



# **Concise Explanatory Statement: Chapter 173-339 WAC Cosmetic Products Restrictions**

## **Summary of Rulemaking and Response to Comments**

Hazardous Waste and Toxics Reduction Program  
Washington State Department of Ecology  
Olympia, Washington

August 2025 | Publication 25-04-042

## Publication Information

This document is available on the Department of Ecology's website at:  
<https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html>

**Cover photo:** Standard Ecology image, 2019

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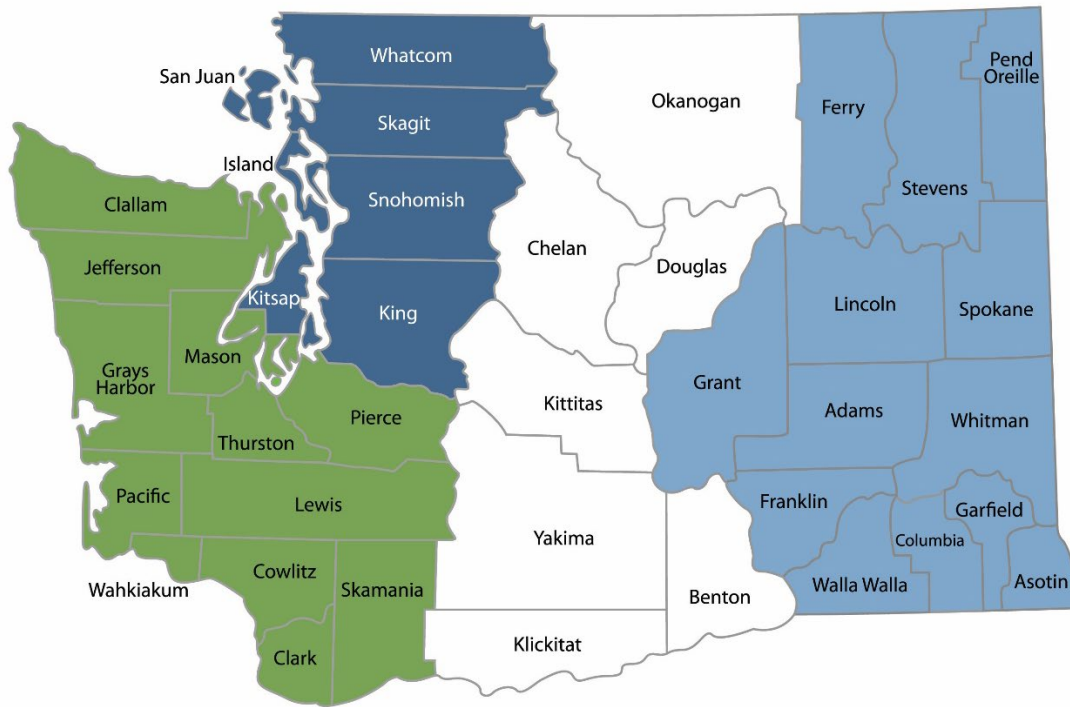
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<sup>1</sup>[ecology.wa.gov/contact](http://ecology.wa.gov/contact)

<sup>2</sup>[ecology.wa.gov/ADA](http://ecology.wa.gov/ADA)

# Department of Ecology's Region Offices

## Map of Counties Served



**Southwest Region**  
360-407-6300

**Northwest Region**  
206-594-0000

**Central Region**  
509-575-2490

**Eastern Region**  
509-329-3400

Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 47600 Olympia, WA 98504	360-407-6000

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## Introduction

The Washington State Department of Ecology (Ecology, we) developed this Concise Explanatory Statement to:

- Comply with section 325 of the Administrative Procedure Act that requires agencies to prepare a Concise Explanatory Statement ([RCW 34.05.325](#)).<sup>3</sup>
- Provide reasons for adopting the rule.
- Describe differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on Ecology's rule adoption for:

Title:                   Cosmetic Products Restrictions  
WAC chapter:    173-339  
Adopted:           August 28, 2025  
Effective:         September 28, 2025

The Concise Explanatory Statement Appendices document includes the citation list, written comments, verbal testimony provided, and the proposed rule with track changes. To view the Concise Explanatory Statement Appendices document, visit [this publication's summary page](#).<sup>4</sup>

To see more information related to this rulemaking or other Ecology rulemakings, visit [Ecology's laws, rules, and rulemaking webpage](#).<sup>5</sup>

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<sup>3</sup>[app.leg.wa.gov/RCW/default.aspx?cite=34.05.325](http://app.leg.wa.gov/RCW/default.aspx?cite=34.05.325)

<sup>4</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504042.html](http://apps.ecology.wa.gov/publications/SummaryPages/2504042.html)

<sup>5</sup>[ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking](http://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking)

## Overview of this rulemaking

On May 22, 2024, we [announced](#)<sup>6</sup> the start of rulemaking to develop a new chapter in the Washington Administrative Code. In June 2024, we hosted a [webinar](#)<sup>7</sup> to share information about the rulemaking process and invited attendees to inform draft rule requirements. We used feedback from webinar attendees and meetings with interested parties to develop a [preliminary draft rule](#).<sup>8</sup> In July 2024, we shared the preliminary draft rule with the public, provided an informal comment period, and hosted a [webinar](#).<sup>9</sup>

On February 6, 2025, we [proposed](#)<sup>10</sup> the [formal draft rule](#)<sup>11</sup> (proposed rule) and shared rulemaking documents, including the [Preliminary Regulatory Analyses](#),<sup>12</sup> the [Draft Cosmetics Implementation Plan](#),<sup>13</sup> and the [Draft SEPA Determination of Nonsignificance](#).<sup>14</sup> We accepted formal comments on the proposed rule and other rulemaking documents from February 6, 2025, through April 11, 2025. During the 64-day comment period, we received 39 submissions (see [Appendix B](#))<sup>15</sup>, including verbal testimony (see [Appendix C](#)) provided during the March and April [hearings](#).<sup>16</sup> We used that feedback to develop the [adopted rule](#),<sup>17</sup> this Concise Explanatory Statement, the [Final Regulatory Analyses](#),<sup>18</sup> and the [Cosmetics Implementation Plan](#).<sup>19</sup>

Ecology director, Casey Sixkiller, signed and adopted the new chapter on August 28, 2025.

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<sup>6</sup>[ecology.wa.gov/getattachment/1f47cf5e-454a-4875-87f7-ae9aec047744/WSR-24-11-148.pdf](https://ecology.wa.gov/getattachment/1f47cf5e-454a-4875-87f7-ae9aec047744/WSR-24-11-148.pdf)

<sup>7</sup>[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>8</sup>[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>9</sup>[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)

<sup>10</sup>[ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf](https://ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf)

<sup>11</sup>[ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf](https://ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf)

<sup>12</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504009.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504009.html)

<sup>13</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504010.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504010.html)

<sup>14</sup>[apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202500450](https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202500450)

<sup>15</sup> [apps.ecology.wa.gov/publications/SummaryPages/2504042.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html)

<sup>16</sup>[www.ezview.wa.gov/Portals/\\_1962/Documents/Cosmetics/339A\\_Hearing\\_2025\\_Comms\\_final\\_remediated.pdf](https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/339A_Hearing_2025_Comms_final_remediated.pdf)

<sup>17</sup>[ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25](https://ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25)

<sup>18</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504045.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504045.html)

<sup>19</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504043.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504043.html)



## Rulemaking authority

In 2023, the Washington State Legislature passed a law called the [Toxic-Free Cosmetics Act \(Chapter 70A.560 RCW\)](#)<sup>20</sup> to improve cosmetic and personal care product safety and protect people and the environment in Washington State from toxic chemicals, particularly people with higher toxic exposures.

The Toxic-Free Cosmetics Act:

- Applies to cosmetic products like makeup, perfume, shampoo, lotion, deodorant, shaving cream, and toothpaste.
- Restricts the manufacture, sale, and distribution of cosmetic products that contain nine chemicals and chemical classes when intentionally added.
- Restricts the manufacture, sale, and distribution of cosmetic products that contain lead impurities when present at or above 1 part per million (ppm).

The Toxic-Free Cosmetics Act also authorizes Ecology to conduct rulemaking to:

- Restrict chemicals that release formaldehyde. Ecology announced the start of the [Formaldehyde in Cosmetics Rulemaking](#)<sup>21</sup> on May 22, 2024.
- Determine a feasible limit on lead impurities. Ecology announced the start of the [Lead in Cosmetics Rulemaking](#)<sup>22</sup> on December 19, 2024. This is a separate rulemaking effort.
- Implement, administer, and enforce the law.

## Informing and engaging interested parties

The adopted rule is the result of a robust public outreach and involvement effort. To tell people about the rulemaking, 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, 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:
  - Affiliated Tribes of Northwest Indians 2024 Winter Convention.

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<sup>20</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560)

<sup>21</sup>[ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339](http://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339)

<sup>22</sup>[ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics](http://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics)

- Duwamish River Festival 2024.
- Mosaic Festival 2024.
- Small Asian Business Fair in Seattle 2024.
- Waba Korean Expo and Festival in Seattle 2024.
- Yakima Pride 2024.
- Partnered with a professional community health advocate who convened 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>23</sup>
- Hosted a webinar on July 23, 2024, to provide an overview of the preliminary draft rule ([July 23 presentation slides](#)).<sup>24</sup>
- Provided an informal public comment period to collect feedback from interested parties on the [preliminary draft rule](#).<sup>25</sup>
- Used [public comments](#)<sup>26</sup> to develop the proposed rule.

On February 6, 2025, we [proposed](#)<sup>27</sup> the [formal draft rule](#)<sup>28</sup> (proposed rule) and shared rulemaking documents. To support the rule proposal, we:

- Hosted online [info sessions](#)<sup>29</sup> and formal hearings on March 31, 2025, and April 1, 2025.
- Provided a 64-day formal comment period.
- Used formal comments (see [Appendices B and C](#))<sup>30</sup> to develop the [adopted rule](#)<sup>31</sup> and finalize other rulemaking documents.

Throughout the rulemaking, we:

- Maintained the following Ecology webpages.

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<sup>23</sup>[www.ezview.wa.gov/Portals/\\_1962/Documents/Cosmetics/11June2024-TFCA-webinarSlides.pdf](http://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/11June2024-TFCA-webinarSlides.pdf)

<sup>24</sup>[www.ezview.wa.gov/Portals/\\_1962/images/Toxic%20Free%20Cosmetics%20Act/TFCA\\_Webinar\\_%202024\\_07-23\\_AccessibleVersion.pdf](http://www.ezview.wa.gov/Portals/_1962/images/Toxic%20Free%20Cosmetics%20Act/TFCA_Webinar_%202024_07-23_AccessibleVersion.pdf)

<sup>25</sup>[ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA\\_PrelimDraftRule\\_2024-07.pdf](http://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA_PrelimDraftRule_2024-07.pdf)

<sup>26</sup>[hwtr.ecology.commentinput.com/comment/extra?id=93Bx2jiP5D](http://hwtr.ecology.commentinput.com/comment/extra?id=93Bx2jiP5D)

<sup>27</sup>[ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf](http://ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf)

<sup>28</sup>[ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf](http://ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf)

<sup>29</sup>[www.ezview.wa.gov/Portals/\\_1962/Documents/Cosmetics/339A\\_Hearing\\_2025\\_Comms\\_final\\_remediated.pdf](http://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/339A_Hearing_2025_Comms_final_remediated.pdf)

<sup>30</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504042.html](http://apps.ecology.wa.gov/publications/SummaryPages/2504042.html)

<sup>31</sup>[ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25](http://ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25)

- [Formaldehyde in Cosmetics Rulemaking](#)<sup>32</sup>
- [Toxic-Free Cosmetics Act \(TFCA\)](#)<sup>33</sup>
- [Toxic-Free Cosmetics interested parties](#)<sup>34</sup>
- Issued multiple news releases.
- Issued blog and social media posts.
- Provided interviews to media outlets.
- Presented information to communities, small businesses, industry representatives, environmental and community advocacy groups, and local government agencies.

## Environmental Justice Assessment

Ecology uses the Environmental Justice Assessment process to assess the environmental justice impacts of significant agency actions, as required by Chapter 70A.02 RCW. The assessment informs and supports consideration of overburdened communities and vulnerable populations when making decisions for significant agency actions. Ecology uses this information to:

- Equitably distribute environmental benefits.
- Reduce environmental harms.
- Identify health disparities.

For more information about the Environmental Justice Assessment for the Formaldehyde in Cosmetics Rulemaking, see the [Environmental Justice Assessment](#).<sup>35</sup>

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<sup>32</sup>[ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339](https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339)

<sup>33</sup>[ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act](https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act)

<sup>34</sup>[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>35</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504041.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504041.html)

## Reasons for adopting the rule

Ecology adopted a new chapter in the Washington Administrative Code (WAC): Chapter 173-339 WAC—Cosmetic Products Restrictions. This new chapter (rule):

- Restricts the manufacture, sale, and distribution of cosmetic products in Washington State that contain intentionally added formaldehyde and chemicals that release formaldehyde.
- Identifies 25 formaldehyde-releasing chemicals that are restricted by rule when intentionally added to cosmetic products. This will help manufacturers investigate their supply chain and formulate products without chemicals that release formaldehyde.
- Defines “intentionally added” to clarify the applicability of the restrictions on toxic chemicals in the Toxic-Free Cosmetics Act ([RCW 70A.560.020](#)).<sup>36</sup> Applying the definition of “intentionally added” to the statutory restriction on formaldehyde restricts all chemicals that release formaldehyde that serve a function.

The restrictions in the rule and in the Toxic-Free Cosmetics Act:

- Affect cosmetics manufacturers, distributors, retailers, and cosmetology businesses operating in Washington State.
- Apply to cosmetic products used in services, sold online, and sold in physical stores.

We adopted the rule to restrict the manufacture, sale, and distribution of cosmetic products in Washington State that contain intentionally added formaldehyde and chemicals that release formaldehyde. Formaldehyde can cause cancer, respiratory problems such as asthma, allergic skin responses, and irritation of and damage to eyes and skin. Restricting these chemicals will reduce consumers’ and workers’ exposure to formaldehyde from cosmetic products, such as makeup, shampoo, and shaving cream.

The intent of the adopted rule is to:

- Protect people and the environment in Washington State by making cosmetic products safer and reducing consumers’ and workers’ exposure to formaldehyde.
- Lessen the negative impacts on people with disproportionately higher toxic exposures.

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<sup>36</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560.020](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.020)

## Differences between the proposed rule and the adopted rule

[RCW 34.05.325](#)(6)(a)(ii)<sup>37</sup> requires Ecology to describe the differences between the text of the proposed rule as published in the Washington State Register (WSR) and the text of the rule as adopted—other than editing changes—and state the reasons for the differences.

The adopted rule filed on August 28, 2025, and the proposed rule filed on February 6, 2025, in WSR 25-05-003 have some differences. Ecology made these changes:

- In response to comments we received.
- To ensure clarity and consistency.
- To meet the intent of the authorizing statute.
- To facilitate effective program implementation.

The following content describes the changes and our reasons for making them. This section doesn't include changes made solely to correct typographical errors. See [Appendix D](#)<sup>38</sup> for the exact changes made to the proposed rule.

- Acronyms and definitions (section 020)
  - Revised the definition of “existing stock” to clarify that “existing stock” means cosmetic products physically located in Washington State on or before the date the restriction takes effect, that in-state retailers, including cosmetology businesses, intend to sell to end-use consumers.
  - Added a definition for “in-state retailer” to clarify that “in-state retailer” means a person or business, including a cosmetology business, that sells cosmetic products to end-use customers and is located in Washington State.
  - Revised the definition of “intentionally added chemical” to clarify that “intentionally added chemical” means a chemical that serves an intended function in the cosmetic product or in an ingredient in the cosmetic product.
- Formaldehyde and formaldehyde releasers (section 110)
  - Revised the restriction on formaldehyde in bullet (2)(a)(ii) to clarify that the restriction also applies to the addition of a chemical selected to release formaldehyde to the product or ingredient over time or under conditions of product use.
  - Revised the list of formaldehyde releasers in Table 1. We removed three formaldehyde releasers and corrected typographical errors.

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<sup>37</sup>[app.leg.wa.gov/RCW/default.aspx?cite=34.05.325](http://app.leg.wa.gov/RCW/default.aspx?cite=34.05.325)  
<sup>38</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504042.html](http://apps.ecology.wa.gov/publications/SummaryPages/2504042.html)

- Revised bullet (1)(c)(ii)(C) to clarify that credible evidence may include information, data, or sources.

## Commenter index

Ecology accepted formal comments on the proposed rule during the 64-day public comment period that closed on April 11, 2025. We received a total of 39 comment submissions (see [Appendix B](#)),<sup>39</sup> including nine verbal testimonies (see [Appendix C](#)), provided during the March and April [hearings](#).<sup>40</sup> Some submissions included multiple comments, and several submissions represented many individuals or organizations. We accepted formal comments via:

- Ecology's [online comment tool](#).<sup>41</sup>
- United States mail.
- The Toxic-Free Cosmetics Act email address.
- Two online public hearings held on March 31 and April 1, 2025.

**Table 1. Commenter index— comments from individuals and organizations.** This table lists each commenter, the topics they commented on, and the comment code. To see our response to your comment, find your name or organization in the following table and go to the section for your comment topic.

**Table 2: Commenter list— form letter.** If you signed Toxic-Free Future's petition supporting the draft rule, see this table and our response in section 3.0.

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39apps.ecology.wa.gov/publications/SummaryPages/2504042.html

<sup>40</sup>[www.ezview.wa.gov/Portals/\\_1962/Documents/Cosmetics/339A\\_Hearing\\_2025\\_Comms\\_final\\_remediated.pdf](http://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/339A_Hearing_2025_Comms_final_remediated.pdf)

<sup>41</sup><https://hwtr.ecology.commentinput.com/comment/extra?id=EPWsm>

**Table 1. Commenter index: comments from individuals and organizations**

<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Airhart, Maythia	Hazardous Waste Management Program	Written	<b>1.1.A.</b> Rulemaking process. General support <b>1.2.A.</b> Rulemaking process. Rule implementation <b>1.2.B.</b> Rulemaking process. Rule implementation <b>1.2.G.</b> Rulemaking process. Rule implementation <b>2.1.E.</b> Rule language. Definitions <b>2.3.A.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.J.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.M.</b> Rule language. Formaldehyde and formaldehyde releasers
Anonymous, Anonymous	Self	Written	<b>1.1.A.</b> Rulemaking process. General support
Anonymous, Anonymous	Self	Written	<b>1.1.A.</b> Rulemaking process. General support
Anonymous, Sarah	Self	Written	<b>2.3.H.</b> Rule language. Formaldehyde and formaldehyde releasers
Bolster, Marie	Self	Written	<b>1.1.A.</b> Rulemaking process. General support



<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Burton, Jayla	Women's Voices for the Earth	Written	<b>1.1.A.</b> Rulemaking process. General support <b>1.2.A.</b> Rulemaking process. Rule implementation <b>2.1.E.</b> Rule language. Definitions <b>2.3.F.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.J.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.M.</b> Rule language. Formaldehyde and formaldehyde releasers
Byrnes, Katie	Washington Conservation Action Education Fund	Written	<b>1.1.A.</b> Rulemaking process. General support <b>2.1.E.</b> Rule language. Definitions <b>2.3.J.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.M.</b> Rule language. Formaldehyde and formaldehyde releasers
Chave, John	Cosmetics Europe	Written	<b>2.1.A.</b> Rule language. Definitions <b>2.3.D.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.G.</b> Rule language. Formaldehyde and formaldehyde releasers
Clark, Meghan	Ashland Inc.	Written	<b>2.1.A.</b> Rule language. Definitions <b>2.1.B.</b> Rule language. Definitions <b>2.3.E.</b> Rule language. Formaldehyde and formaldehyde releasers
Clausen, Jamie	Self	Written	<b>1.1.A.</b> Rulemaking process. General support
Coffey, Patricia	Self	Written	<b>1.1.A.</b> Rulemaking process. General support

<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Craik, Hannah	Salonenvironment	Written	<b>1.1.A.</b> Rulemaking process. General support <b>2.1.E.</b> Rule language. Definitions <b>2.3.J.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.M.</b> Rule language. Formaldehyde and formaldehyde releasers
Dodson, Robin	Silent Spring Institute	Verbal	<b>1.1.A.</b> Rulemaking process. General support
Doherty, Anne-Cooper	California Department of Toxic Substances Control	Written	<b>1.1.A.</b> Rulemaking process. General support
Doherty, Marissa	Self	Verbal	<b>1.1.A.</b> Rulemaking process. General support
Fox, Thomas R.	Center for Environmental Health	Written	<b>1.1.A.</b> Rulemaking process. General support
Frey, Don	Independent Beauty Association	Written	<b>2.1.B.</b> Rule language. Definitions <b>2.3.D.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.N.</b> Rule language. Formaldehyde and formaldehyde releasers

<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Futrell, Sherrill	Self	Written	<b>1.1.A.</b> Rulemaking process. General support
Gillan, Laura	Breast Cancer Prevention Partners (BCPP)	Written	<b>1.2.F.</b> Rulemaking process. Rule implementation <b>2.1.C.</b> Rule language. Definitions <b>2.3.C.</b> Rule language. Formaldehyde and formaldehyde releasers
Hare-Bey, Debra	Oh My Heavenly Hair	Written	<b>1.1.A.</b> Rulemaking process. General support <b>1.2.E.</b> Rulemaking process. Rule implementation <b>1.3.B.</b> Rulemaking process. Ecology's authority <b>1.3.C.</b> Rulemaking process. Ecology's authority <b>1.3.D.</b> Rulemaking process. Ecology's authority
Harrison, D'Arcy	Cosmetologists of Washington United	Verbal	<b>1.1.A.</b> Rulemaking process. General support
Hendry- Dragich, Jacquelyne	Self	Written	<b>1.1.A.</b> Rulemaking process. General support <b>1.2.A.</b> Rulemaking process. Rule implementation <b>1.2.B.</b> Rulemaking process. Rule implementation <b>1.2.D.</b> Rulemaking process. Rule implementation <b>1.3.A.</b> Rulemaking process. Ecology's authority <b>1.3.C.</b> Rulemaking process. Ecology's authority

<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Hill, Virginia	Wella Company	Written	<b>2.3.D.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.G.</b> Rule language. Formaldehyde and formaldehyde releasers
Jeman, Kathy	Self	Written	<b>1.4.A.</b> Rulemaking process. Timing
Jones, Brianna	Alphabet Alliance of Color	Verbal	<b>1.1.A.</b> Rulemaking process. General support
Khaiat, Alain	Cosmetic, Toiletry and Fragrance Association of Singapore	Written	<b>2.1.A.</b> Rule language. Definitions <b>2.1.D.</b> Rule language. Definitions <b>2.3.L.</b> Rule language. Formaldehyde and formaldehyde releasers
Leatherman, Crystal	Washington Retail Association	Written	<b>1.2.B.</b> Rulemaking process. Rule implementation <b>2.2.A.</b> Rule language. Confidential business information <b>2.3.B.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.I.</b> Rule language. Formaldehyde and formaldehyde releasers
Letourneau, Philippe	Self	Written	<b>1.1.A.</b> Rulemaking process. General support
Manoso, Emily	Personal Care Products Council	Written	<b>2.1.A.</b> Rule language. Definitions <b>2.3.D.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.L.</b> Rule language. Formaldehyde and formaldehyde releasers

<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Marraro, Robert	Self	Written	<b>1.1.A.</b> Rulemaking process. General support
McCall, Hannah	Clean Beauty for Black Girls	Verbal	<b>1.1.A.</b> Rulemaking process. General support
McPartland, Jennifer	G2G Ventures, PBC	Written	<b>1.2.F.</b> Rulemaking process. Rule implementation <b>2.1.F.</b> Rule language. Definitions <b>2.3.C.</b> Rule language. Formaldehyde and formaldehyde releasers
Nguyen, Mary	CA Healthy Nail Salon Collaborative	Written	<b>1.1.A.</b> Rulemaking process. General support <b>2.1.E.</b> Rule language. Definitions <b>2.3.J.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.M.</b> Rule language. Formaldehyde and formaldehyde releasers
Parkhurst, Daniel	Toxic-Free Future	Written	<b>1.1.A.</b> Rulemaking process. General support
Pedack, Meredith	Self	Verbal	<b>1.1.A.</b> Rulemaking process. General support
Peele, Cheri	Toxic-Free Future	Verbal	<b>1.1.A.</b> Rulemaking process. General support

<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Peele, Cheri	Toxic-Free Future	Written	<b>1.1.A.</b> Rulemaking process. General support <b>2.1.E.</b> Rule language. Definitions <b>2.3.A.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.J.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.M.</b> Rule language. Formaldehyde and formaldehyde releasers
Ross, Christina	Credo Beauty	Written	<b>1.1.A.</b> Rulemaking process. General support <b>1.2.A.</b> Rulemaking process. Rule implementation <b>1.2.C.</b> Rulemaking process. Rule implementation <b>2.3.C.</b> Rule language. Formaldehyde and formaldehyde releasers
Schep, Raymond	Colonial Dames Co.	Written	<b>2.3.D.</b> Rule language. Formaldehyde and formaldehyde releasers
Shamasunder, Bhavna	Taking Stock Study	Written	<b>1.1.A.</b> Rulemaking process. General support <b>2.3.K.</b> Rule language. Formaldehyde and formaldehyde releasers
Škalič, Dita	Self	Written	<b>1.1.A.</b> Rulemaking process. General support
Tomlin-Harris, Tiah	My Style Matters	Written	<b>1.1.A.</b> Rulemaking process. General support

<b>Commenter</b>	<b>Affiliation</b>	<b>Submittal method</b>	<b>Comment code and topic</b>
Tribukait, Albrecht X.	Self	Written	<b>4.2.A.</b> Miscellaneous. Late submittal
Vosper, Yuwa	WE ACT for Environmental Justice	Written	<b>1.1.A.</b> Rulemaking process. General support <b>2.1.E.</b> Rule language. Definitions <b>2.3.J.</b> Rule language. Formaldehyde and formaldehyde releasers <b>2.3.M.</b> Rule language. Formaldehyde and formaldehyde releasers <b>4.1.A.</b> Miscellaneous. Lead impurities in cosmetic products
Walker, Zenda	Know Your Heritage LLC	Verbal	<b>1.1.A</b> Rulemaking process. General support
Williams, Astrid	Sienna Girl Jones	Verbal	<b>1.1.A</b> Rulemaking process. General support
Yardley, Jamie	Self	Written	<b>1.1.A</b> Rulemaking process. General support

**Table 2. Commenter list—form letter**

The following people signed Toxic-Free Future’s petition in support of the draft rule. See Ecology’s response in section 3.0 and the petition in [Appendix B](#).<sup>42</sup>

Ackerman, Laura	Bailey, Stephen	Bogetti, Thomas and Linda
Acosta, Mike	Bails, Kirk	Bogetti, Tom
Adams, Evelyn	Bangs, Leigh	Boguske, Matthew
Albertson, Amanda	Bannon, Kevin	Boguske, Matthew
Allen, Kambra	Barcellona, Nancy	Bolster, Marie
Allen, Tami	Barron, Lynn	Bonetti, Donna
Allen-Stewart, Tricia	Bartlett, Vivian	Bonnette, Sara
Allery, Tania	Bascom, Daphne	Borske, Cindy
Amano, Alena	Beatty, Danny	Boyarsky, Bill
Ande, H	Becherer, Ann	Boyce, Richard
Anderson, Dororthy	Becherer, Ann	Boyce, Sally
Anderson, Lori	Bender, Dawn	Boykin, Alyson
Anderson, Ron	Benedict, Derek	Brabham, Lorraine
Andrada, Kelly	Berger, Doris	Bradley, Emily
Andrews, Lisa	Bernett, Cynthia	Branson, Michael
Angell, JL	Bernstein, Scott	Brauer, Cythia
April, William	Berry, Debra	Brennan, Katherine
Arguetty, Danny	Bescript, Linda	Brighton, Ruth Anne
Arioli, Kristin	Birnbaum, Linda	Brocius, Pamela
Artman, Cara	Birnel, John	Brooksher, Kelley
Atkins, Katie	Bittner Tait, Maureen	Brown, Doug
Attemann, Rein	Black, Karina	Brown, Jana
Azzoto, Laurie	Blackwell-Marchant, Patricia	Brown, Jennifer
B, Rob	Blackwood, Barbara	Brown, Kathryn
B, Shary	Blumenthal, Stephanie	Brown, Ronald
Bache, Kathryn	Bobek, Gabriel	Brzezinski, Matt
Bailey, Janice		Buckingham, Linda

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<sup>42</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504042.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html)



Bullock, Debbie	Commons, Sandy	Deshotels, James
Burkhardt, Kerry	Conard, Linc	Deur, Valerie
Butler, Elizabeth	Contino, Hannah	Devlin, Felicity
Byler, Christa	Cooney, Elizabeth	Dhahran, Lou
C, Stephanie Chan	Cooper, Laurie	Diamond, Nicholas
Cameron, Cami	Cope, Thomas	Dickerson, Susan
Cannon, Colleen	Cordaro, Angelina	Dickinson, Amanda
Capstick, Hilary	Cornell, Linda	Dietzmann, Cynthia
Card, Geraldine	Coro, Ana	Dilena, Josephine
Cardenas, Maria	Corona, Stephanie	Dlugoborski, Michelle
Carroll, Linda	Coronado, Cheryl	Dolezal, Mark
Carter, Mary	Corr, F.	Doochin, Dianne
Carter, Rhonda	Crane, Kimberly	Dorsey, Ann
Carvlin, Katherine	Cushing, Therese	Dougher, Marilyn
Cevasco, Margaret	D, N	Douglas, Deb
Chapman, Christine	Dahl, Lindsay	Douglas, Laura
Chaves, Phyllis	Dahmer, K	Duchov, Duncan
Chernak, Debi	DAlessandro, Keith	Dulai, Carolyn
Chimiklis, Lynne	Damato, Susan	Duncan, Suzanne
Chin, Andrea	Darby, Elizabeth	Dunkelman, Maxine
Chinofsky, Laura	Dardarian, Jessica	Dvorchak, Faye
Cho, AJ	Darling, Carrie	Eckstrand, Tatyana
Christenson, Craig	Darrow, Pamela	Edmison, Sean
Ciancibelli, Allison	De Mirjian, Carolyn	Emond, Cindy
Ciesla, Christina	Deagle, Debra	Emrich, Michelle
Clark, Stephanie	Deal, Brandie	Enger, Erin
Clark-Boucher, Lauren	Deerlyjohnson, Suzanne	Engle, I.
Cleaver, Melissa	DeGabriele, Denise	Engler, Pamela
Coffey, Patricia	Deghionno, Nancy	Erdmann, Carol
Cohen, Alicia	Deitch, Mitzi	Erlbaum, Sheila
Colby, Hillary	Dell, Ryan	Erpelding-Garratt, Liz
Collins, Diane	Demuth, Vanessa	Erwin, Phyllis
Colton, Cammy	DeRooy, CBS	Fabian, Dagmar

Fahrenwald, Gill	Gibberman, Pamela	Hammes, Brianna
Fahrer, Victor	Gibson, Lori	Hanifan, Stacie
Family, Phillips	Gilbert, Marie	Hanson, Mary
Fast, Linda	Glazer, Kim	Harrington, Brianna
Fastuca, Meagan	Glover, Tim	Harrison, Cheryl
Faucher, Roger	Gold, Leslie	Harrod, Mariah
Faulkner, Susan	Goldberg, Rich	Hart, Madeline
Faust, Doug	Golding, Kelly	Hashem, Diane
Federman, Steven	Goldman, Jessica	Hauck, Molly
Felix, Kristin	Gomez, Eleanor	Havan, Artineh
Ferrell, Carolyn	Gordon, Amanda	Hawkey, Donna
Fetter, Sharon	Gosho, Cathleen	Haydon, Noah
Flattmann, Kirstin	Gould, Tim	Hayes, Sara
Fogt, Mike	Graham, Gianina	Haywood, Beth
Forman, Janet	Grajeda, Monique	Heath, Elizabeth
Foskett, MaryAnna	Greenwood, Barbara	Hegedus, Donna
Foster, Gordon	Greeson Schardl, Tamra	Heisterkamp, Bernard
Fox, Teri	Griffin, Arlene	Heithaus, Melissa
Fradkin, Allison	Griffin, Heather	Hellstrom, Gina
Freedman, Caryn	Griffith, Jane	Henling, Daniel
Fries, Diana	Griffith, Julie	Herold, Ana
Frohn, Joyce	Groff, Francis	Heske, Amanda
Fularczyk, Margaret	Gross, Barbara	Hill, Tracey
Futrell, Sherrill	Guerrero, Arthur	Hilliker, Suzen
G, H	Guthrie, Randy	Hinesley, Eve
Gaither, Michelle	Gutman, Jake	Hoang, Lynn
Gale, Maradel	Guzman, Genevieve	Hodges, Sherri
Garden, Ked	Gwin, Jim	Hollinrake, Mark
Garey, Jenene G	H., Janet	Holman, Cherie
Garrison, Alisa	Haber, Katie	Holmes, Chantal
Garvett, Esther	Halvorson, Abby	Holy, Jessica
Gates, Eugene	Halzack, Dee	Homsey, Ellen
Gerl, Blake	Hamburg, Karen	Hoover, Verrall

Horn, Debbie	Kiesling, Jon	Lambros, Kathryn
Horn, Diane	Kilcher, John	Landback, Chris
Horwitz, Martin	Kincses, Robert	Lang, Liana
Hoyt, Debra	King, Tammy	LaRue, Erik
Hricik, Sandra	King, Tony	Laurance, Anne
Hubbard, Kara	Kirschling, Karen	Lawrence, Melissa
Hubin, Gina	Kite, Richard	Lawton, Larry
Hughes, Rich	Klangides, Virginia	Layne, Allister
Hurd, Pamela	Klapperich, Hunter	Lebert, Mary
Hurt, Janet	Klee, Heidi	Ledesky, Michele
Inverso, Marlene	Klene, Elizabeth	Lee, Jerry
Izzi, Greg	Kliche, Diana	Lemieux, Shirley
Janowitz-Price, Beverly	Knoppers, Sherry	Lenhart, Laura
Janzick, Stan	Knowles, Lorelette	Lenihan, C
Jensen, Cindy	Knudson, Inge	Levin, Mark
Johnson, Elisabeth	Koepfer, Adelheid	Levin, Rho
Johnson, Lucy	Koester-Radmann, Tanya	Levy, Elizabeth
Johnson, Richard	Kofsky, Lauren	Lewis, Jody
Johnson, Shawn	Kohl, Teresa	Lewis, Sherry
Johnson, Susan	Kohls, Stacie	Lieber, Leo
Jonas, Jayme	Kornfeld, Laurel	Liebert, Veronica
Jordan, Dorothy	Kory, Maya	Lill, Nancy Enz
Jungling, Teresa	Kory, Robin	Linda, Lauren
Kaltenbach, Kelly	Kostal, Kate	Lindgren, Dru
Kaplan, Sheryl	Kovach, Heather	Lindsay, Linda
Kaplan, Sheryl	Kramer, Helen	Lipe, Hillary
Kaplan, Sheryl	Krinsky, Carol H	Lish, Christopher
Karalekas, Erl'm n	Kubiak, Melinda	Litton, Kathy
Kashmir, Rm	Kulp, Jeff	Long, Patricia
Katz, Audrey	La Riviere, Heather	Longyear, Sharon
Katz, Shari	LaFluer, Matthew	Lopane, Melenie
Keil, Mary	Lambert, John	Lorenz, Lara
Keithler, Mary		Lound, Melissa

Lound, Poppy	McLennan, Kari	Nasta, Steven
Ludwin, Amy	Mclin, Rebecca	Natalini, Sarah
Ly, Helene	Meaux, Andre	Nath, Utkarsh
Lyons, Deborah	Mendez, Lauren	Nathan, Samantha
MacGregor, Susie	Mensher, John	Nelson, Kimber
MacGregor, Susie	Merrill, Kerri	Nelson, Lynn
Mack, B	Messinger, Lisa	Nestorovic, Sandra
Mahder, Debbie	Metzger, Linda	Neumann, Nancy
Maloney, Patrick	Meyer, Twyla	Nguyen, Mailan
Maloney, Sheila	Meyers, Cindy	Nigh, Jeffrey
Manch, Allison	Micknight, Sophie	Nightingale, Terry
Marie, Catherine	Miholich, Kristina	Noguchi, Naoko
Markillie, Paul	Miller, Jane	Nover, Tim
Markley, Shannon	Miller, Oea	Oaks, Phoenix
Marlin, El	Miniczzi, Trisha	Obler, Loraine
Marling, Roma.	Mirzoevs, Emile	Obrien, William
Marraro, Robert	Mitton, Darren	Ocasio, Alfredo
Martin, Rebecca	Mont-Labutte, Christine	O'Connell, Carole
Martinson, Julie	Moore, D	O'Dell, Britt
Maruki-Fox, Setsuko	Moore, Dean	O'Dougherty, Jessica
Masciel, Karissa	Moore, Deborah	Ofenloch, Lance
Mason, Judy	Moraski, Kathleen	Ohebshalom, Nina
Maxwell, Mindy	Morgan, Paula	Olk, Todd
McBride, Marcine	Morris, Kent	Olly, Elaine
McCarthy, Deborah	Moss, Cheyenne	Or, Nancy
Mccarthy, Shirley	Mulcare, James	Osso, Elisa
McCleary, Harriet	Murawski, Heather	Ostle, Marjorie
Mccormick, Blair	Murdock, Lauren	P, Marilyn
McCulley, Michelle	Murthy, Mala	Pace, Maria
McGruder, Craig	Musialowski, Monique	Pacheco, Lisa
McHugh, Heather	Musser, Mallory	Packard, Elaine
McKenna, Caephren	Nafziger, Nikki	Page, Patricia
Mckinnon, Rachael	Nam, S.	Page, Peggy

Page, Renee	Raineri, Donna	Rosenblatt, Mildred
Palmer, Judy	Ramirez, Carmen	Ross, Barbara
Paltin, Sharon	Reding, Crys	Roy, Debasri
Parkes, Melinda	Redner, Nichole	Rubin, Luana
Parkhurst, Daniel	Reed, Stephanie	Rund, Jen
Parment, Ra	Reid, Matthew	Rynes, Michael
Parsa, Brad	Renken, Norah	S., J.
Pate, Becca	Reynaldo, Pilar	Salamone, Carmine
Pate, Rebecca	Reynolds, Rhoda	Salazar, Joe
Patten, Robin	Riffe, Sheila	Samnick, Sarah
Pedack, Merideth	Ring, Terry	Samoska, Sharon
Pellegrino, Vanessa	Ripp, Jeanne	Sandum, Lynsey
Persky, Cindy	Risser, Susan and Peter	Savitz, Steve
Peters, Thom	Rittenhouse, Carolina	Schneider, Karena
Peterson, Erik	Robb, Aaeron	Scholl, Chris
Peterson, Mary	Robbins, Namaste	Schrader, Ryan
Pfarr, Cathy	Roberts, Ian	Schuren, Lea
Philipps, Justin	Robinson, Mallory	Schwartz, Doug
Phillips, Jeffrey	Robledo, Savannah	Scott, Jennifer
Phillips, Kate	Rocheleau, Jessica	Scribner, Denee
Pietsch, Linsley	Rockman, Norma Faith	Searfoss, Anastasia
Pirrone, Annette	Rodriguez, Doris	Sedon, Douglas
Pochon, Brady	Rogelio, Christina	Seltzer, Elizabeth
Polce, Ann Marie	Rogers, Margaret	Shankle, Susan
Pond, Olivia	Rogers, Melanie	Sheahan, Maureen
Porcher, Janeene	Rojanasthien, Kendehl	Shields, Jamie
Prefontaine, Eileen	Rokas, John	Shomo, Victoria
Price, Marilyn	Rolland, Janna	Shorter, Sylvia
Prostko, Linda	Rollins, Lynsley	Shortle, Tracy
Putinsky, Miles	Rolofson, Tom	Shotz, Alyson
R, K	Rose, Arlene	Shukla, Dave
R, Le	Rosen, Michael	Sickles, Rev. Dr. David
Radford, Lemoine	Rosenblad, Kenneth	Siddique, Omar

Sikes, Cathy	Thill, Jodie	Walsh, Gerald
Sikes, Rosemary	Thoman, James	Walsh, Kevin
Skelton, Julie	Thomas, Jamie	Walsh, Lisa
Skolnick, Kate	Thomas, Shakayla	Warner, David
Smith, Joanna	Thompson, Cheryl	Wasfi, Ellen
Smith, Kim	Thompson, John	Wasgatt, Ann
Smith, Melanie	Tracy, Kathleen	Watson, Harold
Smith, Pam	Travis, Judi	Webb, Annette
Sommers, Jessica	Truitt, Sherrie	Weedman, Ruth
Soto, Sima	Tuminski, Elizabeth	Weinstein, Elyette
South, Jennifer	Turco, Jill	Weir, Joyce
Species, Scott	Turrubiates Garcia, Mariana	Weis, Marie Weis
Spencer, D R	Ummer, Myra	Weiss, Elinor
Spinelli, Patti	Van Tassell, Robin	Weiss, Stuart
Spreng, Barbar Harriman	Vance, Kristen	Welkowitz, William
Stadsklev, Susan	Varno, Alex	Westerman, Martin
Stamp, Mary	Vassallo, Judith	Widger, B
Stefano, Lori	Vayu, Satya	Wiley, Corey
Stender, Charlene	Veigel, Jadynn	Williams, Catherine
Stewart, Laura	Venuti, Emily	Wilson, Linda
Stofko, John	Vera, Laura	Wimsett, Kateri
Stohler, Stephanie	VerDuin, Melissa	Wingard, Greg
Stolfi, Jackie	W, LeRoy	Winkel, Marguerite
Stotsenberg, Denise	Wade, Bruce	Winn, Trisha
Strasbourgger, Haim	Wagner-Kirmer, Deborah	Woiler, Regina
Subasic, Mustafa	Wakiji, Dana	Woitte, Roger
Taggart, Lauren	Walker, Dana	Wolf, Sari
Takacs, Nancy	Walker, Elizabeth	Wood, Bill
Taylor, Maria	Walker, Valorie	Wozny, Lacey
Teed, Cornelia	Walkes, Bennett	Y, N
Teel, Wayne	Wallman, Joshua	Yanik, Melodi
Terry, Lani		Yogev, Yonit
		Young, Barb

Youngberg, Natalie

Zale, Dale

Zangara, Amanda

Zavitz, Jamie

Zdybel, Mario

Zimet, Gloria

Zimmerman, Craig

Zimmerman, Mary

## Organization of comment topics

After carefully considering all comments received, we summarized comments concisely and included a response. You can view the original comments in [Appendix B: Written Comments](#)<sup>43</sup> and in Ecology's [online comment tool](#).<sup>44</sup> We also stored the comments in the permanent rulemaking record and will share the record upon request.

Many comments reference multiple topics, so we grouped similar comments, organized them by topic, and included a comment code.

### Comment topics

- 1.0 Rulemaking process
  - 1.1 General support
  - 1.2 Rule implementation
  - 1.3 Ecology's authority
  - 1.4 Timing
- 2.0 Rule language
  - 2.1 Definitions
  - 2.2 Confidential business information
  - 2.3 Formaldehyde and formaldehyde releasers
- 3.0 Form letter
- 4.0 Miscellaneous

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<sup>43</sup><https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html>

<sup>44</sup><https://hwtr.ecology.commentinput.com/comment/extra?id=EPWsm>



# Summarized comments and Ecology responses

## 1.0 Rulemaking process

The following comments relate to the rulemaking process.

### 1.1 General support

The following comment expressed general support for the proposed rule.

#### Comment 1.1.A

##### Commenters

Airhart, Maythia (Hazardous Waste Management Program)

Anonymous, Anonymous

Anonymous, Anonymous

Bolster, Marie

Burton, Jayla (Women's Voices for the Earth)

Byrnes, Katie (Washington Conservation Action Education Fund)

Clausen, Jamie

Coffey, Patricia

Craik, Hannah (Salonvironment)

Dodson, Robin (Silent Spring Institute)

Doherty, Anne-Cooper (California Department of Toxic Substances Control)

Doherty, Marissa

Fox, Thomas R. (Center for Environmental Health)

Futrell, Sherrill

Hare-Bey, Debra (Oh My Heavenly Hair)

Harrison, D'Arcy (Cosmetologists of Washington United)

Hendry-Dragich, Jacquelyne

Jones, Brianna (Alphabet Alliance of Color)

Letourneau, Philippe

Marraro, Robert

McCall, Hannah (Clean Beauty for Black Girls)

Nguyen, Mary (CA Healthy Nail Salon Collaborative)

Parkhurst, Daniel (Toxic-Free Future)

Pedack, Meredith

Peele, Cheri (Toxic-Free Future)  
Ross, Christina (Credo Beauty)  
Shamasunder, Bhavna (Taking Stock Study)  
Škalič, Dita  
Tomlin-Harris, Tiah (My Style Matters)  
Vosper, Yuwa (WE ACT for Environmental Justice)  
Walker, Zenda (Know Your Heritage LLC)  
Williams, Astrid (Sienna Girl Jones)  
Yardley, Jamie

### Summary of comments

Commenters support the proposed rule and some say:

- The rule is needed to protect public health and the environment.
- The rule is needed because toxic chemicals disproportionately expose vulnerable populations such as indigenous populations, low-income communities and communities of color.
- Ecology should do more.

### Response

Thank you for your comments. With the adoption of this rule, Ecology is implementing the Toxic Free Cosmetics Act ([Chapter 70A.560 RCW](#))<sup>45</sup> to make cosmetic products safer for cosmetic professionals, our families and the environment. It marks a major milestone in how we reduce exposure to toxic chemicals in cosmetic products that so many people use to cleanse, beautify, or alter their appearance. It is one of the strongest laws restricting toxic chemicals in cosmetic products in the nation. The adopted rule restricts formaldehyde releasers in cosmetic products, which will decrease formaldehyde:

- In contact with the skin of professionals and consumers.
- Emitted to the air during professional and consumer use.
- Released from the production, storage, and disposal of cosmetic products.

Cosmetic products people use in their daily lives can contain formaldehyde and formaldehyde releasers that harm our health and contaminate the environment. Formaldehyde can cause cancer, respiratory problems such as asthma, allergic skin responses, and irritation of and damage to eyes and skin.

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<sup>45</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560&full=true](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560&full=true)

Formaldehyde in cosmetic products impacts cosmetologists, their clients, and other people who frequently use cosmetic products. Exposure to formaldehyde occurs when a person uses a cosmetic product that contains formaldehyde or a formaldehyde releaser. Restricting formaldehyde and formaldehyde releasers in cosmetic products will limit our exposure through the air we breathe and from contact with our skin.

One way to prevent risk from chemicals in cosmetic products is to avoid the use of hazardous chemicals. Restricting formaldehyde and formaldehyde releasers in cosmetic products will reduce direct and indirect exposure to formaldehyde.

While most people use cosmetic products in their daily lives, not everyone is exposed to toxics in cosmetic products equally. Women of color are most impacted because of disproportionate exposure to formaldehyde-releasing chemicals in cosmetic products. Immigrant women of color are more likely to work in nail salons where formaldehyde-releasing chemicals are present in many types of nail polish.

As capacity allows, we will continue to engage communities, especially communities who face higher toxic exposure, through continued partnerships with a variety of organizations. We intend to:

- Maintain relationships with groups like Breast Cancer Prevention Partners and their Non-Toxic Black Beauty Project.
- Collaborate with platforms like Reign of Style.
- Connect with beauty schools and community-based organizations.
- Conduct outreach with communities underrepresented in typical cosmetology research and product studies, such as LGBTQ+, drag community, men of color, and others.
- Create workshop opportunities and attend in-person events, such as community fairs and festivals, especially in locations with communities that face higher toxic exposure or who experience other environmental and health disparities.
- Attend Tribal events and summits.

We will continue to involve the most impacted communities and populations, and the community organizations supporting them, in the implementation of the adopted rule and the Toxic Free Cosmetics Act.

## **1.2 Rule implementation**

The following comments relate to Ecology's intended efforts to implement the rule.

### **Comment 1.2.A**

#### **Commenter**

Airhart, Maythia (Hazardous Waste Management Program)

Burton, Jayla (Women's Voices for the Earth)

Hendry-Dragich, Jacquelyne

Ross, Christina (Credo Beauty)

## Summary of comments

Commenters recommended that Ecology collaborate with the following interested parties when developing education and outreach strategies and informational materials.

- Beauty professionals, small businesses, salon workers, cosmetologists.
- Communities that have higher exposure to toxic chemicals.
- Local government and public health departments.
- State agencies like the Department of Health, Department of Licensing, and the Board of Cosmetology.

## Response

Thank you for your comments. When we develop education and outreach strategies, we intend to invite collaboration with many interested parties, including those identified by commenters. As we develop collaboration opportunities, we will share information to interested parties via email updates. To receive email updates, [subscribe](#)<sup>46</sup> to the Toxic-Free Cosmetics email list. For more information on our implementation strategies, see the [Cosmetics Implementation Plan](#).<sup>47</sup>

## Comment 1.2.B

### Commenters

Airhart, Maythia (Hazardous Waste Management Program)

Hendry-Dragich, Jacquelyne

Leatherman, Crystal (Washington Retail Association)

### Summary of comments

Commenters suggested that Ecology develop guidance to support the implementation of the rule and law on topics such as disposal practices, PPE recommendations, testing methods, and terms used in regulations and rulemaking documents, such as “regulated entities” and “sell-through period.”

## Response

Thank you for your comments. As we implement the law and rule, we intend to develop education materials and may include information about disposal practices and testing methods. We also revised the Cosmetics Implementation Plan and clarified “regulated entities,” who are impacted by the adopted rule, and the statutory deadline for in-state retailers to sell existing inventory through sales to the public.

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<sup>46</sup>[public.govdelivery.com/accounts/WAECY/signup/40162](https://public.govdelivery.com/accounts/WAECY/signup/40162)

<sup>47</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504043.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504043.html)

## Comment 1.2.C

### Commenter

Ross, Christina (Credo Beauty)

### Summary of comment

Commenter encouraged Ecology to evaluate cosmetic products that don't contain intentionally added formaldehyde by which could release formaldehyde under specific use conditions.

### Response

Thank you for your comment. As funding allows, we intend to conduct hazard assessments to identify and assess the hazards of chemicals that provide the same or similar function as restricted chemicals in cosmetic products. For more information on our implementation strategies, see the [Cosmetics Implementation Plan](#).<sup>48</sup>

## Comment 1.2.D

### Commenter

Hendry-Dragich, Jacquelyne

### Summary of comment

Commenter asked how Ecology will enforce these regulations.

### Response

Thank you for your comment. We expect regulated entities to comply with all federal, state, and local laws and rules without direct oversight by Ecology. We are available to answer questions to help regulated entities better understand their responsibilities with our laws and rules. Our focus is on open communication and assisting in responding to known or potential violations. For more information on our compliance and enforcement strategy, see the [Cosmetics Implementation Plan](#).

## Comment 1.2.E

### Commenter

Hare-Bey, Debra (Oh My Heavenly Hair)

### Summary of comment

Commenter suggested that Ecology provide funding and incentives for research alternatives.

### Response

Thank you for your comment. As funding allows, we intend to develop subsidy programs and support efforts to switch to safer cosmetic products, such as the Safer Salons

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<sup>48</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504043.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504043.html)

Partnership program and safer certification subsidies. For more information on our services and resources, see the [Cosmetics Implementation Plan](#).<sup>49</sup>

## **Comment 1.2.F**

### **Commenters**

Gillan, Laura (Breast Cancer Prevention Partners (BCPP))

McPartland, Jennifer (G2G Ventures, PBC)

### **Summary of comments**

Comments suggest that Ecology institute a process to regularly update the list of formaldehyde releasers.

### **Response**

Thank you for your comments. The adopted rule restricts formaldehyde releasers used to serve a function in the cosmetic product through the application of the definition of intentionally added to the restriction of formaldehyde.

[RCW 70A.560.030](#)<sup>50</sup> authorizes Ecology to expand the list of formaldehyde releasers in future rulemakings. As we implement the law and the adopted rule, we will gain insights and information about formaldehyde releasers used in cosmetic products. In the future, we may identify additional formaldehyde releasers used in cosmetic products and may take additional actions, including issuing guidance, providing technical support, or initiating rulemaking.

## **Comment 1.2.G**

### **Commenter**

Airhart, Maythia (Hazardous Waste Management Program)

### **Summary of comment**

Commenter requested Ecology include language from the preliminary draft rule regarding examples of strategies that remove barriers in the implementation plan, as well as remove unnecessary content.

### **Response**

Thank you for your comment. In response to formal comments, we revised the Cosmetics Implementation Plan, added language about reducing barriers to participation, and removed unnecessary content.

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<sup>49</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504043.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504043.html)

<sup>50</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560.030](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.030)

### 1.3 Ecology's authority

The following comments relate to Ecology's authority related to this rulemaking.

#### Comment 1.3.A

##### Commenter

Hendry-Dragich, Jacquelyne

##### Summary of comment

Commenter asked why Ecology is the primary regulator for this law instead of or in partnership with the Department of Licensing or Department of Health.

##### Response

Thank you for your comment. [RCW 70A.560.030](#)<sup>51</sup> authorizes Ecology to adopt a rule to:

- Implement, administer, and enforce Chapter 70A.560 RCW.
- Restrict chemicals that release formaldehyde and list those chemicals in rule.

Throughout this rulemaking, we partnered with the Department of Health and consulted other agencies like the Department of Licensing.

#### Comment 1.3.B

##### Commenter

Hare-Bey, Debra (Oh My Heavenly Hair)

##### Summary of comment

Commenter suggests that Ecology restrict ingredients proven to cause cancer, disrupt hormones, or damage the skin and respiratory system.

##### Response

Thank you for your comment. [Chapter 70A.560 RCW](#) doesn't authorize Ecology to adopt rules to restrict ingredients other than formaldehyde, chemicals that release formaldehyde, and lead in cosmetic products.

#### Comment 1.3.C

##### Commenters

Hare-Bey, Debra (Oh My Heavenly Hair)

Hendry-Dragich, Jacquelyne

##### Summary of comments

Commenters suggested that Ecology require labeling, warnings, and proper handling instructions on cosmetic products.

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<sup>51</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560.030](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.030)

## Response

Thank you for your comment. [Chapter 70A.560 RCW](#)<sup>52</sup> doesn't authorize Ecology to require that cosmetic products include labels, warnings, or proper handling instructions.

### Comment 1.3.D

#### Commenter

Hare-Bey, Debra (Oh My Heavenly Hair)

#### Summary of comment

Commenter suggested that Ecology require testing and safety standards for cosmetic products.

## Response

Thank you for your comment. [Chapter 70A.560 RCW](#) doesn't authorize Ecology to require testing and safety standards for cosmetic products.

## 1.4 Timing

The following comment relates to the timing of this rulemaking.

### Comment 1.4.A

#### Commenter

Jeman, Kathy

#### Summary of comment

Commenter asked why it has taken this long to ban formaldehyde and chemicals that release formaldehyde in cosmetic products.

## Response

Thank you for your comment. The Washington State Legislature passed the Toxic-Free Cosmetics Act ([Chapter 70A.560 RCW](#)) in 2023. That law restricts the manufacture, sale, and distribution in Washington State of cosmetic products that contain nine intentionally added chemicals and chemical classes. That law also authorized Ecology to adopt a rule that restricts the manufacture, sale, and distribution in Washington State of cosmetic products that contain chemicals that release formaldehyde.

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<sup>52</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560)



## 2.0 Rule language

The following comments relate to the proposed rule.

### 2.1 Definitions

The following comments relate to the definitions in the proposed rule.

#### Comment 2.1.A

##### Commenters

Chave, John (Cosmetics Europe)

Clark, Meghan (Ashland Inc.)

Khaiat, Alain (Cosmetic, Toiletry and Fragrance Association of Singapore)

Manoso, Emily (Personal Care Products Council)

##### Summary of comments

Commenters requested that Ecology clarify and revise the definition of “intentionally added” to exclude incidental or trace contaminants that have no function in the finished product, and to align with the United States Food and Drug Administration (FDA) and other regulatory definitions, allowing for chemicals defined by FDA as “incidental ingredients” or “processing aids.”

##### Response

Thank you for your comments. In response to formal comments, we revised the definition of “intentionally added chemical” and removed “chemicals that serve an intended function in the manufacturing of the product” from the definition. The revised definition doesn’t include chemicals that:

- Are present in the cosmetic product as unintended residuals, impurities, and trace contaminants from the manufacturing of cosmetic products.
- Don’t serve a function in the cosmetic product, in an ingredient in the cosmetic product, or under conditions of product use.

We believe this change will create clarity and resolve many of the concerns voiced by the commenters.

#### Comment 2.1.B

##### Commenters

Clark, Meghan (Ashland Inc.)

Frey, Don (Independent Beauty Association)

##### Summary of comments

The commenters expressed concerns about consistent interpretation of the definition of intentionally added as proposed and requested that Ecology clarify what is meant by chemicals that serve an intended function in the manufacturing of the product and chemicals that serve an intended function in an ingredient in the final product.

## Response

Thank you for your comment. In response to formal comments, we revised the definition of “intentionally added chemical” and removed “chemicals that serve an intended function in the manufacturing of the product” from the definition.

To clarify, “chemicals that serve an intended function in an ingredient in the cosmetic product:”

- Doesn’t include chemicals that serve an intended function in the manufacturing processes for an ingredient in the cosmetic product.
- Includes chemicals that serve an intended function as an ingredient in the cosmetic product, even when the chemical doesn’t serve an intended function in the final cosmetic product. For example, a chemical added to preserve an ingredient is considered intentionally added to a cosmetic product even when the chemical doesn’t serve a function in the cosmetic product.

## Comment 2.1.C

### Commenter

Gillan, Laura (Breast Cancer Prevention Partners (BCPP))

### Summary of comment

Commenter requested that Ecology add language to the definition of “intentionally added” to clarify who is adding the chemical to serve an intended function. The commenter requested clarification that a manufacturer or an upstream supplier could add the chemical.

## Response

Thank you for your comment. A chemical that is added to serve an intended function in the cosmetic product or an ingredient in the cosmetic product meets the definition of intentionally added, regardless of the entity that added the chemical. We believe this is the most inclusive definition, so we didn’t revise the definition of “intentionally added” to specify the entity that adds a chemical to serve an intended function.

## Comment 2.1.D

### Commenter

Khaiat, Alain (Cosmetic, Toiletry and Fragrance Association of Singapore)

### Summary of comment

Commenter requested that Ecology clarify what is meant by “final product” in the definition of “intentionally added” and whether packaging is included in the definition.

## Response

Thank you for your comment. In response to formal comments, we revised the definition of “intentionally added” and replaced “final product” with “cosmetic product.”

RCW 70A.560.010 defines “cosmetic product” as having the same meaning as the term “cosmetic” as defined in RCW 69.04.011. The statutory definition of “cosmetics” doesn’t include packaging.

### **Comment 2.1.E**

#### **Commenters**

Airhart, Maythia (Hazardous Waste Management Program)

Burton, Jayla (Women’s Voices for the Earth)

Byrnes, Katie (Washington Conservation Action Education Fund)

Craik, Hannah (Salonvironment)

Nguyen, Mary (CA Healthy Nail Salon Collaborative)

Peele, Cheri (Toxic-Free Future)

Vosper, Yuwa (WE ACT for Environmental Justice)

#### **Summary of comment**

Commenters support the definition of “intentionally added.”

#### **Response**

Thank you for your comments.

### **Comment 2.1.F**

#### **Commenter**

McPartland, Jennifer (G2G Ventures, PBC)

#### **Summary of comment**

Commenter suggests that Ecology define “in-state retailer” and “in possession of” to clarify the sell-through period.

#### **Response**

Thank you for your comment. In response to formal comments, we revised the definition of “existing stock” and added a definition for “in-state retailer.”

## **2.2 Confidential business information**

The following comment relates to the confidential business information section in the proposed rule.

### **Comment 2.2.A**

#### **Commenter**

Leatherman, Crystal (Washington Retail Association)

#### **Summary of comment**

The commenter expressed concern about how Ecology would treat confidential business information.

## Response

Thank you for your comment. Businesses may request that Ecology treat information submitted as confidential, as provided in [RCW 43.21A.160](#)<sup>53</sup> by providing appropriate documentation supporting the request. According to RCW 43.21A.160, “The director shall give consideration to the request, and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of this chapter, may grant the same.”

## 2.3 Formaldehyde and formaldehyde releasers

The following comments relate to the restrictions on formaldehyde and formaldehyde releasers in the proposed rule.

### Comment 2.3.A

#### Commenters

Airhart, Maythia (Hazardous Waste Management Program)

Peele, Cheri (Toxic-Free Future)

#### Summary of comments

Commenters support the compliance schedule for the restrictions on formaldehyde and formaldehyde releasers.

#### Response

Thank you for your comments.

### Comment 2.3.B

#### Commenter

Leatherman, Crystal (Washington Retail Association)

#### Summary of comment

Commenter supports the sell-through period for existing stock to in-state retailers.

#### Response

Thank you for your comments.

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<sup>53</sup>[app.leg.wa.gov/rcw/default.aspx?cite=43.21A.160](http://app.leg.wa.gov/rcw/default.aspx?cite=43.21A.160)

## Comment 2.3.C

### Commenters

Gillan, Laura (Breast Cancer Prevention Partners (BCPP))

McPartland, Jennifer (G2G Ventures, PBC)

Ross, Christina (Credo Beauty)

### Summary of comments

Comments suggest that Ecology adopt a class-based ban on all formaldehyde-releasing preservatives in cosmetic products. Comments suggest that the rule state that formaldehyde releasers include “but are not limited” to the identified chemicals.

### Response

Thank you for your comments. The law directs Ecology to:

- Identify a list of chemicals used in cosmetic products that release formaldehyde.
- Adopt restrictions on the identified formaldehyde releasers.

The adopted rule restricts 25 chemicals used in cosmetic products that release formaldehyde when intentionally added. The adopted rule also defines the term “intentionally added.” Applying the definition of “intentionally added” to the restriction on formaldehyde restricts all formaldehyde-releasing preservatives in cosmetic products.

The restriction includes any formaldehyde-releasing preservative, even if it isn’t currently used in cosmetic products. Once a cosmetic product manufacturer uses the formaldehyde-releasing preservative in a cosmetic product, it meets the definition of “intentionally added” and is therefore restricted. We would consider using a formaldehyde-releasing preservative from the building sector, in a cosmetic product a regrettable substitution.

Because we think the rule is sufficiently clear and enforceable, we don’t believe a change to the language as proposed is necessary.

## Comment 2.3.D

### Commenters

Chave, John (Cosmetics Europe)

Frey, Don (Independent Beauty Association)

Hill, Virginia (Wella Company)

Manoso, Emily (Personal Care Products Council)

Schep, Raymond (Colonial Dames Co.)

### Summary of comments

Commenters requested that Ecology consider a concentration-based approach to regulating formaldehyde releasers in cosmetic products rather than through prohibitions.

## Response

Thank you for your comments. The law directs Ecology to:

- Identify a list of chemicals used in cosmetic products that release formaldehyde.
- Adopt restrictions on the identified formaldehyde releasers.

The intent of the law ([Chapter 70A.560 RCW](#))<sup>54</sup> is to prohibit any use of certain hazardous chemicals in cosmetic products. We will continue to follow legislative intent by prohibiting the use of chemicals that release formaldehyde rather than set a concentration-based restriction on formaldehyde or formaldehyde releasers in cosmetic products.

### Comment 2.3.E

#### Commenter

Clark, Meghan (Ashland, Inc.)

#### Summary of comment

Commenter requested that Ecology remove (9) glyoxal CAS No. 107-22-2, from the list of formaldehyde releasers to restrict.

#### Response

Thank you for your comment. In response to formal comments, we removed glyoxal (CAS No. 107-22-2) from the list of formaldehyde releasers in the adopted rule.

Glyoxal used as an ingredient in a cosmetic product can introduce formaldehyde into the product because it can contain formaldehyde as an impurity. Glyoxal doesn't release additional formaldehyde and there are formaldehyde-free synthesis pathways for glyoxal. We encourage manufacturers who use glyoxal as an ingredient in cosmetic products to source it from suppliers that minimize or eliminate residual formaldehyde.

### Comment 2.3.F

#### Commenter

Burton, Jayla (Women's Voices for the Earth)

#### Summary of comment

Commenter requested that Ecology add cyclopentasiloxane and dimethicone to the list of formaldehyde releasers to restrict.

#### Response

Thank you for your comment and for highlighting concerns about occupational exposures to formaldehyde, especially for salon professionals.

When evaluating candidate chemicals, we considered whether the:

- Substance is used in cosmetic products.

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<sup>54</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560)

- Substance releases formaldehyde.
- Released formaldehyde serves a function in the cosmetic product.

While cyclopentasiloxane and dimethicone are used in products such as flat iron sprays, they only break down to formaldehyde under specific conditions, such as oxidation in air or under high heat (Yazar et al). We didn't find evidence that the formaldehyde released from cyclopentasiloxane or dimethicone serves a function in the cosmetic product.

Separately, the Safer Products for Washington program (established under [Chapter 70A.560 RCW](#))<sup>55</sup> identified cyclic volatile methylsiloxanes, including cyclopentasiloxane, as a priority chemical class in cosmetic products. The Safer Products for Washington program is better suited to exploring broader concerns about the class of cyclic volatile methylsiloxanes in cosmetic products and adopting appropriate regulatory actions. For more information, review the [Safer Products for Washington Cycle 2 Phase 2 Priority Products report](#).<sup>56</sup>

For these reasons, we didn't add cyclopentasiloxane (D5) or dimethicone to the list of restricted formaldehyde releasers in the adopted rule.

## Comment 2.3.G

### Commenters

Chave, John (Cosmetics Europe)

Hill, Virginia (Wella Company)

### Summary of comments

Commenters suggested amending the proposed restriction of (18) Glyoxylic acid (CAS No. 298-12-4) and replacing the prohibition with restrictions on the conditions of use or a concentration-based exposure threshold. Commenters suggested extending such exceptions to (19) Glyoxyloyl Carbocysteine.

### Response

Thank you for your comments. In response to formal comments, we removed (18) glyoxylic acid (CAS No. 298-12-4) and (19) Glyoxyloyl Carbocysteine (CAS No. 1268868-51-4) from the list of formaldehyde releasers in the adopted rule.

When evaluating candidate chemicals, we considered whether the:

- Substance is used in cosmetic products.
- Substance releases formaldehyde.
- Released formaldehyde serves a function in the cosmetic product.

<sup>55</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560)

<sup>56</sup><https://apps.ecology.wa.gov/publications/SummaryPages/2504030.html>

Glyoxylic acid and glyoxyloyl carbocysteine can break down to formaldehyde under heat. This process occurs under typical product use conditions. We didn't find evidence that the released formaldehyde serves an intended function in the cosmetic product.

Glyoxylic acid and glyoxyloyl carbocysteine can form bonds with hair proteins as crosslinking agents when used in heat-activated hair straighteners, a function that formaldehyde often serves in products without these chemicals. One commenter noted that the efficacy of glyoxylic acid "on hair does not involve formaldehyde at any stage," supporting our finding that formaldehyde from the chemical breakdown of glyoxylic acid doesn't serve a function in the cosmetic product.

If glyoxylic acid or glyoxyloyl carbocysteine is used to release formaldehyde to serve a function in a cosmetic product, they will meet the definition of intentionally added formaldehyde and are restricted in the adopted rule.

For our response to the suggestions related to adopting a restriction concentration instead of a ban, please see our response to [Comment 2.3.D](#).

## **Comment 2.3.H**

### **Commenter**

Anonymous, Sarah

### **Summary of comment**

Commenter expressed concerns that the proposed rule will ban all colorants containing melamine plastic from the market, particularly those used in nail products.

### **Response**

Thank you for your comment. The rule doesn't restrict all melamine plastics. The rule restricts a list of chemicals used in cosmetic products that release formaldehyde, including polyoxymethylene melamine (CAS No. 9003-08-1).

We included this substance because formaldehyde is intentionally used as a monomer in its synthesis, is present in the resin, and may be released over time from the resin matrix and when polyoxymethylene melamine breaks down.

We recognize formaldehyde doesn't serve a function in the cosmetic product when released from polyoxymethylene melamine. The rule restricts formaldehyde resins used in cosmetic products because the resin can't be made without the use of formaldehyde. In addition, formaldehyde can be released from the resin matrix over time, and the resin can break down to release more formaldehyde. This is different than formaldehyde being used to make other chemicals like glyoxal, where there are ways to make it without the use of formaldehyde.

Not all melamine plastics contain formaldehyde or are used in cosmetic products. The adopted rule:

- Restricts the intentional use of polyoxymethylene melamine (CAS No. 9003-08-1).
- Doesn't restrict other melamine plastics.



For these reasons, we didn't remove polyoxymethylene melamine (CAS No. 9003-08-1) from the list of formaldehyde releasers in the adopted rule.

### **Comment 2.3.I**

#### **Commenter**

Leatherman, Crystal (Washington Retail Association)

#### **Summary of comment**

Commenter expressed concern about including the chemical names, CAS numbers, and chemical aliases in the list of formaldehyde releasers.

#### **Response**

Thank you for your comment. Manufacturers can use the chemical name, CAS numbers, and chemical aliases to investigate their supply chain. This information will help manufacturers identify chemicals that release formaldehyde and not include them in their cosmetic products or use a safer alternative.

### **Comment 2.3.J**

#### **Commenters**

Airhart, Maythia (Hazardous Waste Management Program)

Burton, Jayla (Women's Voices for the Earth)

Byrnes, Katie (Washington Conservation Action Education Fund)

Craik, Hannah (Salonvironment)

Nguyen, Mary (CA Healthy Nail Salon Collaborative)

Peele, Cheri (Toxic-Free Future)

Vosper, Yuwa (WE ACT for Environmental Justice)

#### **Summary of comments**

Commenters support the list of formaldehyde releasers.

#### **Response**

Thank you for your comments.

### **Comment 2.3.K**

#### **Commenter**

Shamasunder, Bhavna (Taking Stock Study)

#### **Summary of comment**

Commenter supports that the list of formaldehyde releasers includes DMDM hydantoin, diazolidinyl urea, and imazolidinyl urea.

#### **Response**

Thank you for your comment.

## **Comment 2.3.L**

### **Commenters**

Khaiat, Alain (Cosmetic, Toiletry and Fragrance Association of Singapore)

Manoso, Emily (Personal Care Products Council)

### **Summary of comments**

Comments suggest clarifying the phrase “considering other relevant information” in relation to compliance in WAC 173-339-110(2)(c).

### **Response**

Thank you for your comments. When inferring intentional addition of a restricted chemical, we will explain why we think the cosmetic product contains an intentionally added restricted chemical, and we’ll consider all relevant information. Relevant information may include knowledge of potential sources of formaldehyde in ingredients, manufacturing and packaging of the cosmetic product, the cosmetic product ingredient list, and analytical test results of formaldehyde levels.

Manufacturers may rebut our inference that formaldehyde, a restricted formaldehyde releaser, or both were intentionally added to a cosmetic product. The manufacturer can do so by submitting a statement with credible evidence to support their statement. Credible evidence may include the concentration of formaldehyde detected and potential alternate sources of the measured formaldehyde, including cross-contamination. By maintaining flexibility in what other relevant sources of information manufacturers may submit, manufacturers may rely on methods they already use to establish compliance across the supply chain. We will consider all the information to decide whether a cosmetic product complies with the law and the adopted rule.

For these reasons, we didn’t revise the rule to clarify what constitutes other relevant information.

## **Comment 2.3.M**

### **Commenters**

Airhart, Maythia (Hazardous Waste Management Program)

Burton, Jayla (Women’s Voices for the Earth)

Byrnes, Katie (Washington Conservation Action Education Fund)

Craik, Hannah (Salonvironment)

Nguyen, Mary (CA Healthy Nail Salon Collaborative)

Peele, Cheri (Toxic-Free Future)

Vosper, Yuwa (WE ACT for Environmental Justice)

### Summary of comments

Commenters support the compliance tool (rebuttable inference) in rule.

### Response

Thank you for your comments.

### Comment 2.3.N

#### Commenter

Frey, Don (Independent Beauty Association)

#### Summary of comment

The comment suggests that Ecology add an exemption to not enforce if a manufacturer does due diligence and the supplier does not provide information.

### Response

Thank you for your comment. A supplier's lack of transparency about ingredients or processes doesn't release a manufacturer from their responsibility to comply with [Chapter 70A.560 RCW](#)<sup>57</sup> or the adopted rule. We understand that supply chains can be complex, and we appreciate the efforts companies make to collect accurate information from their suppliers. We encourage companies to continue communicating with their suppliers to comply with the law and the adopted rule.

For these reasons, we didn't adopt an exemption from enforcement.

## 3.0 Form letter

We received one comment letter signed by many commenters with identical or nearly identical content. Table 2 (above) lists the names of the people who submitted the following comment. Comment 3.0 expressed support for the proposed rule. Because the comments were similar, we wrote one response for comment 3.0.

### 3.1 Support for the proposed rule.

The following comment expressed support for the proposed rule.

### Comment 3.1.A

#### Commenters

We received the following comment from 678 commenters. Some comments included variations, but all of them included some or all of the content in the following summary of comments.

#### Summary of comments

Toxic-Free Future submits the attached petition and additional comments on behalf of the 678 individuals who signed in favor of the proposed rule. 678 people signed the

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<sup>57</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560)

petition supporting the draft rule from the Washington Department of Ecology. 113 of these people provided additional comments and stories.

I strongly support Ecology's draft rule to ban all formaldehyde releasers in cosmetics. These harmful chemicals can cause cancer, asthma, and other serious health issues—and they don't belong in products we use on our bodies. Please finalize the rule and ensure strong enforcement to protect public health and the environment.

## Response

Thank you for your comments. With the adoption of this rule, Ecology is implementing the Toxic Free Cosmetics Act ([Chapter 70A.560 RCW](#))<sup>58</sup> to make cosmetic products safer for cosmetic professionals, our families, and the environment. It marks a major milestone in how we reduce exposure to toxic chemicals in cosmetic products that so many people use to cleanse, beautify, or alter their appearance. It is one of the strongest laws restricting toxic chemicals in cosmetic products in the nation. The adopted rule restricts formaldehyde releasers in cosmetic products, which will decrease formaldehyde:

- In contact with the skin of professionals and consumers.
- Emitted to the air during professional and consumer use.
- Released from the production, storage, and disposal of cosmetic products.

Cosmetic products people use in their daily lives can contain formaldehyde and formaldehyde releasers that harm our health and contaminate the environment. Formaldehyde can cause cancer, respiratory problems such as asthma, allergic skin responses, and irritation and damage to the eyes and skin.

Formaldehyde in cosmetic products impacts cosmetologists, their clients, and other people who frequently use cosmetic products. Exposure to formaldehyde occurs when a person uses a cosmetic product that contains formaldehyde or a formaldehyde releaser. Restricting formaldehyde and formaldehyde releasers in cosmetic products will limit our exposure through the air we breathe and from contact with our skin.

One way to prevent risk from chemicals in cosmetic products is to avoid the use of hazardous chemicals. Restricting formaldehyde and formaldehyde releasers in cosmetic products will reduce direct and indirect exposure to formaldehyde.

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<sup>58</sup>[app.leg.wa.gov/RCW/default.aspx?cite=70A.560](http://app.leg.wa.gov/RCW/default.aspx?cite=70A.560)

## 4.0 Miscellaneous

The following comments don't relate to the Formaldehyde in Cosmetics Rulemaking or the proposed rule.

### 4.1 Additional miscellaneous comments

#### Comment 4.1.A

##### Commenter

Vosper, Yuwa (WE ACT for Environmental Justice)

##### Summary of comment

Commenter encourages Ecology to prioritize protections for lead in cosmetics.

##### Response

Thank you for your comment. We announced the Lead in Cosmetics Rulemaking on December 19, 2024, under the authority of Chapter 70A.560 RCW to identify a feasible approach to regulating lead in cosmetic products. For more information about this rulemaking, view the [Lead in Cosmetics Rulemaking](#)<sup>59</sup> webpage and [subscribe](#)<sup>60</sup> to receive email updates.

#### Comment 4.2.A

##### Commenter

Tribukait, Albrecht X.

##### Summary of comment

We received one comment submission after the comment period closed. Because the comment was submitted after the comment period closed, we couldn't take action in response to the comment. However, we appreciate receiving the comment and included it in this Concise Explanatory Statement and the public record for this rulemaking.

##### Response

Thank you for your comment and your interest in this rulemaking.

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<sup>59</sup>[ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics](https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics)

<sup>60</sup>[public.govdelivery.com/accounts/WAECY/signup/40162](https://public.govdelivery.com/accounts/WAECY/signup/40162)

## Appendices

The Concise Explanatory Statement appendices include a reference list, written comments, verbal testimony, and the proposed rule with edits tracked.

To view the Concise Explanatory Statement appendices, visit [this publication's summary page](#).<sup>61</sup>

The Concise Explanatory Statement appendices include:

- Appendix A: References.
- Appendix B: Written Comments.
- Appendix C: Hearing Testimonies.
- Appendix D: Proposed Rule with Edits.

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<sup>61</sup>[apps.ecology.wa.gov/publications/SummaryPages/2504042.html](https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html)