product formulations, labeling practices, and safety protocols to ensure alignment with the evolving regulatory landscape. In the coming weeks we will be updating our Certificate of Compliance to include inquiries regarding FDA factory registration and product listing status. If you have questions regarding the applicability of MoCRA to your business or compliance requirements, we suggest you seek the advice of counsel.

Very truly yours,

**BURLINGTON REGULATORY
COMPLIANCE TEAM**