



Cosmetics Implementation Plan: Chapter 173-339 WAC Cosmetic Products Restrictions

Summary of Efforts to Implement Laws and Rules to Reduce Toxic Chemicals in Cosmetic Products

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

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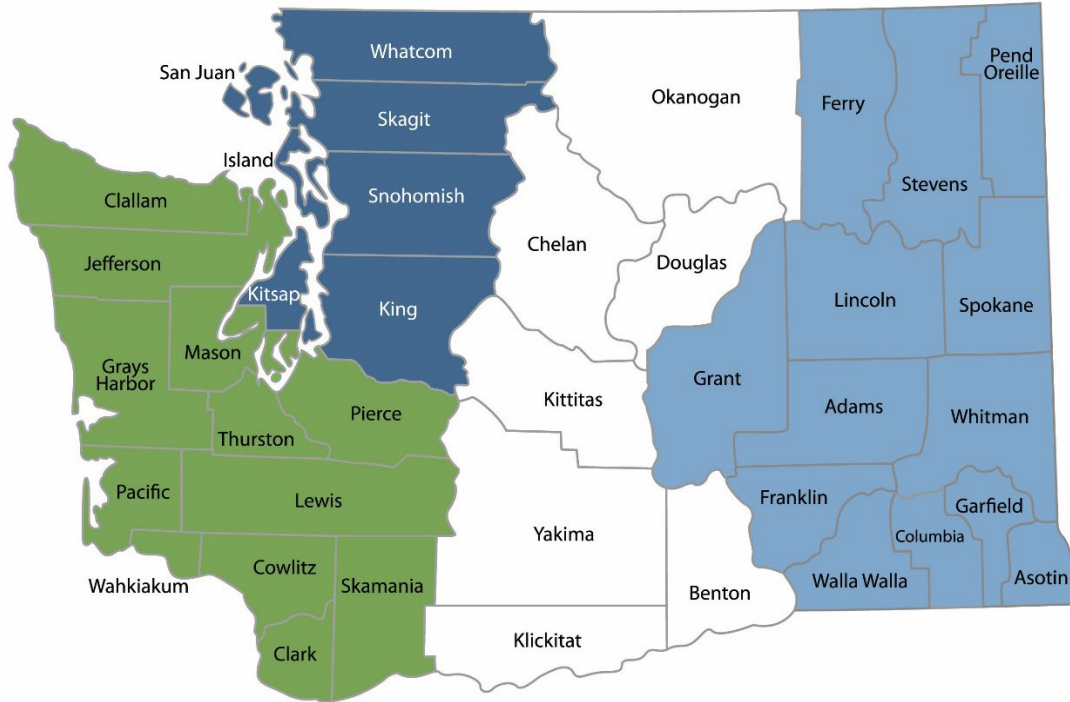
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¹<https://ecology.wa.gov/contact>

² <https://ecology.wa.gov/ADA>

Department of Ecology's Regional 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
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
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Cosmetics Implementation Plan

Chapter 173-339 WAC

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Executive Summary

This Cosmetics Implementation Plan supports the Washington State Department of Ecology's (Ecology, we) Formaldehyde in Cosmetics Rulemaking. It provides an overview of this rulemaking and other Washington State laws and rules to reduce toxic chemicals in cosmetic products.

This plan describes:

- How we intend to implement Washington State laws and rules related to reducing toxic chemicals in cosmetic products.
- Who may be affected by these laws and rules.
- How we intend to inform and engage interested parties.
- How we intend to support compliance assurance activities.

This plan includes two parts:

- Part 1 focuses on the Formaldehyde in Cosmetics Rulemaking to adopt a new chapter in the Washington Administrative Code: Chapter 173-339 WAC.
- Part 2 focuses on other Washington State laws and rules related to reducing toxic chemicals in cosmetic products.

Part 1:

Chapter 173-339 WAC

COSMETIC PRODUCTS RESTRICTIONS

Introduction

Part 1 of the Cosmetics Implementation Plan focuses on the rulemaking to develop a new chapter in the Washington Administrative Code to identify and restrict the intentional use of formaldehyde and chemicals that release formaldehyde in cosmetic products. On August 28, 2025, the Washington State Department of Ecology (Ecology, we) adopted Chapter 173-339 WAC: Cosmetic Products Restrictions.

We developed Part 1 of the plan to:

- Comply with agency requirements and with section 328 of the [Administrative Procedure Act](#),³ which requires agencies to prepare a Rule Implementation Plan ([RCW 34.05.328](#)).⁴
- 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 assurance activities with the rule.
- Explain how we intend to evaluate the rule.

Overview of this rulemaking

On May 22, 2024, we [announced](#)⁵ the start of rulemaking to develop a new chapter in the Washington Administrative Code. In June 2024, we hosted a [webinar](#)⁶ 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](#).⁷ In July 2024, we shared the preliminary draft rule with the public, provided an informal comment period, and hosted a [webinar](#).⁸

³<https://app.leg.wa.gov/rcw/default.aspx?cite=34.05>

⁴<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328>

⁵<https://ecology.wa.gov/getattachment/1f47cf5e-454a-4875-87f7-ae9aec047744/WSR-24-11-148.pdf>

⁶https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/11June2024-TFCA-webinarSlides.pdf

⁷https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA_PrelimDraftRule_2024-07.pdf

⁸https://www.ezview.wa.gov/Portals/_1962/images/Toxic%20Free%20Cosmetics%20Act/TFCA_Webinar_%202024_07-23_AccessibleVersion.pdf

On February 6, 2025, we [proposed](#)⁹ the [formal draft rule](#)¹⁰ (proposed rule) and shared rulemaking documents including the [Preliminary Regulatory Analyses](#),¹¹ the [Draft Cosmetics Implementation Plan](#),¹² and the [Draft SEPA Determination of Nonsignificance](#).¹³ 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 [comment](#)¹⁴ submissions including verbal testimony provided during the March and April [hearings](#).¹⁵ We used that feedback to develop the [adopted rule](#),¹⁶ the [Concise Explanatory Statement](#),¹⁷ the [Final Regulatory Analyses](#),¹⁸ and this Cosmetics Implementation Plan.

Ecology's director, Casey Sixkiller, signed and adopted the new [chapter](#) on August 28, 2025.

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.
 - 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.

⁹<https://ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf>

¹⁰<https://ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf>

¹¹<https://apps.ecology.wa.gov/publications/SummaryPages/2504009.html>

¹²<https://apps.ecology.wa.gov/publications/SummaryPages/2504010.html>

¹³<https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202500450>

¹⁴ <https://hwtr.ecology.wa.gov/commentinput.com/comment/extra?id=VAax2rKReP>

¹⁵https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/339A_Hearing_2025_Comms_finalre-mediated.pdf

¹⁶<https://ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25>

¹⁷ <https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html>

¹⁸<https://apps.ecology.wa.gov/publications/SummaryPages/2504045.html>

- 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](#)).¹⁹
- Hosted a webinar on July 23, 2024, to provide an overview of the preliminary draft rule ([July 23 presentation slides](#)).²⁰
- Provided an informal public comment period to collect feedback from interested parties on the [preliminary draft rule](#).²¹
- Used [public comments](#)²² to develop the proposed rule.

On February 6, 2025, we [proposed](#)²³ the [formal draft rule](#)²⁴ (proposed rule) and shared rulemaking documents. To support the rule proposal, we:

- Hosted online [informational sessions](#)²⁵ and formal hearings on March 31, 2025, and April 1, 2025.
- Provided a 64-day formal comment period.
- Used [public comments](#)²⁶ to develop the [adopted rule](#)²⁷ and finalize other rulemaking documents.

Throughout the rulemaking, we:

- Maintained the following Ecology webpages.
 - [Formaldehyde in Cosmetics Rulemaking](#)²⁸
 - [Toxic-Free Cosmetics Act \(TFCA\)](#)²⁹
 - [Toxic-Free Cosmetics interested parties](#)³⁰
- Issued multiple news releases.

¹⁹https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/11June2024-TFCA-webinarSlides.pdf

²⁰https://www.ezview.wa.gov/Portals/_1962/images/Toxic%20Free%20Cosmetics%20Act/TFCA_Webinar_%202024_07-23_AccessibleVersion.pdf

²¹https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA_PrelimDraftRule_2024-07.pdf

²²<https://hwtr.ecology.commentinput.com/comment/extra?id=93Bx2jiP5D>

²³<https://ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf>

²⁴<https://ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf>

²⁵https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/339A_Hearing_2025_Comms_finalre-mediated.pdf

²⁶<https://hwtr.ecology.commentinput.com/comment/extra?id=VAax2rKReP>

²⁷<https://ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25>

²⁸<https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

²⁹<https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act>

³⁰https://www.ezview.wa.gov/site/alias__1962/38927/toxic_free_cosmetics.aspx

- 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.

Rulemaking timeline

May 22, 2024

- We [announced the start of rulemaking](#)³¹ 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](#)).³²

June 11, 2024

- We hosted an informational webinar for the public to ask questions and discuss the [preliminary list of formaldehyde releasers](#).³³

July 22, 2024

- We published the [preliminary draft rule](#).³⁴

July 23, 2024

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

February 6, 2025

- We proposed the formal draft rule, started a 64-day public comment period, and announced dates for the formal hearings.

March 31, 2025

- We hosted the first public hearing on the proposed rule to collect verbal testimony from the public.

April 1, 2025

- We hosted 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 closed.

August 28, 2025

- We adopted the new rule: Chapter 173-339 WAC: Cosmetic Products Restrictions.

³¹<https://ecology.wa.gov/about-us/who-we-are/news/2024/may-22-tfca-rulemaking-announcement>

³²<https://hwtr.ecology.commentinput.com/comment/extra?id=93Bx2jiP5D>

³³https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/TFCA-Rulemaking-FormaldehydeReleasersList.pdf

³⁴https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA_PrelimDraftRule_2024-07.pdf

Environmental Justice Assessment

Washington law ([Chapter 70A.02 RCW](#))³⁵ 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.

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.

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.

For more information about the Environmental Justice Assessment for the Formaldehyde in Cosmetics Rulemaking, see the [Environmental Justice Assessment](#).³⁶

Overview of the rule

Under the authority of [Chapter 70A.560 RCW: Toxic-Free Cosmetics Act](#),³⁷ Ecology may adopt a rule that identifies chemicals used in cosmetic products that release formaldehyde and adopt restrictions on those chemicals. The following describes the intent of, and requirements in, the adopted rule.

Intent of the rule

This rule restricts 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.

³⁵<https://app.leg.wa.gov/rcw/default.aspx?cite=70A.02>

³⁶<https://apps.ecology.wa.gov/publications/SummaryPages/2504041.html>

³⁷<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

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.

Requirements in the rule

This 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](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.020))³⁸. 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.

Identifying formaldehyde-releasing chemicals

The adopted rule includes a list of 25 formaldehyde-releasing chemicals used in cosmetic products. When we prioritized formaldehyde-releasing chemicals, we considered whether they are found in cosmetic products more likely used by workers and women of color (products of concern). We prioritized those most frequently used in cosmetic products in the United States and those used in products of concern. The prioritized formaldehyde-releasing chemicals are listed as items 1 through 10 in the adopted rule. Ninety-nine percent of cosmetic products that use formaldehyde-releasing chemicals contain one of the chemicals listed as items 1 through 7 in the adopted rule.

Because the prevalence of use for these remaining chemicals was comparatively low or unknown, we also used the potential for disproportionate impact to determine which formaldehyde-releasing chemicals to include as items 8 through 10 in the adopted rule.

³⁸<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.020>

For more information on our process to develop the list of formaldehyde-releasing chemicals, review the [Formaldehyde Releasers Technical Support](#).³⁹

The list of formaldehyde-releasing chemicals in the adopted 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-releasing chemicals from cosmetic products. People and service providers who buy cosmetic products can use this list to identify formaldehyde-releasing chemicals on ingredients lists.

Definition of “intentionally added”

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

- The cosmetic product.
- An ingredient in the cosmetic product.

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

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 adopted rule also applies to the restrictions in Chapter 70A.560 RCW to clarify the applicability of the statutory restrictions. Applying the definition of “intentionally added” to the statutory restriction on formaldehyde restricts all chemicals that release formaldehyde that serve a function.

Compliance schedules

January 1, 2027

- Restrictions on the 25 formaldehyde-releasing chemicals listed in WAC 173-339-110(2)(b) take effect.
- Definition of “intentionally added” takes effect and applies to the chemicals restricted in Chapter 70A.560 RCW and the adopted rule. The definition also restricts all other formaldehyde-releasing chemicals that serve a function in a cosmetic product.

³⁹<https://apps.ecology.wa.gov/publications/SummaryPages/2504048.html>

December 31, 2027

- Sell-through period ends. In-state retailers have through December 31, 2027, to exhaust their existing stock, as defined in WAC 173-339-020, of cosmetic products that contain intentionally added formaldehyde and chemicals that release formaldehyde through sales to the public.

Informing entities affected by the rule

Who may be affected

The adopted rule:

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

Ecology doesn't have the authority to regulate cosmetic products manufactured, sold, or used on Tribal lands. Tribes are sovereign nations and therefore make their own decisions about regulating cosmetic products on Tribal lands. However, the restriction of formaldehyde and chemicals that release formaldehyde in cosmetic products may impact cosmetic products made, distributed, and sold on non-Tribal land in Washington State. These changes could affect businesses located on or operating within Tribal lands by changing the availability of some cosmetic products.

Strategies for informing those affected

Throughout the rulemaking, we encouraged interested parties to participate and share their ideas. In the [Overview of this rulemaking section](#), we included examples of outreach methods and involvement opportunities we used to inform and involve interested parties. Following rule adoption, 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 periodic, transparent updates with regulated entities and interested parties.
- Providing multiple opportunities and many ways for people to communicate with us.

- Identifying and implementing strategies to better reach and engage underserved communities, especially the communities who we struggle to reach using traditional communication channels.

We intend to use a combination of traditional strategies and new ways to inform and involve regulated entities and interested parties. For examples, see [Informing and engaging in Part 2](#).

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:
 - [Formaldehyde in Cosmetics Rulemaking](#)⁴⁰
 - [Toxic-Free Cosmetics Act \(TFCA\)](#)⁴¹
 - [Toxic-Free Cosmetics interested parties](#)⁴²
- Distributing email notices via the [Toxic-Free Cosmetics Act email list](#).⁴³
- Sending notices to people who provided formal comment, attended a hearing, or both, during this rulemaking.

Agency partners and Ecology staff

The rulemaking effort to develop the adopted rule involved:

- Ecology staff responsible for implementing and supporting compliance assurance activities.
- Representatives of agency partners, such as the Washington State Department of Health (Department of Health).

Staff involved in this rulemaking represent a subset of the many staff working at Ecology. Following rule adoption, we will update appropriate Ecology staff about the requirements in the rule and those affected by the rule. Staff responsible for implementing and supporting compliance assurance activities will provide assistance to regulated entities and other interested parties. We will:

- Answer questions.
- Provide resources, such as webpages, guidance documents, and informational materials.
- Collaborate with agency partners to inform regulated entities and support efforts to comply with the adopted rule.

⁴⁰<https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

⁴¹<https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act>

⁴²https://www.ezview.wa.gov/site/alias__1962/38927/toxic_free_cosmetics.aspx

⁴³<https://public.govdelivery.com/accounts/WAECY/signup/40162>

For more information, see [Engagement in Part 2](#).

Compliance assurance activities

We expect regulated entities to follow all applicable federal, state, and local requirements. When noncompliance occurs, we will use a variety of tools to foster compliance. Our focus is on open communication and providing assistance to respond to known or potential violations of our laws and rules.

When determining next steps, we consider:

- How responsive the responsible party is in correcting the noncompliance.
- The nature and severity of the violation.
- Whether there are repeated or chronic violations.

For more information, see [Compliance assurance activities in Part 2](#).

Staff and resources

Ecology staff will support regulated entities as they prepare to comply with the requirements of the adopted rule. We intend to provide assistance, develop educational materials, and conduct outreach.

Throughout this rulemaking, we developed reference materials in various formats to inform interested parties and invite their participation. Following rule adoption, we will continue developing materials and will consider feedback from regulated entities and other interested parties to improve them. For examples of these materials, see [Resources in Part 2](#).

Evaluating the rule

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.

To accomplish this, the adopted 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.
- Provides supplemental definitions that apply to the chemicals restricted in the law, including a definition of "intentionally added."
- 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, and demographic data to inform compliance priorities.
- Audit compliance with the rule. We may conduct product testing or evaluate product labels to determine if cosmetic products comply with the restrictions. We will consider information from sources such as product labels, manufacturers, suppliers, product screening, and product testing studies 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 document the outcome of each statement to see if we need to change the requirements in future revisions to the rule.
- Consider 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.

Milestones

The following are key dates in the adopted rule.

January 1, 2027

- Restrictions on the 25 chemicals that release formaldehyde listed in WAC 173-339-110(2)(b) take effect.
- Definition of “intentionally added” takes effect and applies to the chemicals restricted in Chapter 70A.560 RCW and the adopted rule. The definition also restricts all other formaldehyde-releasing chemicals that serve a function in a cosmetic product.

December 31, 2027

- Sell-through period ends. In-state retailers have through December 31, 2027, to exhaust their existing stock, as defined in WAC 173-339-020, of cosmetic products that contain intentionally added formaldehyde and chemicals that release formaldehyde through sales to the public.

Resources related to the rulemaking

For more information about the rulemaking and adopted rule:

- Contact the Toxic-Free Cosmetics Act team at ToxicFreeCosmetics@ecy.wa.gov.
- Subscribe to the [Toxic-Free Cosmetics email list](#).⁴⁴
- Contact the TFCA Implementation Lead:
Shari Franjevic
Email: ToxicFreeCosmetics@ecy.wa.gov
Telephone: 360-338-2913
- Visit the [rulemaking webpage](#).⁴⁵
- Review the following Formaldehyde in Cosmetics Rulemaking documents.
 - [Adopted rule](#)⁴⁶
 - [Concise Explanatory Statement](#)⁴⁷
 - [Final Regulatory Analyses](#)⁴⁸
 - [Cosmetics Implementation Plan](#)⁴⁹
 - [Environmental Justice Assessment](#)⁵⁰
 - [Overview: Formaldehyde in Cosmetics Rulemaking](#)⁵¹

⁴⁴<https://public.govdelivery.com/accounts/WAECY/signup/40162>

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

⁴⁶<https://ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25>

⁴⁷<https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html>

⁴⁸<https://apps.ecology.wa.gov/publications/SummaryPages/2504045.html>

⁴⁹<https://apps.ecology.wa.gov/publications/SummaryPages/2504043.html>

⁵⁰<https://apps.ecology.wa.gov/publications/SummaryPages/2504041.html>

⁵¹<https://apps.ecology.wa.gov/publications/SummaryPages/2504044.html>

Part 2:

Efforts to Reduce Toxic Chemicals In Cosmetic Products

Introduction

In Washington State, there are several laws and rules that regulate the manufacture, sale, and distribution of cosmetic products. Part 2 of the Cosmetics Implementation Plan focuses on Ecology's efforts to reduce toxic chemicals in cosmetic products across this portfolio. We developed this part to:

- Provide an overview of Washington State's laws and rules related to reducing toxic chemicals in cosmetic products.
- Describe how we intend to support compliance assurance activities with the laws and rules related to toxic chemicals in cosmetic products.
- Explain how we intend to inform and involve interested parties.
- Share resources with interested parties.

Overview of Washington State laws and rules related to reducing toxic chemicals in cosmetic products

Ecology, in consultation with the Department of Health, implements these laws and rules to improve cosmetic product safety and to protect people and the environment in Washington State. This section provides an overview of Ecology's portfolio of consumer products laws, rules, and rulemaking efforts affecting cosmetic products.

- Laws affecting cosmetic products
 - Chapter 70A.560 RCW: Toxic-Free Cosmetics Act.
 - Chapter 70A.430 RCW: Children's Safe Products Act.
- Rules affecting cosmetic products
 - Chapter 173-334 WAC: Children's Safe Products—Reporting Rule.
 - Chapter 173-337 WAC: Safer Products Restrictions and Reporting.
- Other rulemaking efforts affecting cosmetic products
 - 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.

Washington State laws and rules

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

In 2023, the Washington State Legislature passed the Toxic-Free Cosmetics Act ([Chapter 70A.560 RCW](#))⁵² to improve cosmetic and personal care product safety and protect people and the environment in Washington State 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](#))⁵³ defines “cosmetic”⁵⁴ the same as 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 (such as sunscreen) that include an active ingredient not regulated under the Toxic-Free Cosmetics Act (for example, an FDA-regulated drug ingredient), the other ingredients must meet the requirements of 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 took 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)

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

⁵³<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.010>

⁵⁴The 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 took effect on January 1, 2025. For more information on this restriction, see the [Lead in cosmetic products](#) section below.
- Provides a one-year sell-through period for in-state retailers to sell existing stock through sales to the public, through December 31, 2025.
- 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 the cosmetic products they manufacture, sell or offer for sale, or distribute in Washington State comply with the law.

Lead in cosmetic products

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 consistently 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 challenges and barriers to compliance 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 issued an [Lead in Cosmetics interim policy](#)⁵⁵ 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](#)).⁵⁶ The Children’s Safe Products Act includes restrictions and a reporting requirement. The law:

- Restricts the manufacturing, sale, and distribution of children’s cosmetic products that exceed specific amounts of cadmium, lead, or six ortho-phthalates in Washington State.
- Requires manufacturers to report to Ecology when a children’s cosmetic product contains a priority chemical listed in the Children’s Safe Products—Reporting Rule (Chapter 173-334 WAC).

These restrictions and reporting requirements apply to cosmetic products, including play cosmetic products and face paint, made or marketed to children under the age of 12. This includes children’s cosmetic products sold or offered for sale online, in retail locations, as a gift with a purchase, or in vending machines in Washington State. The restrictions in the Children’s Safe Products Act took effect on July 1, 2009. Visit our [Children’s Safe Products Act webpage](#)⁵⁷ 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](#).⁵⁸ 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, including play cosmetic products and face paint, 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](#).⁵⁹ Visit our [Children’s Safe Products Act webpage](#)⁵⁷ for more information.

⁵⁵<https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

⁵⁶<https://app.leg.wa.gov/rcw/default.aspx?cite=70A.430>

⁵⁷<https://ecology.wa.gov/CSPA>

⁵⁸<https://app.leg.wa.gov/wac/default.aspx?cite=173-334>

⁵⁹<https://app.leg.wa.gov/wac/default.aspx?cite=173-334&full=true#173-334-130>

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](#),⁶⁰ implemented as the Safer Products for Washington Program, Ecology adopted [Chapter 173-337 WAC: Safer Products Restrictions and Reporting](#).⁶¹ [WAC 173-337-111](#)⁶² 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](#)⁶³ for more information.

The Toxic-Free Cosmetics Act also restricts ortho-phthalates intentionally added to cosmetic products, including ortho-phthalates:

- In fragrances used in cosmetic products.
- Added for other purposes, such as when functioning as plasticizers.

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

Additional rulemaking efforts

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

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

Lead in Cosmetics Rulemaking

On December 19, 2024, we announced the start of the [Lead in Cosmetics Rulemaking](#)⁶⁴ 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](#)⁶⁵ 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](#).⁶⁶

⁶⁰<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.350>

⁶¹<https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

⁶²<https://app.leg.wa.gov/WAC/default.aspx?cite=173-337-111>

⁶³<https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/safer-products/compliance-and-reporting>

⁶⁴<https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

⁶⁵<https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

⁶⁶<https://public.govdelivery.com/accounts/WAECY/signup/40162>

Safer Products for Washington Cycle 2 Phase 4 Rulemaking

On May 30, 2025, we submitted the [Safer Products for Washington Cycle 2 Phase 2 Priority Products report](#)⁶⁷ to the Legislature. In this report, we identified BTEX (benzene, ethyl benzene, toluene, and xylene substances) in nail products and cVMS (cyclic volatile methylsiloxanes) in cosmetic products as potential priority products. We will determine regulatory actions for these priority chemicals and priority consumer products by June 2027, and adopt those regulatory actions in [Chapter 173-337 WAC](#)⁶⁸ by June 2028.

To receive more information, join the [Safer Products for WA email list](#).⁶⁹

Additional details about restrictions on toxic chemicals in cosmetic products

Several Washington State laws and rules include restrictions on toxic chemicals used or present in cosmetic products. See Table 1 for more details about those restrictions.

⁶⁷<https://apps.ecology.wa.gov/publications/SummaryPages/2504030.html>

⁶⁸<https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

⁶⁹<https://public.govdelivery.com/accounts/WAECY/signup/40160>

Table 1. Restricted chemicals and chemical classes in cosmetic products.

Chemical	Restriction	Product	Effective	Regulation
Cadmium	More than 40 ppm	Children's cosmetic products including play cosmetic products	July 1, 2009	Ch. 70A.430 RCW
Formaldehyde	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
Formaldehyde-releasing chemicals	Intentionally added	Cosmetic products	Jan. 1, 2027	Ch. 173-339 WAC
Lead	More than 90 ppm	Children's cosmetic products including play cosmetic products	July 1, 2009	Ch. 70A.430 RCW
Lead and lead compounds	More than 1 ppm [†]	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
Lead and lead compounds	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
Mercury and mercury compounds	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
Methylene glycol	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
m-phenylenediamine and its salts	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
o-phenylenediamine and its salts	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW

Chemical	Restriction	Product	Effective	Regulation
Ortho-phthalates	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
Ortho-phthalates	Intentionally added	Fragrances in beauty products and personal care products	Jan. 1, 2025	Ch. 173-337 WAC
Perfluoroalkyl and polyfluoroalkyl substances (PFAS)	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW
Phthalates listed in law (individually or combined)	More than 1,000 ppm	Children's cosmetic products including play cosmetic products	July 1, 2009	Ch. 70A.430 RCW
Triclosan	Intentionally added	Cosmetic products	Jan. 1, 2025	Ch. 70A.560 RCW

Table note:

† Refer to the [Interim Policy on Lead in Cosmetics](https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html) for alternative compliance paths (<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, including play cosmetic products and face paint, took 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, took 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 took effect.
- Chapter 70A.560 RCW restrictions on lead and lead compounds to less than 1 ppm in cosmetic products took effect. For more information on this restriction, see the [Lead in Cosmetics efforts](#) section of this document.

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

- Chapter 173-339 WAC restrictions on 25 formaldehyde-releasing chemicals when intentionally added to cosmetic products takes effect.
- Chapter 173-339 WAC definition of "intentionally added" takes effect and applies to the restrictions in Chapter 70A.560 RCW.

December 31, 2027

- Chapter 173-339 WAC sell-through period ends for in-state retailers' existing stock containing the 25 listed formaldehyde-releasing chemicals.

Compliance assurance activities

The intent of regulating toxic chemicals in cosmetic products is to protect people and the environment in Washington State from exposure to toxic chemicals. Regulated entities are responsible for understanding their regulatory obligations and complying with these laws and rules.

This section provides an overview of our:

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

Compliance and enforcement strategy

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.

When noncompliance occurs, we will use a variety of tools to help regulated entities understand and comply with our laws and rules. Our focus is on open communication and providing assistance to respond to known or potential violations.

The tools we use depend on:

- How responsive the responsible party is in correcting the noncompliance.
- The nature and severity of the violation.
- Whether there are repeated or chronic violations.

Identifying toxic chemicals through product testing

One way we audit product compliance is by testing products for restricted chemicals. Our [product testing program](#)⁷⁰ focuses on chemicals found in cosmetic products. We test products purchased from physical stores and online retailers.

Complaints and third-party information

We use complaints, data, and information received from external parties as a starting place for conversations with regulated entities. In general, Ecology will not issue violations or penalties solely based on studies that don't meet our quality assurance standards.

Monitoring compliance with reporting requirements

To monitor compliance with laws and rules that require reporting, we review annual reports for completeness and send inquiries to responsible parties for things such as:

- Missing required information.
- Reports submitted past the deadline.
- Reports that include a restricted chemical.
- Duplicate reports or overreports.

If a responsible party appears to be in violation of a law or rule, we will contact the potentially responsible party.

Noncompliance and enforcement process

The process begins with open dialogue about the potential violation. We answer questions to help regulated entities understand and comply with consumer product laws and rules. When our assistance fails to achieve compliance, or the violation has significantly impacted human health or the environment, we will consider issuing

⁷⁰<https://ecology.wa.gov/research-data/monitoring-assessment/consumer-products-testing>

penalties. We issue penalties to encourage compliance within the entire regulated community.

When an enforcement action is necessary, we will ensure that the action is clearly defined and:

- Falls within the authority of the related law or rule.
- Provides clear direction about how to achieve compliance.
- Provides a compliance schedule.
- Provides sources for achieving compliance through consultation and assistance.
- Outlines the consequences of continued noncompliance.

We design compliance strategies to encourage regulated entities to obtain and maintain compliant practices and protect both the environment and public health. For these reasons, we focus on education and clear communication before enforcing.

Services and resources to support compliance and voluntary efforts

We provide resources and voluntary programs that support compliance assurance activities and promote safer products. 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 include:

- Conducting hazard assessments to identify and assess the hazards of chemicals that provide the same or similar function as restricted chemicals in cosmetic products.
- Sharing reference materials.
- Providing free consultations with our compliance team.
- Developing subsidy programs and supporting efforts to switch to safer cosmetic products, such as the Safer Salons Partnership program and safer certification subsidies.

We'll provide these services and resources as funding is available.

Assistance and reference materials

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

- Guidance to assist regulated entities in determining whether their cosmetic products meet the restrictions in the Toxic-Free Cosmetics Act and what to do if they don't. For more information, see the [Toxic-Free Cosmetics Act Guide](https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html)⁷¹ we published in 2024.

⁷¹<https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

- Free consultations with our compliance team to clarify laws and rules and to answer questions.

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 as restricted chemicals in cosmetic products. Regulated entities can use hazard assessments to support reformulating cosmetic products to comply with laws and rules. They can also use the information to reformulate cosmetic products for a safer product certification.

We partnered with the Department of Health to assess 10 chemicals that serve the preservative function. The assessments show that the assessed chemicals are safer than the preservatives restricted by the law. Visit the frequently asked questions section on the [Toxic-Free Cosmetics Act compliance webpage](#)⁷² to view a summary of the chemicals we assessed. The assessment reports are available on the [Interstate Chemicals Clearinghouse Chemical Hazard Assessment Database](#).⁷³

Regulated entities 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 cosmetic 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 plan to publish a focus sheet describing the alternatives for the various functions of the restricted chemicals. Read our [Chemicals in Cosmetics Used by Washington Residents](#)⁷⁴ report for more information.

We will assess additional chemicals and functions as funding and capacity allows.

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 comply with the law, we are developing the [Safer Salons Partnership initiative](#)⁷⁵ and will pilot it as funding allows.

⁷²<https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act/manufacturer-and-distributor-compliance>

⁷³<https://chad.theic2.org/>

⁷⁴<https://apps.ecology.wa.gov/publications/SummaryPages/2304007.html>

⁷⁵<https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/cosmetics>

We designed the Safer Salons Partnership initiative to assist hair stylists and salons with switching to safer cosmetic products. This initiative will reimburse participants for the purchase of eligible safer cosmetic products, and for eligible salon services where those products are used, such as a shampoo or styling service.

We conducted a focus group and surveyed cosmetologists to inform the design of a pilot project for the Safer Salons Partnership. We will use the results of the initial pilot project to improve and expand the Safer Salons Partnership to all salon businesses in Washington State over time.

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 such as the Non-Toxic Black Beauty Project or other product recognition programs to increase the number of eligible cosmetic products.

Safer cosmetics certification subsidies

The Toxic-Free Cosmetics Act directed Ecology to provide additional support and resources to small businesses that manufacture cosmetic products. To encourage the development of safer cosmetic products, we developed a [safer cosmetic certification subsidy initiative](#).⁷⁶

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](#)⁷⁷ 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.

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

⁷⁶<https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/safer-alternatives/safer-chemicals-for-manufacturers/cosmetics-certification-subsidy-program>

⁷⁷<https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

We are prioritizing cosmetic products that benefit people who face disproportionately 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 evaluating other third-party certifications against our criteria and hope to expand options as our program grows. We intend to support the certification subsidy program as funding is available.

Informing and engaging

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

Regulated entities and other interested parties

The laws and rules to reduce toxic chemicals in cosmetic products may directly impact:

- 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, especially those serving communities who face disproportionately higher toxic exposure or who experience other environmental and health disparities.

The laws and rules 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, Department of Licensing, 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, such as:
 - 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, culturally sensitive 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 and virtual events, and lived-experience compensation.

Another goal is to develop compliance messaging and education for regulated entities and other interested parties. The following are examples of specific key messaging for various types of regulated entities and other interested parties.

- **Consumers**

Cosmetic products can contain toxic chemicals that are linked to harmful health impacts. People can be exposed to these chemicals every time they use cosmetic products, increasing likelihood of harms to human health. Laws and rules to reduce toxic chemicals in cosmetic products restrict the distribution of potentially harmful 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**

Practice due diligence with laws and rules to reduce toxic chemicals in cosmetic products. Use one or more of the following common approaches to determine if your product contains the compliant limit 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](#)⁷⁸ or email ToxicFreeCosmetics@ecy.wa.gov for technical assistance.

- **Retailers**

Practice due diligence with laws and rules to reduce toxic chemicals in cosmetic products. Cosmetic products you sell or offer for sale must comply with laws and rules to reduce toxic chemicals in cosmetic products.

- Contact manufacturers to determine whether the cosmetic products you purchase comply with our laws and.
- Check product ingredient lists for restricted chemicals.
- If Ecology determines a cosmetic product purchased at a store or sold online is noncompliant, we'll direct the retailer to remove the noncompliant product from the physical or online store.

- **Cosmetologists**

Practice due diligence with laws and rules to reduce toxic chemicals in cosmetic products. Cosmetic products you use to provide services or sell to clients and customers must comply with laws and rules to reduce toxic chemicals in cosmetic products.

- Contact your distributor to determine if the cosmetic products you purchase comply with laws and rules. If your distributor doesn't know, we can help them understand what to do to comply with the laws and rules.
- Check product ingredient lists for restricted chemicals. For more detailed guidance, read our [Toxic-Free Cosmetics Act Guide](#)⁷⁸ or email ToxicFreeCosmetics@ecy.wa.gov 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 cosmetic products 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, Tribal governments, 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 identify and implement ways to reach underserved communities and to reduce barriers for participation through language access, accessible in-person and virtual events, and lived-experience compensation.

⁷⁸<https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

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

- Providing information on our website so industry can use and link their websites to accurate and current information.
- Providing consultation with our compliance team.
- Sharing updates to regulated entities and interested parties via our email lists.
- Collaborating with community-based organizations and beauty schools to develop curriculum and learning opportunities.
- Conducting outreach with communities underrepresented in typical cosmetology research and product studies such as LGBTQ+, drag community, men of color, and others.
- Connecting with industry organizations to share information and resources through their networks.
- Attending and participating in in-person events, such as community fairs and festivals, especially in locations with communities who face higher toxic exposure or who experience other environmental and health disparities.
- Attending Tribal events and summits.
- Presenting at conferences.
- Issuing news releases, blogs, and social media posts.
- Providing interviews to media outlets.
- Developing informational materials to share online and in person.
- Mailing postcards to businesses in Washington State.

We plan to collaborate with community-based organizations and other interested parties to engage with people who live and work in communities who face disproportionately higher toxic exposure or who experience other environmental and health disparities.

Agency partners and Ecology staff

Our efforts to develop, implement, and support compliance with these laws and rules involve:

- Ecology staff responsible for implementing and supporting compliance efforts.
- Representatives of agency partners such as the Washington State Department of Health, the Washington State Department of Licensing, and local governments.

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

We will also update appropriate Ecology staff about the requirements in laws and rules to reduce toxic chemicals in cosmetic products and those affected by these laws and rules. We intend 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 Toxic-Free Cosmetics email list and on cosmetics-related webpages.

We will continue collaborating with agency partners to inform regulated entities about the laws and rules to reduce toxic chemicals in cosmetic products.

Resources for Part 2

We 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

Contacts

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- Cosmetics Rulemaking Lead
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- Subscribe to the [Toxic-Free Cosmetics email list](#)⁷⁹

Laws and rules

- [Chapter 70A.560 RCW: Toxic-Free Cosmetics Act](#)⁸⁰
- [Chapter 173-339 WAC: Cosmetic Products Restrictions](#)⁸¹

⁷⁹<https://public.govdelivery.com/accounts/WAECY/signup/40162>

⁸⁰<https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

⁸¹<https://ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25>

Webpages

- [Toxic-Free Cosmetics Act \(TFCA\) program](#)⁸²
- [Toxic-Free Cosmetics interested parties](#)⁸³
- [Formaldehyde in Cosmetics Rulemaking](#)⁸⁴
- [Lead in Cosmetics Rulemaking](#)⁸⁵
- [Safer product certification subsidy program](#)⁸⁶
- [Safer salons partnership program](#)⁸⁷

Reference materials

- [Draft Implementation Plan: Cosmetics Efforts](#)⁸⁸
- [Overview: Formaldehyde in Cosmetics Rulemaking](#)⁸⁹
- [Formaldehyde Releasers Technical Support](#)⁹⁰
- [Interim policy on lead in cosmetics](#)⁹¹
- [Chemical Facts for Cosmetologists: Formaldehyde & Formaldehyde Releasers](#)⁹²
- [Keeping Your Home and Family Healthy: Reduce Your Exposure to Harmful Chemicals in Self-Care Products](#)⁹³
- [Take the Detective Work Out of Choosing Safer Cosmetics](#)⁹⁴
- [Toxic-Free Cosmetics Act Guide: Restrictions for Cosmetics Industry & Sellers](#)⁹⁵
- [Toxic-Free Cosmetics Act Compliance & Outreach Questions and Answers](#)⁹⁶
- [Legislative Session 2025: Focus on Toxic-Free Cosmetics Act](#)⁹⁷

⁸²<https://ecology.wa.gov/TFCA>

⁸³https://www.ezview.wa.gov/site/alias__1962/38927/toxic_free_cosmetics.aspx

⁸⁴<https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

⁸⁵<https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

⁸⁶<https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/safer-alternatives/safer-chemicals-for-manufacturers/safer-product-certification-subsidy-program>

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⁹¹<https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

⁹²<https://apps.ecology.wa.gov/publications/SummaryPages/2404039.html>

⁹³<https://apps.ecology.wa.gov/publications/SummaryPages/2204038.html>

⁹⁴<https://apps.ecology.wa.gov/publications/SummaryPages/2404061.html>

⁹⁵<https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

⁹⁶<https://apps.ecology.wa.gov/publications/SummaryPages/2404047.html>

⁹⁷<https://apps.ecology.wa.gov/publications/SummaryPages/2404062.html>

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Laws and rules

- [Chapter 70A.430 RCW: Children's Safe Products Act](#)⁹⁹
- [Chapter 173-334 WAC: Children's Safe Products—Reporting Rule](#)¹⁰⁰

Webpages

- [Children's Safe Products program](#)¹⁰¹
- [Children's Safe Products reporting](#)¹⁰²
- [Chemicals of high concern \(CHCC\)](#)¹⁰³
- [High Priority Chemicals Data System](#)¹⁰⁴

Reference materials

- [Guidance on enforcement for lead, cadmium, and phthalates](#)¹⁰⁵

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⁹⁸https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_31

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¹⁰¹<https://ecology.wa.gov/CSPA>

¹⁰²<https://ecology.wa.gov/CSPA-reporting>

¹⁰³<https://ecology.wa.gov/regulations-permits/reporting-requirements/childrens-safe-products-act-reporting/chemicals-of-high-concern-to-children>

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¹⁰⁵ <https://ecology.wa.gov/getattachment/2eb614cd-d842-4e94-a3fe-a5ae6789e11d/LeadCadmiumPhthalatesenforcement.pdf>

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Laws and rules

- [Chapter 70A.350 RCW: Toxic Pollution](#)¹⁰⁷
- [Chapter 173-337 WAC: Safer Products Restrictions and Reporting](#)¹⁰⁸

Webpages

- [Safer Products for Washington program](#)¹⁰⁹
- [Safer Products for Washington compliance and reporting](#)¹¹⁰
- [Safer Products for Washington interested parties](#)¹¹¹
- [High Priority Chemicals Data System](#)¹¹²
- [Safer Products for Washington Cycle 1.5 rulemaking webpage](#)¹¹³

Reference materials

- [Safer products for businesses](#)¹¹⁴
- [Toxic chemicals in your home](#)¹¹⁵
- [Shop for safer products at home](#)¹¹⁶

¹⁰⁶<https://public.govdelivery.com/accounts/WAECY/signup/40160>

¹⁰⁷<https://app.leg.wa.gov/rcw/default.aspx?cite=70A.350>

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¹¹⁵<https://ecology.wa.gov/waste-toxics/community-waste-toxics/at-home>

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