

# **Draft Cosmetics Implementation Plan: Chapter 173-339 WAC and Efforts to Reduce Toxic Chemicals in Cosmetic Products**

## **Introduction**

This draft Cosmetics Implementation Plan supports the Formaldehyde in Cosmetics Rulemaking and provides an overview of this rulemaking and other regulations to reduce toxic chemicals in cosmetic products. This plan describes:

- How we intend to implement these regulations.
- Who may be affected by these regulations and how we intend to inform and engage interested parties.
- How we intend to support compliance with these regulations.

## **How to use this document**

This document includes two parts: the first part focuses on the Formaldehyde in Cosmetics Rulemaking and the second part focuses on other laws and rules to reduce toxic chemicals in cosmetic products. We invite you to share feedback on the entire document or on any element of the document. We're particularly interested in your answers to the following questions:

- How can we improve our efforts to implement these regulations?
- How can we better support regulated businesses?
- How can we improve our efforts to inform and engage communities? Who else should we engage? What information would help?
- How can we better serve the public, particularly people who live and work in communities that may have higher exposures to toxic chemicals?

## **Tips for providing feedback**

We invite you to share feedback on any element of this draft implementation plan during the comment period (February 6 to April 11).

- Tell us what you support and what you disagree with.
- Suggest specific language. This helps our team understand what change you want.
- Use examples to illustrate concerns and explain your feedback.
- Provide supplemental information. Include references supporting your concerns, such as regulations, sales data, market information, or brand and product information.
- Offer solutions. Suggest ways we can respond to your concerns.

Thank you! Your feedback helps us improve our efforts to reduce toxic chemicals in cosmetic products.

## How to submit comments

You may submit your comments on this implementation plan, the proposed rule, and other rulemaking documents in the following ways.

### Online

[Submit comments online](#)<sup>1</sup> beginning February 6, 2025, at 12:00 AM PST, until April 11, 2025, at 11:59 PM PDT.

### By mail

Mail comments to:

**Stacey Callaway**  
**Washington State Department of Ecology**  
**P.O. Box 47600**  
**Olympia, WA 98504-7600**

Submissions must be postmarked by April 11, 2025.

### At public hearings

Submit verbal comments at an online public hearing. You are welcome to attend both hearings.

**March 31, 2025**, at 10:00 AM PDT ([register for the March 31 online hearing](#)<sup>2</sup>)

**April 1, 2025**, at 5:30 PM PDT ([register for the April 1 online hearing](#)<sup>3</sup>)

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<sup>1</sup> [ecology.wa.gov/TFCA](https://ecology.wa.gov/TFCA)

<sup>2</sup> <https://waecy-wa-gov.zoom.us/meeting/register/Gp62q1zTQgO6l0irK5RADg#/registration>

<sup>3</sup> <https://waecy-wa-gov.zoom.us/meeting/register/qebSZddERc6eka5tQfKStQ#/registration>

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# Key terms

This section clarifies key terms used in this implementation plan. We provide a brief description and a link to the specific statutory definition, if applicable. Please note that the explanations provided here **don't** replace any statutory definitions.

## **Chemical exposure**

Contact with a chemical, typically by breathing it, touching it, or ingesting it. This can potentially lead to harmful effects, depending on the type and amount of chemical involved.

## **Chemical classes**

Chemicals grouped by common characteristics, such as the structure of the molecule. Since members of chemical classes may cause similar harmful health effects, reducing exposure to a class of chemicals can be more protective of people and the environment.

## **Disproportionate exposure**

The unequal and unfair distribution of environmental hazards and risks, where certain populations experience higher levels of exposure to harmful substances, such as toxic chemicals, pollution, and environmental degradation. This higher level of exposure is typically driven by systemic inequities connected to socioeconomic status, race, or geographic location.

## **Formaldehyde and formaldehyde-releasers**

Formaldehyde is a colorless, flammable gas at room temperature and has a strong odor. Formaldehyde-releasers are substances that do not contain formaldehyde directly but release it into the air over time. Formaldehyde and formaldehyde-releasers are commonly used as preservatives, for hair-straightening, for nail hardening, and in adhesives. They can be found in a wide variety of cosmetic products, including hair care products, skin care products, makeup, and eyelash glue.

## **In-state retailer existing stock**

A product that was physically located in Washington on or before the effective date of the restriction and was brought into the state with the intention of selling to individuals for their own personal use (“end-use consumers”) at retail stores physically located in this state.

## **Lead and lead compounds**

Lead is a heavy metal that naturally occurs in the Earth's crust. Lead compounds are chemical substances where lead is combined with other elements. Lead may be present as an impurity in cosmetic ingredients, particularly mineral-based ingredients like pigments, fillers, and clays. Lead may be found in eye shadow, eye liner, blush, lipstick, and clay masks.

**Manufacturer**

The producer, importer, or distributor of a product sold or offered for sale in the state. See [RCW 70A.560.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.010)<sup>4</sup> for the statutory definition.

**Mercury and mercury compounds**

Mercury is a heavy, silvery-white metallic element that is liquid at room temperature. Mercury compounds are chemical substances that contain mercury combined with other elements. Mercury can be present as an impurity or used as a preservative or skin-lightening agent. Mercury may be found in cosmetic products including skin-lightening products, blemish or dark spot remover, and eye-area cosmetics.

**Methylene glycol**

A formaldehyde releaser formed by the reaction of formaldehyde with water. See formaldehyde and formaldehyde releasers.

**M- and o-phenylenediamines and their salts**

Chemicals that can be used to achieve the desired color in hair dyes.

**Ortho-phthalates**

A group of chemicals that can be used to add flexibility to plastics, to fix or hold color or fragrance to make them last longer, and to provide a film or gloss. Ortho-phthalates may be found in cosmetic products including nail polish, hair spray, aftershave lotions, cleansers, and shampoos. See [RCW 70A.560.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.010)<sup>5</sup> for the statutory definition.

**Per- and polyfluoroalkyl substances (PFAS)**

A large group of perfluoroalkyl and polyfluoroalkyl substances, also known as “forever chemicals,” that can be used to condition skin and hair and affect product texture and consistency. PFAS may be found in cosmetic products including skin care products, makeup, hair spray, lotions, shampoos, creams, and powders. See [RCW 70A.350.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.350.010)<sup>6</sup> for the statutory definition.

**Regulated entities**

A person or group of people that are subject to regulations and must comply.

**Rule and rulemaking**

State agencies such as Ecology adopt rules (chapters in the Washington Administrative Code) to implement state or federal laws. State agencies conduct rulemakings to propose and adopt rules to protect the environment and public health. The Washington State Legislature guides all state rulemaking efforts through a law called the Administrative Procedures Act ([Chapter 34.05 RCW](https://app.leg.wa.gov/RCW/default.aspx?cite=34.05)<sup>7</sup>). All state agencies, including Ecology, must follow the requirements in the Administrative Procedures Act.

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<sup>4</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.010>

<sup>5</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.010>

<sup>6</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350.010>

<sup>7</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=34.05>

**Sell or offering for sale**

The act of providing goods or products for exchange, including through wholesale, online, and retail transactions, or as part of a service.

**Sell-through period**

An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public through a defined time period.

**Triclosan**

A preservative that may be found in cosmetic products, including skincare products, fragrances, makeup, hair products and hair removal products.

**Vulnerable populations**

A group of individuals who are at increased risk for health problems and health disparities. See [RCW 70A.02.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010)<sup>8</sup> for the statutory definition.

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<sup>8</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010>

# Part 1:

## Chapter 173-339 WAC

### Cosmetic Products Restrictions

#### Introduction

Part 1 of the Cosmetics Implementation Plan focuses on the rulemaking to develop Chapter 173-339 WAC: Cosmetic Products Restrictions. The Washington State Department of Ecology (Ecology, we) developed this portion of the plan to:

- Comply with agency requirements and with section 328 of the [Administrative Procedure Act](#)<sup>9</sup> (APA), which requires agencies to prepare a Rule Implementation Plan ([RCW 34.05.328](#)<sup>10</sup>).
- Provide an overview of the rulemaking effort to develop and adopt the rule.
- Describe the intent of the rule and the requirements in the rule.
- Explain who may be affected by the rule and how we intend to inform them about the rule.
- Describe how we intend to support compliance with the rule.
- Tell readers how we intend to evaluate the rule and other related rulemaking efforts.

#### Overview of this rulemaking

On May 22, 2024, we [announced](#)<sup>11</sup> the start of [rulemaking](#)<sup>12</sup> to develop a new chapter in the Washington Administrative Code (WAC): Chapter 173-339 WAC—Cosmetic Products Restrictions. The intent of this rulemaking is to identify chemicals used in cosmetic products that release formaldehyde and to adopt restrictions on those chemicals. We’re conducting this rulemaking to:

- Protect Washington residents, particularly people with higher toxic exposures.
- Make cosmetic products safer and reduce consumers’ and workers’ exposure to formaldehyde.

On February 6, 2025, we proposed the formal draft rule, started the formal public comment period, and announced dates for the formal public hearings. We invite you to comment on the proposed rule and rulemaking documents before the comment period closes on April 11, 2025. After the public comment period, we will review comments, revise the proposed

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<sup>9</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=34.05>

<sup>10</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328>

<sup>11</sup> <https://ecology.wa.gov/about-us/who-we-are/news/2024/may-22-tfca-rulemaking-announcement>

<sup>12</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

rule, respond to comments, and finalize other rulemaking documents, including this implementation plan.

## Informing and engaging interested parties

Before announcing the rulemaking, we created an email distribution list to engage and inform interested parties. The email distribution list currently has over a thousand subscribers. To create the email distribution list, we:

- Connected with over 25 industry organizations to share messaging through their networks.
- Mailed postcards to 900 businesses in Washington State.
- Contacted 125 community-based organizations (CBOs), 35 local health departments, and 35 Tribal health and youth contacts.

After announcing the rulemaking, we worked with interested parties to develop the preliminary draft rule. During the rule development phase, we:

- Participated in multiple in-person events in the Pacific Northwest, including:
  - Yakima Pride 2024.
  - Mosaic Festival 2024.
  - Duwamish River Festival 2024.
  - Affiliated Tribes of Northwest Indians (ATNI) Annual Convention 2024.
  - Small Asian Business Fair in Seattle 2024.
  - Waba Korean Expo & Festival in Seattle 2024.
  - Affiliated Tribes of Northwest Indians (ATNI) Natural Resources Summit 2024.
- Connected with a community health advocate to survey and facilitate a workgroup of Black cosmetologists.
- Hosted an informational webinar on June 11, 2024, to provide an overview of the Toxic-Free Cosmetics Act and the rulemaking and to answer questions ([June 11 presentation slides](#)<sup>13</sup>).
- Hosted a webinar on July 23, 2024, to provide an overview of the preliminary draft rule ([July 23 presentation slides](#)<sup>14</sup>).

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<sup>13</sup> [https://www.ezview.wa.gov/Portals/\\_1962/Documents/Cosmetics/11June2024-TFCA-webinarSlides.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/11June2024-TFCA-webinarSlides.pdf)

<sup>14</sup> [https://www.ezview.wa.gov/Portals/\\_1962/images/Toxic%20Free%20Cosmetics%20Act/TFCA\\_Webinar\\_%202024\\_07-23\\_AccessibleVersion.pdf](https://www.ezview.wa.gov/Portals/_1962/images/Toxic%20Free%20Cosmetics%20Act/TFCA_Webinar_%202024_07-23_AccessibleVersion.pdf)



- Provided an informal public comment period to collect feedback from interested parties on the [preliminary draft rule](#).<sup>15</sup>
- Used [public comments](#)<sup>16</sup> to develop the proposed rule. We received comment letters from members of the public, cosmetic professionals, industry associations, local government, community advocacy groups, and environmental advocacy groups.

Throughout the rulemaking, we have and will continue to:

- Issue news releases.
- Issue blog and social media posts.
- Provide interviews to media outlets.
- Present to communities, small businesses, industry representatives, environmental and community advocacy groups, and local government agencies.

## Rulemaking timeline

### *May 22, 2024*

We [announced the start of rulemaking](#)<sup>17</sup> to identify and restrict chemicals that release formaldehyde in cosmetic products.

### *May 22 to August 13, 2024*

We provided an informal comment period ([view comments](#)<sup>18</sup>).

### *June 11, 2024*

We hosted an informational webinar for the public to ask questions and to discuss the [preliminary list of formaldehyde releasers](#).<sup>19</sup>

### *July 22, 2024*

We published the [preliminary draft rule](#).<sup>20</sup>

### *July 23, 2024*

We hosted a second informational webinar to provide an overview of, and answer questions about, the preliminary draft rule.

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<sup>15</sup> [https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA\\_PrelimDraftRule\\_2024-07.pdf](https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA_PrelimDraftRule_2024-07.pdf)

<sup>16</sup> <https://hwtr.ecology.commentinput.com/?id=93Bx2jiP5D>

<sup>17</sup> <https://ecology.wa.gov/about-us/who-we-are/news/2024/may-22-tfca-rulemaking-announcement>

<sup>18</sup> <https://hwtr.ecology.commentinput.com/comment/extra?id=93Bx2jiP5D>

<sup>19</sup> [https://www.ezview.wa.gov/Portals/\\_1962/Documents/Cosmetics/TFCA-Rulemaking-FormaldehydeReleasersList.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/TFCA-Rulemaking-FormaldehydeReleasersList.pdf)

<sup>20</sup> [https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA\\_PrelimDraftRule\\_2024-07.pdf](https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA_PrelimDraftRule_2024-07.pdf)

### *February 6, 2025*

We proposed the formal draft rule, started a 60-day public comment period, and announced dates for the formal hearings.

### *March 31, 2025*

We will host the first public hearing on the proposed rule to collect verbal testimony from the public.

### *April 1, 2025*

We will host the second public hearing on the proposed rule to collect verbal testimony from the public.

### *April 11, 2025*

The public comment period for the proposed rule closes.

### *Summer 2025*

We will respond to comments on the proposed rule, revise the proposed rule, and finalize other rulemaking documents.

### *Summer 2025*

We plan to adopt the new rule (Chapter 173-339 WAC).

## **Overview of the rule**

Under the authority of [Chapter 70A.560 RCW: Toxic-Free Cosmetics Act](#),<sup>21</sup> Ecology may adopt a rule that identifies chemicals used in cosmetic products that release formaldehyde (formaldehyde releasers) and adopt restrictions on the identified formaldehyde releasers. The following describes the intent of, and requirements in, the proposed rule.

### **Intent of the rule**

The intent of the proposed rule is to:

- Protect Washington residents, particularly people with higher toxic exposures.
- Make cosmetic products safer and reduce consumers' and workers' exposure to formaldehyde.

### **Requirements in the rule**

The proposed rule:

- Affects cosmetics manufacturers, distributors, retailers, and cosmetology businesses operating in Washington State.
- Applies to cosmetic products sold online as well as cosmetic products sold in brick-and-mortar stores and used in services.

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<sup>21</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

- Identifies a list of chemicals used in cosmetic products that release formaldehyde, also called “formaldehyde releasers.”
- Restricts the intentional addition of formaldehyde releasers in cosmetic products.
- Defines the term “intentionally added.” This definition also applies to the restrictions in Chapter 70A.560 RCW.
- Establishes compliance schedules for the restrictions on formaldehyde releasers and the definition of “intentionally added.”

### **Identifying formaldehyde releasers**

The proposed rule includes a list of 28 formaldehyde releasers used in cosmetic products. We prioritized those most frequently used in cosmetic products in the United States and those used in products of concern. The prioritized formaldehyde releasers are listed as items 1 through 10 in the proposed rule. Ninety-nine percent of cosmetic products that use formaldehyde releasers contain one of the chemicals listed as items 1 through 7 in the proposed rule.

Because the prevalence of use for these remaining chemicals was comparatively low or unknown, we also used the potential for disproportionate exposure to determine which formaldehyde releasers to include as items 8 through 10 in the proposed rule. For more information on our process to develop the list of formaldehyde releasers, review the [Formaldehyde Releasers Technical Support](#).<sup>22</sup>

The list in the proposed rule is also a resource for regulated entities and members of the public. Ingredients suppliers, manufacturers, and retailers can use this list to identify and eliminate formaldehyde releasers from cosmetic products. People and service providers who buy cosmetic products can use this list to identify formaldehyde releasers on ingredients lists.

### **Definition of “intentionally added”**

The proposed rule states that “intentionally added” means a chemical that serves an intended function in:

- The final product.
- The manufacturing of the product.
- An ingredient in the final product.

Other definitions of “intentionally added” only include chemicals that serve an intended function in the final product. Our definition is more protective because it also includes chemicals that serve an intended function in the manufacturing of the product or in an ingredient in the final product.

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<sup>22</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2504012.html>

Formaldehyde is typically used in a cosmetic product as a preservative or as a cross-linker. A cross-linker creates chemical bonds between large molecules, such as keratin protein in nails or hair or between eyelashes and eyelash extensions.

Formaldehyde can be:

- Directly added to a cosmetic product.
- Added to a cosmetic product via a chemical selected to release formaldehyde over time.

The definition of “intentionally added” in the proposed rule also applies to the restrictions in Chapter 70A.560 RCW to clarify how we will implement the statutory restrictions.

### Compliance schedules

#### *January 1, 2027*

- Proposed restrictions on the 28 formaldehyde releasers listed in WAC 173-339-110(2)(b) take effect.
- Proposed definition of “intentionally added” takes effect and applies to the chemicals restricted in Chapter 70A.560 RCW and the proposed rule. The proposed definition also restricts all other formaldehyde-releasing chemicals that serve a function in a cosmetic product.

#### *January 1, 2028*

- Proposed sell-through period ends. In-state retailers have until January 1, 2028, to exhaust their existing stock of cosmetic products that contain intentionally added formaldehyde releasers through sales to the public.

## Informing entities affected by the rule

### Who may be affected

The proposed rule:

- Applies to cosmetic products sold online as well as cosmetic products sold in brick-and-mortar stores and used in services.
- Affects regulated entities such as cosmetics manufacturers, distributors, retailers, and cosmetology businesses operating in Washington State.
- Affects agency partners and Ecology staff.

Ecology **doesn't** have authority to regulate cosmetic products manufactured, sold, or used on Tribal lands. Tribes make their own decisions about regulating cosmetic products on Tribal lands.

## Strategies for informing those affected

Throughout the rulemaking, we encouraged interested parties to participate and share their ideas. In an earlier section, we included examples of outreach methods and involvement opportunities we used to inform and involve interested parties. Once the rule is adopted, we intend to use similar tools and approaches to inform and involve interested parties.

### Regulated entities and other interested parties

Our goals for informing and involving regulated entities and other interested parties include:

- Creating tailored, unique messages spanning communication channels and formats to share frequent, transparent updates with regulated entities and interested parties.
- Providing multiple opportunities and many ways for people to communicate with us.
- Identifying and implementing ways to reach underserved communities, especially the communities who we struggle to reach us using traditional communication channels.

We intend to use a combination of traditional strategies and new technologies to inform and involve regulated entities and interested parties, such as:

- Providing information, tools, and resources to support regulated entities, supporting industries, and the public.
- Developing social media posts and blogs.
- Providing information on our website so industry websites can use and link to accurate and current information.
- Developing and maintaining communication materials so regulated entities and other interested parties are aware of the new rule.

Immediately following rule adoption, we will inform those potentially affected by the rule and other interested parties by:

- Posting the adopted rule, this rule implementation plan, the Concise Explanatory Statement, and the Final Regulatory Analyses on the following webpages:
  - [Rulemaking webpage](#)<sup>23</sup>
  - [Toxic-Free Cosmetics Act \(TFCA\) webpage](#)<sup>24</sup>
  - [Toxic-Free Cosmetics interested parties webpage](#)<sup>25</sup>
- Distributing email notices via the [Toxic-Free Cosmetics Act email list](#).<sup>26</sup>

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<sup>23</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

<sup>24</sup> <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act>

<sup>25</sup> [https://www.ezview.wa.gov/site/alias\\_\\_1962/38927/toxic\\_free\\_cosmetics.aspx](https://www.ezview.wa.gov/site/alias__1962/38927/toxic_free_cosmetics.aspx)

<sup>26</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_312](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_312)

- Sending notices to people who provide formal comment, attend a hearing, or both, during this rulemaking.

### **Agency partners and Ecology staff**

The rulemaking effort to develop the proposed rule involved:

- Ecology staff responsible for implementing and supporting compliance efforts.
- Representatives of agency partners, such as the Washington State Department of Health (Department of Health) and King County Hazardous Waste Management Program.

Ecology staff responsible for implementing and supporting compliance will provide technical support to regulated entities and other interested parties. Our staff will answer questions and provide additional resources, such as webpages, guidance documents, and informational materials.

Staff involved in this rulemaking only represent a subset of the many staff working at Ecology. Once the rule is adopted, we will update staff in the Hazardous Waste and Toxics Reduction Program, and throughout Ecology, about the requirements in the rule and those affected by the rule. We hope to:

- Provide updates through internal staff presentations.
- Create and maintain communication plans.
- Inform staff and agency partners at regional, technical, and policy meetings.
- Share updates via regular emails to the cosmetics GovDelivery list and on cosmetics-related webpages.

We will continue collaborating with agency partners to inform regulated entities and support their efforts to comply with the rule (once adopted).

## **Supporting compliance**

Our priority is to support regulated entities' compliance efforts through a combination of outreach, education, and assistance. When businesses **don't** comply with state regulations on toxic chemicals in cosmetic products, we start with open communication and technical assistance.

To support compliance, we will:

- Oversee compliance with restrictions by combining multiple strategies, such as:
  - Reviewing information from public sources (product labels, safety data sheets, and public databases).

- Conducting product testing (view the [Ecology Consumer Products Database](#)<sup>27</sup>).
- Reviewing manufacturer-provided product information.
- Reviewing other published product testing results.
- Assess statements submitted by regulated entities to provide evidence to dispute an initial determination about the intentional addition of a formaldehyde releaser. We will review the information submitted with the statement and will work with the regulated entity to maintain or achieve compliance.
- Develop guidance as needed to provide more details on aspects of laws and rules related to toxic chemicals in cosmetics products.
- Provide financial incentive programs.
- Support regulated entities in determining the best approach to ensure compliance. Washington State regulations **don't** currently require regulated entities to:
  - Submit evidence to the agency to demonstrate your cosmetic products are compliant.
  - Certify cosmetic products through third-party certifications.
  - Conduct product testing or air quality testing.

We consider multiple factors before deciding on enforcement steps and may respond in different ways, ranging from warning letters to monetary penalties. In most cases, regulated entities will correct noncompliant products after receiving information and technical assistance. If the problem persists, especially when there are repeated cases of noncompliance or significant violations, we may need to issue penalties as described in [RCW 70A.560.030](#).<sup>28</sup>

Ultimately, we want regulated entities to understand their responsibilities and to do what's best for consumers, workers, and the environment. We are committed to supporting businesses with their compliance efforts. Contact us at [ToxicFreeCosmetics@ecy.wa.gov](mailto:ToxicFreeCosmetics@ecy.wa.gov) with questions or concerns.

## Staff

Ecology staff will support regulated entities as they prepare to comply with the requirements of the proposed rule. We intend to provide technical assistance, develop educational materials, conduct outreach, and provide financial incentives to assist some affected entities. We have staff to support compliance with the proposed rule, including compliance specialists, planners, outreach and engagement specialists, and technical experts.

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<sup>27</sup> <https://apps.ecology.wa.gov/consumerproducts/>

<sup>28</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.030>

We also closely partner with the Department of Health to implement Chapter 70A.560 RCW and will continue partnering with them to support compliance efforts with the proposed rule. Their dedicated staff include toxicologists, health educators, and health equity analysts.

## Resources

Throughout this rulemaking, we developed reference materials in various formats to inform interested parties and invite their participation. Once the rule is adopted, we will continue developing materials and will use feedback from regulated entities and other interested parties to improve them. To see examples of these materials, go to [Resources for Part 1](#).

## Evaluating the rule

The intent of the proposed rule is to:

- Protect Washington residents, particularly people with higher toxic exposures.
- Make cosmetic products safer and reduce consumers' and workers' exposure to formaldehyde.

To accomplish this, the proposed rule:

- Identifies and restricts specific chemicals that release formaldehyde.
- Identifies the restriction date and sell-through period for products containing the identified chemicals that release formaldehyde.
- Defines the term “intentionally added.” This definition also applies to the restrictions in Chapter 70A.560 RCW.
- Clarifies that intentionally added formaldehyde includes the direct addition of formaldehyde or any chemicals that release formaldehyde over time.

To evaluate whether the adopted rule achieves the intent, we will:

- Use information such as environmental pollution data, [environmental health disparities data](#),<sup>29</sup> and demographic data to inform compliance priorities and use discretion when enforcing the rule.
- Monitor compliance with the rule. We may conduct product testing or evaluate product labels to determine if cosmetic products comply with the restrictions. We will track the number of noncompliant cosmetic products to see if the number decreases over time. We will consider products used by people with higher toxic exposures to prioritize and identify objectives for product testing compliance studies.
- Assess the statements submitted by regulated entities to rebut an inference of a restriction. We will track the number of statements submitted to see if the number

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<sup>29</sup> <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>



decreases over time. We will also track the outcome of each statement to see if we need to change the requirements in future revisions to the rule.

- Seek input from regulated entities, professionals who support regulated entities, the public, Tribes and Indigenous communities, and others, particularly people who live and work in communities that may have higher exposure to toxic chemicals.

## Proposed milestones

The following are key dates in the proposed rule:

### January 1, 2027

- Proposed restrictions on the 28 formaldehyde releasers listed in WAC 173-339-110(2)(b) take effect.
- Proposed definition of “intentionally added” takes effect and applies to the chemicals restricted in Chapter 70A.560 RCW and the proposed rule. The proposed definition also restricts all other formaldehyde-releasing chemicals that serve a function in a cosmetic product.

### January 1, 2028

- Proposed sell-through period ends. In-state retailers have until January 1, 2028, to exhaust their existing stock of cosmetic products that contain intentionally added formaldehyde releasers through sales to the public.

## Future rulemaking efforts

We are planning two other rulemaking efforts that could adopt requirements related to cosmetic products:

- Chapter 173-337 WAC: Safer Products Restrictions and Reporting
- Chapter 173-339 WAC: Cosmetic Products Restrictions

### Revisions to Chapter 173-337 WAC: Safer Products Restrictions and Reporting

On November 1, 2024, we invited the public to provide comments on our [draft Priority Products report](#).<sup>30</sup> In this report, we identified benzene, ethyl benzene, toluene, and xylene substances (BTEX) in nail products and cyclic volatile methylsiloxanes (cVMS) in cosmetic products as potential priority products. If we keep these products in the final report we submit to the Legislature in June 2025, we will determine regulatory actions by June 2027 and adopt regulatory actions in [Chapter 173-337 WAC](#)<sup>31</sup> by June 2028.

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<sup>30</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404049.html>

<sup>31</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

To receive more information on the Lead in Cosmetics Rulemaking, join the [Safer Products for Washington email list](#).<sup>32</sup>

## Revisions to Chapter 173-339 WAC: Cosmetic Products Restrictions

On December 19, 2024, we announced the start of the [Lead in Cosmetics Rulemaking](#)<sup>33</sup> to identify a feasible approach to regulating lead in cosmetic products, including potentially adopting a different limit on lead impurities. We also issued an [interim policy](#)<sup>34</sup> effective January 1, 2025, to provide compliance guidance to manufacturers who are unable to achieve lead concentrations below 1 part per million (ppm) while we conduct the rulemaking.

To receive more information on the Lead in Cosmetics Rulemaking, join the [Toxic-Free Cosmetics Act email list](#).<sup>35</sup>

## Resources for Part 1

For more information:

- Contact the Toxic-Free Cosmetics Act team at [ToxicFreeCosmetics@ecy.wa.gov](mailto:ToxicFreeCosmetics@ecy.wa.gov).
- Subscribe to the [Toxic-Free Cosmetics email list](#).<sup>36</sup>
- Contact the TFCA Implementation Lead:
  - Shari Franjevic
  - Email: [ToxicFreeCosmetics@ecy.wa.gov](mailto:ToxicFreeCosmetics@ecy.wa.gov)
  - Telephone: 360-338-2913
- Visit the following webpages:
  - [Rulemaking: Formaldehyde in Cosmetics Rulemaking \(Chapter 173-339 WAC\)](#)<sup>37</sup>
  - [Rulemaking: Lead in Cosmetics Rulemaking \(Chapter 173-339 WAC\)](#)<sup>38</sup>
  - [Safer product certification subsidy program](#)<sup>39</sup>

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<sup>32</sup> <https://public.govdelivery.com/accounts/WAECY/signup/40160>

<sup>33</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

<sup>34</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

<sup>35</sup> <https://public.govdelivery.com/accounts/WAECY/signup/40162>

<sup>36</sup> Ibid.

<sup>37</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

<sup>38</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

<sup>39</sup> <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/safer-alternatives/safer-chemicals-for-manufacturers/safer-product-certification-subsidy-program>

- [Safer cosmetics replacement program](#)<sup>40</sup>
- [Toxic-Free Cosmetics Act](#)<sup>41</sup>
- [Toxic-Free Cosmetics interested parties](#)<sup>42</sup>
- Review the following Formaldehyde in Cosmetics Rulemaking documents:
  - [Proposed rule](#)<sup>43</sup>
  - [Preliminary Regulatory Analyses](#)<sup>44</sup>
  - SEPA Determination of Non-Significance and Environmental Checklist, available on our [Formaldehyde in Cosmetics Rulemaking webpage](#).<sup>45</sup>
  - [Overview: Formaldehyde in Cosmetics Rulemaking](#)<sup>46</sup>
  - [Formaldehyde Releasers Technical Support](#)<sup>47</sup>
- Review the following publications:
  - [Chemical Facts for Cosmetologists: Formaldehyde & Formaldehyde Releasers](#)<sup>48</sup>
  - [Chemicals in Cosmetics Used by Washington Residents](#)<sup>49</sup>
  - [Interim Policy on Lead in Cosmetics](#)<sup>50</sup>
  - [Keeping Your Home and Family Healthy: Reduce Your Exposure to Harmful Chemicals in Self-Care Products](#)<sup>51</sup>
  - [Take the Detective Work Out of Choosing Safer Cosmetics](#)<sup>52</sup>
  - [Toxic-Free Cosmetic Act Compliance & Outreach Questions and Answers](#)<sup>53</sup>
  - [Toxic-Free Cosmetics Act Guide: Restrictions for Cosmetic Industry & Sellers](#)<sup>54</sup>

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<sup>40</sup> <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/cosmetics>

<sup>41</sup> <https://ecology.wa.gov/TFCA>

<sup>42</sup> [https://www.ezview.wa.gov/site/alias\\_\\_1962/38927/toxic\\_free\\_cosmetics.aspx](https://www.ezview.wa.gov/site/alias__1962/38927/toxic_free_cosmetics.aspx)

<sup>43</sup> <https://ecology.wa.gov/rulemaking-proposed-language-wac-173-339-01-30-25>

<sup>44</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2504009.html>

<sup>45</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

<sup>46</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2504011.html>

<sup>47</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2504012.html>

<sup>48</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404039.html>

<sup>49</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2304007.html>

<sup>50</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

<sup>51</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2204038.html>

<sup>52</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404061.html>

<sup>53</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404047.html>

<sup>54</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

## Part 2: Efforts to Reduce Toxic Chemicals In Cosmetic Products

### Introduction

Part 2 of the Cosmetics Implementation Plan focuses on Ecology's efforts to reduce toxic chemicals in cosmetic products. The Washington State Department of Ecology (Ecology, we) developed this part to:

- Provide an overview of the regulations related to reducing toxic chemicals in cosmetic products.
- Describe how we intend to support compliance with the regulations related to reducing toxic chemicals in cosmetic products.
- Explain how we intend to inform and involve interested parties.
- Share resources with interested parties.

### Overview of regulations related to reducing toxic chemicals in cosmetic products

In Washington State, there are several laws and rules that regulate the manufacture, sale, and distribution of cosmetic products. Ecology, in consultation with the Department of Health, implement these regulations to improve cosmetic product safety and to protect Washington's residents, workers, and environment.

This section provides an overview of the following laws and rules.

- Chapter 70A.560 RCW: Toxic-Free Cosmetics Act.
- Chapter 70A.430 RCW: Children's Safe Products Act.
- Chapter 173-334 WAC: Children's Safe Products—Reporting Rule.
- Chapter 173-337 WAC: Safer Products Restrictions and Reporting.

This section also provides a brief overview of the following rulemaking efforts related to reducing toxic chemicals in cosmetic products:

- Formaldehyde in Cosmetics Rulemaking to adopt Chapter 173-339 WAC: Cosmetic Products Restrictions.
- Lead in Cosmetics Rulemaking to revise Chapter 173-339 WAC: Cosmetic Products Restrictions (if adopted).
- Safer Products for Washington Cycle 2 Phase 4 rulemaking to revise Chapter 173-337 WAC: Safer Products Restrictions and Reporting.

## Chapter 70A.560 RCW: Toxic-Free Cosmetics Act

In 2023, the Washington State Legislature passed the Toxic-Free Cosmetics Act ([Chapter 70A.560 RCW](#)<sup>55</sup>) to improve cosmetic and personal care product safety and protect Washington’s residents and environment from toxic chemicals. The Toxic-Free Cosmetics Act restricts the manufacture, distribution, and sale of cosmetic products that contain certain toxic chemicals in Washington State.

The Toxic-Free Cosmetics Act ([RCW 70A.560.010](#)<sup>56</sup>) defines “cosmetic”<sup>57</sup> consistently with the United States Food and Drug Administration’s (FDA’s) definition of cosmetics. This definition includes anything intended to be used on the human body for the purpose of cleansing, beautifying, promoting attractiveness, or altering one’s appearance. The Toxic-Free Cosmetics Act **doesn’t** consider soaps, prescription drugs, or over-the-counter medications as cosmetic products. For cosmetic products that contain an FDA-regulated drug ingredient, all ingredients in the product except the FDA-regulated drug must meet the requirements in the Toxic-Free Cosmetics Act.

The Toxic-Free Cosmetics Act restricts the following nine toxic chemicals and chemical classes when intentionally added to cosmetic products. Restrictions take effect on January 1, 2025.

- Chemicals
  - [Formaldehyde](#)
  - [meta-phenylenediamines and their salts](#)
  - [Methylene glycol](#)
  - [ortho-phenylenediamines and their salts](#)
  - [Triclosan](#)
- Chemical classes
  - [Lead and lead compounds](#)
  - [Mercury and mercury compounds](#)
  - [Ortho-phthalates](#)
  - [Per- and polyfluoroalkyl substances](#) (PFAS)

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<sup>55</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

<sup>56</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.010>

<sup>57</sup> The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such article; except that such term shall not include soap.

The Toxic-Free Cosmetics Act also:

- Restricts lead and lead compounds when present at or above 1 part per million (ppm) in cosmetic products. Restrictions take effect on January 1, 2025. For more information on this restriction, see the [Lead in Cosmetics efforts](#) section below.
- Provides a one-year sell-through period for in-state retailers to sell existing inventory through sales to the public, until January 1, 2028.
- Establishes penalties for regulated entities that make, sell, or distribute noncompliant cosmetic products.

The Toxic-Free Cosmetics Act requires compliance from regulated entities, including manufacturers, distributors, and retailers of cosmetic products. Regulated entities are responsible for ensuring cosmetic products they manufacture, sell or offer for sale, or distribute in Washington State comply with the law. This applies to cosmetic products:

- Sold in physical stores.
- Sold online.
- Used in professional services.

### **Lead in Cosmetics efforts**

After meeting with many cosmetics manufacturers, we learned that a strict 1 ppm limit on lead impurities can be difficult, if not impossible, for some cosmetic products to achieve. Lead is a metal that occurs naturally in some raw ingredients used in cosmetic products, such as minerals and clays. Ingredients used for pigments are a common source of lead impurities, but manufacturers have limited pigment options approved by the federal Food and Drug Administration. The variability of lead concentrations in ingredients can prevent manufacturers from complying with the statutory limit of 1 ppm.

Product testing data from Germany and the United Kingdom show that 90 percent of cosmetic products can achieve lead concentrations of 2 ppm for general cosmetic products (such as lotion or cleansers) and 5 ppm for color cosmetic products (such as blush or eye shadow) (Bund, 2017; OPSS, 2023). While there may be some variability in lead concentrations by geographic location, the data supports the technical feasibility of lower concentrations.

The Toxic-Free Cosmetics Act allows Ecology to conduct rulemaking to change the 1 ppm restriction on lead and lead compounds in cosmetic products. On December 19, 2024, we announced that we started a rulemaking to:

- Identify a feasible approach to regulating lead in cosmetic products.
- Potentially adopt a different limit on lead impurities than the statutory limit of 1 ppm.

We will work with interested parties to:

- Better understand compliance challenges with the statutory limit.

- Determine the lowest feasible limit that manufacturers can achieve that is also protective of people and the environment.

On December 19, 2024, we also issued an [Lead in Cosmetics interim policy](#)<sup>58</sup> to provide compliance guidance to manufacturers while we conduct the rulemaking. This interim policy gives:

- Manufacturers more time to comply with the lead restriction.
- Ecology more time to collect information.
- Manufacturers alternative paths to compliance for cosmetic products that are unable to achieve lead concentrations below 1 ppm.

### Chapter 70A.430 RCW: Children’s Safe Products Act

In 2008, the Washington State Legislature passed the Children’s Safe Products Act ([Chapter 70A.430 RCW](#)<sup>59</sup>). The Children’s Safe Products Act restricts cadmium, lead, and six ortho-phthalates in children’s cosmetic products sold in Washington State. These restrictions apply to cosmetic products made or marketed to children under the age of 12. The restrictions the Children’s Safe Products Act took effect on July 1, 2009. Visit our [Children’s Safe Products Act webpage](#)<sup>60</sup> for more information.

### Chapter 173-334 WAC: Children’s Safe Products—Reporting Rule

In 2011, under the authority of the Children’s Safe Products Act (Chapter 70A.430 RCW), Ecology adopted [Chapter 173-334 WAC: Children’s Safe Products—Reporting Rule](#).<sup>61</sup> The Children’s Safe Products Reporting Rule requires manufacturers to report to Ecology if their children’s products contain chemicals of high concern. This includes cosmetic products made or marketed to children under the age of 12. The list of chemicals of high concern to children are included in [WAC 173-334-130](#).<sup>62</sup> Visit our [Children’s Safe Products Act webpage](#)<sup>63</sup> for more information.

### Chapter 173-337 WAC: Safer Products Restrictions and Reporting

In 2023, under the authority of the Pollution Prevention for Healthy People and Puget Sound Act,<sup>64</sup> Ecology adopted [Chapter 173-337 WAC: Safer Products Restrictions and Reporting](#).<sup>65</sup>

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<sup>58</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

<sup>59</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.430>

<sup>60</sup> <https://ecology.wa.gov/CSPA>

<sup>61</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-334>

<sup>62</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-334&full=true#173-334-130>

<sup>63</sup> <https://ecology.wa.gov/CSPA>

<sup>64</sup> [Chapter 70A.350 RCW](#) (<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.350>)

<sup>65</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

[WAC 173-337-111](#)<sup>66</sup> restricts ortho-phthalates intentionally added to fragrances used in beauty products and personal care products. This restriction took effect on January 1, 2025. Visit our [compliance and reporting webpage](#)<sup>67</sup> for more information.

The Toxic-Free Cosmetics Act restricts ortho-phthalates intentionally added to cosmetic products. This restriction includes ortho-phthalates in fragrances used in cosmetics and ortho-phthalates added for other purposes, such as when functioning as plasticizers.

These two restrictions are complementary. Both took effect January 1, 2025.

## Rulemaking efforts

We are conducting two rulemaking efforts and planning one rulemaking effort that could adopt requirements related to cosmetic products:

- Formaldehyde in Cosmetics Rulemaking to adopt Chapter 173-339 WAC: Cosmetic Products Restrictions.
- Lead in Cosmetics Rulemaking to revise Chapter 173-339 WAC: Cosmetic Products Restrictions (if adopted).
- Safer Products for Washington Cycle 2 Phase 4 rulemaking to revise Chapter 173-337 WAC: Safer Products Restrictions and Reporting.

### Formaldehyde in Cosmetics Rulemaking

On May 22, 2024, we [announced](#)<sup>68</sup> the start of the [Formaldehyde in Cosmetics Rulemaking](#)<sup>69</sup> to develop a new chapter in the Washington Administrative Code (WAC): Chapter 173-339 WAC—Cosmetic Products Restrictions. The intent of this rulemaking is to identify chemicals used in cosmetic products that release formaldehyde and to adopt restrictions on those chemicals. We’re conducting this rulemaking to:

- Protect Washington residents, particularly people with higher toxic exposures.
- Make cosmetic products safer and reduce consumers’ and workers’ exposure to formaldehyde.

On February 6, 2025, we proposed the formal draft rule, started the formal public comment period, and announced dates for the formal public hearings. We invite you to provide formal comments on the proposed rule and other rulemaking documents before the comment period closes on April 11, 2025. After the public comment period, we will review comments, revise the proposed rule, respond to comments, and finalize other rulemaking documents, including this implementation plan.

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<sup>66</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337-111>

<sup>67</sup> <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/safer-products/compliance-and-reporting>

<sup>68</sup> <https://ecology.wa.gov/about-us/who-we-are/news/2024/may-22-tfca-rulemaking-announcement>

<sup>69</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>



To receive more information on the Formaldehyde in Cosmetics Rulemaking, join the [Toxic-Free Cosmetics Act email list](#).<sup>70</sup>

### Lead in Cosmetics Rulemaking

On December 19, 2024, we announced the start of the [Lead in Cosmetics Rulemaking](#)<sup>71</sup> to identify a feasible approach to regulating lead in cosmetic products, including potentially adopting a different limit on lead impurities. We also issued an [interim policy](#)<sup>72</sup> effective January 1, 2025, to provide compliance guidance to manufacturers who are unable to achieve lead concentrations below 1 ppm while we conduct the rulemaking.

To receive more information on the Lead in Cosmetics Rulemaking, join the [Toxic-Free Cosmetics Act email list](#).<sup>73</sup>

### Safer Products for Washington Cycle 2 Phase 4 rulemaking

On November 1, 2024, we invited the public to provide comments on our [draft Priority Products report](#).<sup>74</sup> In this report, we identified BTEX in nail products and cVMS in cosmetic products as potential priority products. If we keep these products in the final report we submit to the Legislature in June 2025, we will determine regulatory actions by June 2027 and adopt regulatory actions in [Chapter 173-337 WAC](#)<sup>75</sup> by June 2028.

To receive more information on the Lead in Cosmetics Rulemaking, join the [Safer Products for WA email list](#).<sup>76</sup>

### Additional information for restrictions on toxic chemicals in cosmetic products

Several laws and rules include restrictions on toxic chemicals used in cosmetic products. This section provides more detail about those restrictions.

**Table 1. Restricted chemicals in cosmetic products.**

Chemical	Restriction	Product	Effective	Regulation
Cadmium	More than 40 ppm	Children's cosmetic products	July 1, 2009	<a href="#">Ch. 70A.430 RCW</a>
Formaldehyde	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>

<sup>70</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_312](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_312)

<sup>71</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

<sup>72</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

<sup>73</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_312](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_312)

<sup>74</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404049.html>

<sup>75</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

<sup>76</sup> <https://public.govdelivery.com/accounts/WAECY/signup/40160>

Chemical	Restriction	Product	Effective	Regulation
<b>Formaldehyde releasers</b>	Intentionally added	Cosmetic products	Proposed: Jan. 1, 2027	Proposed: Ch. 173-339 WAC
<b>Lead</b>	More than 90 ppm	Children's cosmetic products	July 1, 2009	<a href="#">Ch. 70A.430 RCW</a>
<b>Lead and lead compounds</b>	More than 1 ppm†	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>Lead and lead compounds</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>Mercury and mercury compounds</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>Methylene glycol</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>m-phenylenediamine and its salts</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>o-phenylenediamine and its salts</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>Ortho-phthalates</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>Ortho-phthalates</b>	Intentionally added	Fragrances in beauty products and personal care products	Jan. 1, 2025	<a href="#">Ch. 173-337 WAC</a>
<b>Perfluoroalkyl and polyfluoroalkyl substances (PFAS)</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>
<b>Phthalates listed in law (individually or combined)</b>	More than 1,000 ppm	Children's cosmetic products	July 1, 2009	<a href="#">Ch. 70A.430 RCW</a>
<b>Triclosan</b>	Intentionally added	Cosmetic products	Jan. 1, 2025	<a href="#">Ch. 70A.560 RCW</a>

**Table note:**

† Refer to the [Interim Policy on Lead in Cosmetics](#)<sup>77</sup> for alternative compliance paths.

<sup>77</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

## Regulatory timeline

### *July 1, 2009*

- Chapter 70A.430 RCW restrictions on cadmium, lead, and ortho-phthalates in children's cosmetic products take effect.

### *January 1, 2025*

- Chapter 173-337 WAC restrictions on intentionally added ortho-phthalates in fragrances used in beauty products and personal care products, as well as fragrances sold separately, take effect.
- Chapter 70A.560 RCW restrictions on intentionally added formaldehyde, lead and lead compounds, mercury, methylene glycol, ortho-phthalates, PFAS, m- and o-phenylenediamines and their salts, and triclosan in cosmetic products take effect.
- Chapter 70A.560 RCW restrictions on lead and lead compounds to less than 1ppm in cosmetic products take effect. For more information on this restriction, see the [Lead in Cosmetics efforts](#) section earlier in this section.

### *January 1, 2026*

- Chapter 70A.560 RCW sell-through period ends for in-state retailers' existing stock containing one or more of the restricted chemicals.

### *January 1, 2027*

- The proposed Chapter 173-339 WAC restrictions on 28 formaldehyde releasers when intentionally added to cosmetic products takes effect.
- The proposed Chapter 173-339 WAC definition of "intentionally added" takes effect and applies to the restrictions in Chapter 70A.560 RCW.

### *January 1, 2028*

- The proposed Chapter 173-339 WAC sell-through period ends for in-state retailers' existing stock containing the 28 listed formaldehyde releasers.

## Supporting compliance and voluntary efforts

The intent of the regulations related to reducing toxic chemicals in cosmetic products is to ensure the safety of cosmetic products and to protect Washington residents and workers from exposures to toxic chemicals. Regulated entities are responsible for complying with these regulations.

We want to help regulated entities understand their responsibilities and do what's best for consumers, workers, and the environment. We are committed to supporting businesses with their compliance efforts. This section provides an overview of our:

- Compliance and enforcement strategy.
- Services and resources to support compliance efforts.

### Compliance and enforcement strategy

Our priority is to support regulated entities' compliance efforts through a combination of outreach, education, and assistance. When businesses **don't** comply with state regulations on toxic chemicals in cosmetic products, we start with open communication and technical assistance.

To support compliance, we will:

- Oversee compliance with restrictions by combining multiple strategies such as:
  - Reviewing information from public sources (product labels, safety data sheets, and public databases).
  - Conducting product testing (view the [Ecology Consumer Products Database](https://apps.ecology.wa.gov/consumerproducts/)<sup>78</sup>).
  - Reviewing manufacturer-provided product information.
  - Reviewing other published product testing results.
- Assess statements submitted by regulated entities to provide evidence to dispute an initial determination of the intentional addition of a formaldehyde releaser. We will review the information submitted with the statement and will work with the regulated entity to maintain or achieve compliance.

We consider multiple factors before deciding on enforcement steps and may respond in different ways, ranging from warning letters to monetary penalties. In most cases, regulated entities will correct noncompliant products after receiving information and technical assistance. If the problem persists, especially when there are repeated cases of

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<sup>78</sup> <https://apps.ecology.wa.gov/consumerproducts/>

noncompliance or significant violations, we may need to issue penalties as described in [RCW 70A.560.030](#).<sup>79</sup>

### Example situation of noncompliance

If a cosmetic product sold or used at a salon in Washington State doesn't comply with the effective restrictions, we'll work with the salon or cosmetologist to remove the noncompliant cosmetic product. We'll connect with the distributor to stop distributing the noncompliant cosmetic product in Washington State.

For example, if we discover a noncompliant cosmetic product, we may work with:

- The retailer or business to identify the source of the cosmetic product (distributor and manufacturer).
- The retailer or cosmetologist to remove the noncompliant cosmetic product from their shelves and discontinue use in Washington State.
- The distributor to stop distributing the noncompliant cosmetic product in Washington State.
- The manufacturer to reformulate the noncompliant cosmetic product as necessary to be compliant for distribution or sale in Washington State.

### Services and resources to support compliance and voluntary efforts

We provide many resources in various forms to support compliance efforts. As we receive feedback from regulated entities and other interested parties, we'll continue to refine existing resources and develop additional resources. Services and resources we provide to support compliance efforts include:

- Providing technical support, reference materials, hazard assessments, and the Cosmetics Toolkit.
- Developing subsidy programs and supporting efforts to switch to safer cosmetic products, such as the Safer Salons Partnership and safer certification subsidies.

### Technical support and reference materials

We intend to provide technical assistance and reference materials to regulated entities. These may include:

- Providing published guidance to assist regulated entities in determining whether their products meet the restrictions and what to do if they **don't**. You can review the [guidance document](#)<sup>80</sup> we published in 2024.

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<sup>79</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.030>

<sup>80</sup> <https://apps.ecology.wa.gov/publications/documents/2404019.pdf>

- Providing custom technical assistance to support regulated entities in coming into compliance.
- Developing guidance as needed to provide more details on aspects of laws and rules related to toxic chemicals in cosmetics products.
- Supporting regulated entities in determining the best approach to ensure compliance. Washington State regulations **don't** currently require regulated entities to:
  - Submit evidence to the agency to demonstrate your cosmetic products are compliant.
  - Certify cosmetic products through third-party certifications.
  - Conduct product testing or air quality testing.

### **Hazard assessments**

The Toxic-Free Cosmetics Act directed Ecology to use existing information to identify and assess the hazards of chemicals that provide the same or similar function in cosmetic products as restricted chemicals. To support compliance efforts and to comply with the law, we partnered with the Department of Health to assess 10 chemicals that serve the preservative function.

The assessments show that the chemicals are safer than the preservatives being restricted under the law. The assessment reports are available on the [Interstate Chemicals Clearinghouse Chemical Hazard Assessment Database](#).<sup>81</sup> Businesses can use this information to support the formulation of safer cosmetic products. Businesses and consumers can also use this information to advocate for and purchase safer cosmetics products.

We focused our assessments on preservatives. Preservatives are used in cosmetic products to prevent the growth of harmful bacteria and mold. Four of the nine chemicals and chemical classes restricted in the Toxic-Free Cosmetics Act can be used as preservatives. Preservatives are used in hair care products. Some hair care products, such as leave-in conditioners, hair smoothing treatments, hair styling gels, and hair sprays are used more frequently by people of color.

We also reviewed more than 70 hazard assessments to identify chemicals that have at least one function in common with a restricted chemical. We identified 54 chemicals that are potential alternatives. We will publish a focus sheet describing the alternatives for the various functions of the restricted chemicals. Read our [Chemicals in Cosmetics Used by Washington Residents](#)<sup>82</sup> report for more information.

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<sup>81</sup> <https://www.theic2.org/hazard-assessment-database>

<sup>82</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2304007.html>

We will conduct future efforts to assess additional chemicals and functions as funding and capacity allows.

### **Cosmetics Toolkit**

The Cosmetics Toolkit project focuses on reducing lead exposure from certain eyeliners such as surma, kohl, or kajal. The Cosmetics Toolkit project also promotes lead education and awareness. Some populations in Washington State experience elevated blood lead levels. Lead-containing eyeliners are a source of exposure (DEOHS 2023; Lockwood, 2023).

By implementing the Cosmetics Toolkit project, we aim to help affected communities make safer purchasing choices by:

- Providing accessible and culturally relevant information and resources.
- Producing translated informational cards, an instructional video, and a video featuring interviews with community leaders.
- Hosting community workshops to increase community awareness and resilience.

We hope to create and share these resources in the summer of 2025.

The Cosmetics Toolkit also includes information about safer cosmetic products and the Toxic-Free Cosmetics Act's restrictions on lead in cosmetic products (intentionally added lead and lead impurities at or above 1 ppm).

We hope to expand the toolkit to include other toxic chemicals, other cosmetic products, or both. For example, we may focus on mercury in skin lightening creams.

### **Safer Salons Partnership**

The Toxic-Free Cosmetics Act directed Ecology to provide additional support and resources to independent cosmetologists and small businesses that provide cosmetology services. To support compliance efforts and to comply with the law, we are developing and preparing to pilot the [Safer Salons Partnership](#).<sup>83</sup>

We designed the Safer Salons Partnership to assist hair stylists and salons with switching to safer cosmetic products. In support of this program, we:

- Conducted a focus group and surveyed cosmetologists.
- Created a tiered system for reimbursement that prioritizes cosmetic products made by, designed for, or marketed to people who live and work in communities who face higher toxic exposure or who experience other environmental and health disparities.

The Safer Salons Partnership pilot program prioritizes participation from:

- Women- and minority-owned businesses.

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<sup>83</sup> <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/cosmetics>

- Businesses located in communities with higher exposures to toxic chemicals.

The Safer Salons Partnership pilot program will reimburse participants for the purchase of eligible third-party certified safer cosmetic products, and for eligible salon services where those products are used, such as a shampoo or styling service.

We will use the results of the initial efforts to improve the Safer Salons Partnership program over time. We will prioritize providing technical and financial assistance to communities with higher exposures, from environmental harms or where there is the potential to reduce exposure inequality. We discuss identification of the vulnerable populations further in the [Environmental Justice Assessment section](#) of this plan.

Depending on funding and capacity, we may expand the scope of the Safer Salons Partnership beyond hair stylists and salons. We may also pursue partnerships with organizations like the Non-Toxic Black Beauty Project or other certification programs, to increase cosmetic products offered under the program.

### **Safer certification subsidies**

The Toxic-Free Cosmetics Act directed Ecology to provide additional support and resources to small businesses that manufacture cosmetic products. To support compliance efforts and to comply with the law, we developed a [safer cosmetic certification subsidy program](#).<sup>84</sup>

The certification subsidy program assists small cosmetics manufacturers in reformulating products with safer ingredients and obtaining environmental health certifications for their products. The certifications that meet our [criteria for safer](#)<sup>85</sup> include the Cradle to Cradle® Product Certification, the Cradle to Cradle Material Health Certification, and the federal Environmental Protection Agency's Safer Choice certification.

The certification process requires manufacturers to:

- Identify all the chemicals in their cosmetic product.
- Screen the cosmetic product for all chemicals with known hazards and for restricted chemicals.
- Reformulate the cosmetic product using safer ingredients, if necessary.

Manufacturers who apply and are accepted may be reimbursed for the following expenses used towards obtaining product certification.

- 75 percent of the cost for the first \$10,000 spent.
- 50 percent of the cost for \$10,000 to \$50,000 spent.
- Reformulation costs up to \$2,500.

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<sup>84</sup> <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/safer-alternatives/safer-chemicals-for-manufacturers/cosmetics-certification-subsidy-program>

<sup>85</sup> <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>



A manufacturer may receive a maximum reimbursement of \$30,000 towards product certification.

We are prioritizing businesses that go beyond compliance and businesses and cosmetic products that benefit people who face higher toxic exposures. To support this focus, we connected with several organizations, including AMP Beauty, the Equity and Wellness Collaborative, and Breast Cancer Prevention Partners and their Non-Toxic Black Beauty Project. Through these connections, we intend to engage with companies committed to prioritizing safer cosmetic products for people who live and work in communities that experience environmental and health disparities.

We are also evaluating other third-party certifications against our criteria and hope to expand options as our program grows. We intend to continue supporting the certification subsidy program as funding is available.

## Environmental Justice Assessment

Washington law ([RCW 70A.02.010](#)<sup>86</sup>) defines “environmental justice” as:

The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies.

Environmental justice includes considering disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing overburdened populations, the equitable distribution of resources and benefits, and eliminating harm.

We use information such as environmental pollution data, environmental health disparities data, and demographic data as well as best available science to prioritize and distribute our resources and funds as directed by various laws and rules. We prioritize people who live and work in communities who face higher toxic exposure or who experience other environmental and health disparities. Our goal is to create environmental benefits and reduce environmental harm in a way that reduces environmental and health disparities.

During our rulemaking efforts, we conduct Environmental Justice Assessments, as required by Chapter 70A.02 RCW. While conducting the Environmental Justice Assessment, we identify:

- Vulnerable populations who may be most impacted by the proposed rule.
- Environmental benefits and harms.
- Health impacts associated with the environmental benefits and harms.
- Options to mitigate, reduce, or eliminate environmental harms.
- Considerations for equitably distributing benefits associated with the action.

We provide more information on each of these topics in this section.

### Vulnerable populations who may be most impacted by the proposed rule

[RCW 70A.02.010](#)<sup>87</sup> defines “vulnerable populations” as:

Population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to:

(i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively

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<sup>86</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010>

<sup>87</sup> Ibid.

affect health outcomes and increase vulnerability to the effects of environmental harms; and

(ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

The populations identified in this section are more likely to be at higher risk for poor health outcomes owing to adverse socioeconomic factors. For example, our 2023 [Chemicals in Cosmetics Report to the Legislature](#)<sup>88</sup> showed that women of color are more exposed to harmful chemicals in cosmetic products compared to white women. Some people use certain cosmetic products more often than others because of:

- Cultural or religious differences.
- Their occupation.
- Beauty standards that promote European features, such as light skin.

In another example, a study of nail salon workers in California in 2024 reported that 81 percent of nail salon workers in California were born outside of the United States, and 82 percent of those born outside of the United States are Vietnamese (Huynh et al., 2024; OSHA, n.d).

Another study conducted in 2020 looked at hair dye and chemical straightener use and breast cancer risk in a large United States population of Black and white women. That study concluded that the use of hair straightening products, particularly by Black women, has been associated with an increased risk of breast and uterine cancer (Eberle et al., 2020; Chang et al., 2022).

Other groups identified as potentially being more impacted by the implementation of regulations related to toxic chemicals in cosmetic products include:

- Workers in the beauty industry who are exposed to toxic chemicals in cosmetic products.
- Communities with a higher percentage of people working in the salon industry.
- People of all genders, sexes, and identities who use cosmetic products containing toxic chemicals, with disproportionate impacts on communities of color.
- People who live on Tribal lands.

## Environmental benefits and harms

The restriction of toxic chemicals in cosmetic products will likely reduce:

- Exposure to toxic chemicals for individuals who use cosmetic products.
- Exposure to toxic chemicals for individuals who are exposed in their workplace, such as cosmetologists and salon stylists.

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<sup>88</sup> <https://apps.ecology.wa.gov/publications/summarypages/2304007.html>

- Toxic chemicals from cosmetic products entering the environment. When people send cosmetic products to landfills, toxic chemicals may enter landfill leachate and travel to groundwater. When cosmetic products are washed down sinks and drains, toxic chemicals may enter our natural waterways. Traditional treatment methods used at wastewater treatment plants don't remove toxic chemicals.

## Health impacts associated with environmental benefits and harms

Many toxic chemicals used in cosmetic products are linked to harmful health impacts, such as cancer, hormone disruption, and reproductive and developmental toxicity (Ecology, 2024). By restricting these toxic chemicals, we aim to reduce these health threats. For more information on how the TFCA-restricted chemicals in cosmetics impact human health, see [Take the detective work out of choosing safer cosmetics](#).<sup>89</sup>

## Ecology's efforts to mitigate, reduce, or eliminate environmental harms and to equitably distribute benefits

Implementing and supporting compliance efforts will reduce environmental harms that impact all people in Washington, with equitable benefits for the populations listed above who are currently disproportionately impacted. We also aim to further equitably distribute benefits associated with these regulations through our programs, such as safer certification subsidies and the Safer Salons Partnership. In these programs, we prioritize people who have higher exposure to the restricted chemicals. Additionally, our outreach strategy focuses on engaging meaningfully with companies committed to prioritizing safer cosmetic products for people who live and work in communities that face higher toxic exposure or who experience other environmental and health disparities.

## Tribal sovereignty and regulations to reduce toxic chemicals in cosmetic products

We identified Tribes, Indigenous populations, and people living on Tribal lands as populations who may have higher exposure to toxic chemicals restricted by regulations to reduce toxic chemicals in cosmetic products. Tribes are sovereign nations, and therefore Ecology **doesn't** regulate cosmetic products manufactured or sold on Tribal lands. However, the adopted rule may indirectly impact cosmetic products sold online that are distributed to, or used on, Tribal lands.

However, we have conducted and will continue to conduct outreach to Tribes, Tribal members, and Indigenous community groups in Washington State. Our outreach efforts focus on the health impacts of toxic chemicals in cosmetic products and how the restrictions in regulations to reduce toxic chemicals in cosmetic products may impact them as individual consumers, manufacturers, or business owners outside of Tribal lands.

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<sup>89</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404061.html>

## Informing and engaging

We have prioritized and will continue to prioritize education and outreach efforts to inform and engage regulated entities and other interested parties. These efforts will involve many staff at Ecology and the Department of Health. This section includes an overview of our strategies to inform and engage regulated entities and other interested parties and ways to update staff at Ecology and the Department of Health.

### Regulated entities and other interested parties

The regulations to reduce toxic chemicals in cosmetic products may directly affect:

- Manufacturers.
- Distributors.
- Retailers.
- Cosmetologists and businesses that provide cosmetology services (salons, barbershops, estheticians, manicurists, etc.).
- Consumers and other members of the public, especially underserved communities.
- Tribal organizations and Indigenous people.
- Community-based organizations and partners such as the Hazardous Waste Management Program in King County, especially those serving populations who have higher exposure to toxic chemicals.

The regulations to reduce toxic chemicals in cosmetic products could interest:

- Environmental advocacy groups and non-governmental organizations.
- Media outlets and reporters, especially environmental and state government reporters.
- Washington State government agencies (Department of Health, Department of Commerce, local governments, and local health departments).
- Legislators.
- Government agencies in other states, at the federal level, and in other nations.
- Others associated with regulated entities.
  - Suppliers of ingredients used in cosmetics formulations.
  - Industry associations for manufacturers, distributors, retailers, salons, and cosmetologists.

### Goals for informing and engaging

Our goals for informing and engaging regulated entities and other interested parties include:

- Creating tailored, unique messages spanning communication channels and formats to share frequent, transparent updates with regulated entities and interested parties.
- Providing multiple opportunities and many ways for regulated entities and other interested parties to communicate with us.
- Identifying and implementing ways to reach underserved communities and reducing barriers for participation through language access, accessible in-person events, and lived-experience compensation.

Another goal is to develop compliance messaging and education for regulated entities and other interested parties. Examples of specific key messaging for various types of regulated entities and other interested parties include:

- Tribes. Ecology **doesn't** have authority to regulate cosmetic products manufactured, sold, or used on Tribal lands because of Tribal sovereignty. We conduct outreach to Tribes, Tribal members, and Indigenous community groups in Washington State. Our outreach efforts focus on the health impacts of toxic chemicals in cosmetic products and how the restrictions in regulations to reduce toxic chemicals in cosmetic products may impact them as individual consumers, manufacturers, or business owners outside of Tribal lands.
- Consumers. Cosmetics can contain toxic chemicals that are linked to harmful health impacts. People can be exposed to these chemicals every time they use those products, increasing likelihood of harms to human health. Regulations to reduce toxic chemicals in cosmetic products restrict the distribution of noncompliant products to protect consumers, workers, and the environment. These restrictions could affect the supply chain and availability of some products within Washington State.
- Manufacturers and distributors. To ensure you comply with regulations to reduce toxic chemicals in cosmetic products, use one or more of the following common approaches to determine if your product contains any of the restricted chemicals.
  - Conduct a raw material review or audit (disclosure).
  - Obtain supplier attestations of compliance, such as a Certificate of Analysis.
  - Conduct analytical testing.

For more detailed guidance, please read our [Toxic-Free Cosmetics Act Guide](#)<sup>90</sup> or [email us](mailto:ToxicFreeCosmetics@ecy.wa.gov)<sup>91</sup> for technical assistance.

- Retailers. Cosmetic products you sell or offer for sale must comply with regulations to reduce toxic chemicals in cosmetic products.

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<sup>90</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

<sup>91</sup> [ToxicFreeCosmetics@ecy.wa.gov](mailto:ToxicFreeCosmetics@ecy.wa.gov)

- Contact manufacturers to determine whether the cosmetic products you purchase comply with regulations to reduce toxic chemicals in cosmetic products.
- Check product ingredient lists for restricted chemicals.
- If a cosmetic product purchased at a store or sold online is found to be noncompliant, we'll work with the retailer to remove the noncompliant product from the physical or online store.
- Cosmetologists. Cosmetic products you use to provide services or sell to clients and customers must comply with regulations to reduce toxic chemicals in cosmetic products.
  - Contact your distributor to determine if the cosmetic products you purchase comply with regulations to reduce toxic chemicals in cosmetic products. If your distributor **doesn't** know, we can help them understand what to do to comply with the regulations.
  - Check product ingredient lists for restricted chemicals. For more detailed guidance, please read our [Toxic-Free Cosmetics Act Guide](#)<sup>92</sup> or [email us](#)<sup>93</sup> for technical assistance.
  - Purchase cosmetic products in Washington State. While there **isn't** a guarantee that all cosmetic products for sale will be compliant, the purpose is to ensure that cosmetics bought in Washington State **don't** have restricted chemicals.

## Engagement

We plan to co-develop approaches to equitable and meaningful engagement with regulated entities, professionals who support regulated entities, the public, Tribes and Indigenous communities, and others, particularly people who live and work in communities that may have higher exposure to toxic chemicals or who experience other environmental and health disparities. We intend to use their input to inform decision-making and determine other approaches to engagement.

We intend to use a combination of traditional strategies and new technologies to inform and engage regulated entities and interested parties, such as:

- Providing information, tools, and resources to support regulated entities, supporting industries, and the public.
- Providing information on our website so industry websites can use and link to accurate and current information.

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<sup>92</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

<sup>93</sup> [ToxicFreeCosmetics@ecy.wa.gov](mailto:ToxicFreeCosmetics@ecy.wa.gov)

- Sharing updates and resources to regulated entities and interested parties via our GovDelivery email distribution lists.
- Collaborating with community-based organizations.
- Attending and participating in community events.
- Connecting with industry organizations to share information and resources through their networks.
- Issuing news releases and blog and social media posts.
- Providing interviews to media outlets.
- Developing resources to share online and in person.
- Mailing postcards to businesses in Washington State.

We plan to collaborate with community-based organizations (CBOs) and other interested parties to engage with people who live and work in communities who face higher toxic exposure or who experience other environmental and health disparities. We recognize that the restricted toxic chemicals have a greater impact on people who live and work in these communities. We are seeking their feedback and participation by:

- Conducting a focus group with Black hair stylists in South Seattle. Focus group participants will be prioritized for participation in the pilot of the Safer Salons Partnership. A local community health advocate will lead these efforts.
- Working with King County’s Hazardous Waste Management Program, leveraging their existing mini contracts with CBOs to create culturally relevant messaging, build trust, and work with Black business owners and community members.
- Attending in-person events, such as community fairs and festivals, located in communities who face higher toxic exposure or who experience other environmental and health disparities.
- Attending Tribal events and summits.

### Agency partners and Ecology staff

Our efforts to develop, implement, and support compliance with regulations to reduce toxic chemicals in cosmetic products involve:

- Ecology staff responsible for implementing and supporting compliance efforts.
- Representatives of agency partners like the Department of Health and King County Hazardous Waste Management Program.

Ecology staff responsible for implementing and supporting compliance will provide technical support to regulated entities and other interested parties. Our staff will answer questions and provide additional resources such as webpages, guidance documents, and informational materials.



We will also update staff in the Hazardous Waste and Toxics Reduction Program and throughout Ecology, about the requirements in regulations to reduce toxic chemicals in cosmetic products and those affected by these regulations. We hope to:

- Provide updates through internal staff presentations.
- Create and maintain communication plans.
- Inform staff and agency partners at regional, technical, and policy meetings.
- Share updates via regular emails to the cosmetics GovDelivery list and on cosmetics-related webpages.

We will continue collaborating with agency partners to inform regulated entities and support their efforts to comply with the regulations to reduce toxic chemicals in cosmetic products.

## Resources for Part 2

We developed and will continue to develop resources to support compliance efforts and inform interested parties. For more information about our efforts to reduce toxic chemicals in cosmetic products, see the resources included in this section.

### Toxic-Free Cosmetics

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- Cosmetics Rulemaking Lead  
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- Subscribe to the [Toxic-Free Cosmetics email list](#)<sup>94</sup>

#### Regulations

- [Chapter 70A.560 RCW: Toxic-Free Cosmetics Act](#)<sup>95</sup>
- Chapter 173-339 WAC: Cosmetic Products Restrictions (proposed)

#### Webpages

- [Toxic-Free Cosmetics Act \(TFCA\) program](#)<sup>96</sup>
- [Toxic-Free Cosmetics interested parties](#)<sup>97</sup>
- [Formaldehyde in Cosmetics Rulemaking](#)<sup>98</sup>
- [Lead in Cosmetics Rulemaking](#)<sup>99</sup>
- [Safer product certification subsidy program](#)<sup>100</sup>

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<sup>94</sup> <https://public.govdelivery.com/accounts/WAECY/signup/40162>

<sup>95</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

<sup>96</sup> <https://ecology.wa.gov/TFCA>

<sup>97</sup> [https://www.ezview.wa.gov/site/alias\\_\\_1962/38927/toxic\\_free\\_cosmetics.aspx](https://www.ezview.wa.gov/site/alias__1962/38927/toxic_free_cosmetics.aspx)

<sup>98</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

<sup>99</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

<sup>100</sup> <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/safer-alternatives/safer-chemicals-for-manufacturers/safer-product-certification-subsidy-program>

- [Safer cosmetics replacement program](#)<sup>101</sup>

## Reference materials

- [Overview: Formaldehyde in Cosmetics Rulemaking](#)<sup>102</sup>
- [Formaldehyde Releasers Technical Support](#)<sup>103</sup>
- [Interim policy on lead in cosmetics](#)<sup>104</sup>
- [Chemical Facts for Cosmetologists: Formaldehyde & Formaldehyde Releasers](#)<sup>105</sup>
- [Toxic-Free Cosmetics Act Guide: Restrictions for Cosmetic Industry & Sellers](#)<sup>106</sup>
- [Toxic-Free Cosmetics Act Compliance & Outreach Questions and Answers](#)<sup>107</sup>
- [Keeping Your Home and Family Healthy: Reduce Your Exposure to Harmful Chemicals in Self-Care Products](#)<sup>108</sup>
- [Take the Detective Work Out of Choosing Safer Cosmetics](#)<sup>109</sup>

## Children's Safe Products

### Contacts

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- Subscribe to the [Children's Safe Products email list](#)<sup>110</sup>

### Regulations

- [Chapter 70A.430 RCW: Children's Safe Products Act](#)<sup>111</sup>

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<sup>101</sup> <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/cosmetics>

<sup>102</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2504011.html>

<sup>103</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2504012.html>

<sup>104</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

<sup>105</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404039.html>

<sup>106</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

<sup>107</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404047.html>

<sup>108</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2204038.html>

<sup>109</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404061.html>

<sup>110</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_31](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_31)

<sup>111</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.430>

- [Chapter 173-334 WAC: Children’s Safe Products—Reporting Rule](#)<sup>112</sup>

## Webpages

- [Children’s Safe Products program](#)<sup>113</sup>
- [Children’s Safe Products reporting](#)<sup>114</sup>
- [Chemicals of high concern \(CHCC\)](#)<sup>115</sup>
- [High Priority Chemicals Data System](#)<sup>116</sup>

## Reference materials

- [Children's Safe Products Reporting Rule: Product Components](#)<sup>117</sup>
- [Guidance on enforcement for lead, cadmium, and phthalates](#)<sup>118</sup>

## Safer Products

### Contacts

- Safer Products for Washington Compliance Lead  
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- Subscribe to the [Safer Products for Washington email list](#)<sup>119</sup>

### Regulations

- [Chapter 70A.350 RCW: Toxic Pollution](#)<sup>120</sup>

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<sup>112</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-334>

<sup>113</sup> <https://ecology.wa.gov/CSPA>

<sup>114</sup> <https://ecology.wa.gov/CSPA-reporting>

<sup>115</sup> <https://ecology.wa.gov/regulations-permits/reporting-requirements/childrens-safe-products-act-reporting/chemicals-of-high-concern-to-children>

<sup>116</sup> <https://www.theic2.org/hpcds#gsc.tab=0>

<sup>117</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2404008.html>

<sup>118</sup> <https://ecology.wa.gov/getattachment/2eb614cd-d842-4e94-a3fe-a5ae6789e11d/LeadCadmiumPhthalatesenforcement.pdf>

<sup>119</sup> <https://public.govdelivery.com/accounts/WAECY/signup/40160>

<sup>120</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350>

- [Chapter 173-337 WAC: Safer Products Restrictions and Reporting](#)<sup>121</sup>

### Webpages

- [Safer Products for Washington program](#)<sup>122</sup>
- [Safer Products for Washington compliance and reporting](#)<sup>123</sup>
- [Safer Products for Washington interested parties](#)<sup>124</sup>
- [High Priority Chemicals Data System](#)<sup>125</sup>
- [Safer Products for Washington Cycle 1.5 rulemaking webpage](#)<sup>126</sup>

### Reference materials

- [Safer products for businesses](#)<sup>127</sup>
- [Toxic chemicals in your home](#)<sup>128</sup>
- [Shop for safer products at home](#)<sup>129</sup>

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<sup>121</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

<sup>122</sup> <https://ecology.wa.gov/safer-products-WA>

<sup>123</sup> <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/safer-products/compliance-and-reporting>

<sup>124</sup> [https://www.ezview.wa.gov/site/alias\\_\\_1962/37555/safer\\_products\\_for\\_washington.aspx](https://www.ezview.wa.gov/site/alias__1962/37555/safer_products_for_washington.aspx)

<sup>125</sup> <https://www.theic2.org/hpcds#gsc.tab=0>

<sup>126</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-337-nov2023>

<sup>127</sup> <https://ecology.wa.gov/safer-products>

<sup>128</sup> <https://ecology.wa.gov/waste-toxics/community-waste-toxics/at-home>

<sup>129</sup> <https://ecology.wa.gov/Waste-Toxics/Community-waste-toxics/At-home/Healthy-home-guide#saferchoice>

## References

- Bund, B. (2017). [Technically avoidable heavy metal contents in cosmetic products](https://doi.org/10.1007/s00003-016-1044-2). *Journal of Consumer Protection and Food Safety* 12, 51-53.  
<https://doi.org/10.1007/s00003-016-1044-2>
- Chang, C.-J., O'Brien, K. M., Keil, A. P., Gaston, S. A., Jackson, C. L., Sandler, D. P., & White, A. J. (2022). [Use of straighteners and other hair products and incident uterine cancer](https://doi.org/10.1093/jnci/djac165). *JNCI: Journal of the National Cancer Institute*, 114(12), 1636-1645.  
<https://doi.org/10.1093/jnci/djac165>
- DEOHS (Department of Environmental and Occupational Health Services). (2023, August 9). [Toxic lead exposure in traditional eyeliner. UW collaborates with Hazardous Waste Management Program to support the Afghan community](https://deohs.washington.edu/nwcohs/blog/toxic-lead-exposure-traditional-eyeliner-0). School of Public Health, University of Washington. <https://deohs.washington.edu/nwcohs/blog/toxic-lead-exposure-traditional-eyeliner-0>
- Eberle, C. E., Sandler, D. P., Taylor, K. W., & White, A. J. (2020). [Hair dye and chemical straightener use and breast cancer risk in a large US population of black and white women](https://doi.org/10.1002/ijc.32738). *International Journal of Cancer*, 147, 383–391.  
<https://doi.org/10.1002/ijc.32738>
- Ecology (Washington State Department of Ecology). (2024). [Chemicals in cosmetics used by Washington residents](https://apps.ecology.wa.gov/publications/SummaryPages/2304007.html). Publication No. 23-04-007.  
<https://apps.ecology.wa.gov/publications/SummaryPages/2304007.html>
- Ecology (Washington State Department of Ecology) (2024). [Take the detective work out of choosing safer cosmetics](https://apps.ecology.wa.gov/publications/SummaryPages/2404061.html). Publication No. 24-04-061.  
<https://apps.ecology.wa.gov/publications/SummaryPages/2404061.html>
- Huynh, J., Sharma, P., Waheed, S., Fu, L., Herrera, L., Nguyen, M., Porter, C. (2024). [Nail Files California: A Study of Nail Salon Workers and Industry. UCLA Labor Center and California Healthy Nail Salon Collaborative](https://www.labor.ucla.edu/wp-content/uploads/2024/03/Nail-Files-California-3.18.2024.pdf). <https://www.labor.ucla.edu/wp-content/uploads/2024/03/Nail-Files-California-3.18.2024.pdf>
- Lockwood, D. (2023, Nov. 7). [Lowering lead exposure from traditional eyeliners](https://deohs.washington.edu/hsm-blog/lowering-lead-exposure-traditional-eyeliners). Department of Environmental and Occupational Health Services, School of Public Health, University of Washington. <https://deohs.washington.edu/hsm-blog/lowering-lead-exposure-traditional-eyeliners>
- OSHA (Occupational Safety and Health Administration). (n.d). [Health Hazards in Nail Salons](https://www.osha.gov/nail-salons/chemical-hazards).  
<https://www.osha.gov/nail-salons/chemical-hazards>
- OPSS (Office of Product Safety and Standards). (March 2023). [A Feasibility Study Investigating Action Limits for Certain Heavy Metal Impurities in Cosmetic Products](https://www.gov.uk/government/publications/action-limits-for-heavy-metal-impurities-in-cosmetic-products).  
<https://www.gov.uk/government/publications/action-limits-for-heavy-metal-impurities-in-cosmetic-products>

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