

Rulemaking Overview: Formaldehyde in Cosmetics



Introduction

This overview document supports the Formaldehyde in Cosmetics Rulemaking and answers questions related to the rulemaking to adopt Chapter 173-339 WAC. If you have questions about this overview document, the adopted rule, or the rulemaking effort, contact us at ToxicFreeCosmetics@ecy.wa.gov.

Topics

1. Why did Ecology adopt this rule?
2. What is the purpose of this rule?
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Discussion

1. Why did Ecology adopt this rule?

We adopted the rule to protect people and the environment in Washington State by making cosmetic products safer and reducing consumers' and workers' exposure to formaldehyde. The adopted rule restricts formaldehyde and formaldehyde releasers intentionally added to cosmetic products. Formaldehyde releasers are chemicals that release formaldehyde over time.

In 2023, the Washington State Legislature passed a law called the [Toxic-Free Cosmetics Act \(Chapter 70A.560 RCW\)](#)¹ to improve cosmetic and personal care product safety and protect Washington's people and environment 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](#)² on May 22, 2024.
- Adopt a different limit on lead impurities. Ecology announced the start of the [Lead in Cosmetics Rulemaking](#)³ on December 19, 2024. This is a separate rulemaking effort.
- Implement, administer, and enforce the law.

2. What is the purpose of this rule?

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.

In addition to restricting intentionally added formaldehyde releasers, the rule identifies 25 formaldehyde releasers used in cosmetic products. This list will help manufacturers

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

² <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

³ <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

investigate their supply chain and formulate products without chemicals that release formaldehyde.

The rule also defines “intentionally added,” which applies to the restrictions in the rule and the restrictions in the Toxic-Free Cosmetics Act. The Toxic-Free Cosmetics Act restricts nine intentionally added chemicals but doesn’t define “intentionally added.” The definition in the rule clarifies that “intentionally added” means a chemical that serves an intended function in:

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

Applying the definition of “intentionally added” to the statutory restriction on formaldehyde restricts all chemicals that release formaldehyde to serve a function.

3. What is included in this rule?

The adopted 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)⁴). Applying the definition of “intentionally added” to the statutory restriction on formaldehyde restricts all chemicals that release formaldehyde to serve a function.

4. What isn’t included in this rule?

The adopted rule **doesn’t** include a restriction on lead or lead impurities.

The Toxic-Free Cosmetics Act restricts lead intentionally added to cosmetic products as well as lead impurities at or above 1 ppm. After meeting with many cosmetics manufacturers, we learned that a strict 1 ppm limit on lead impurities can be difficult for some cosmetic products to achieve.

Lead is a metal that occurs naturally in some raw ingredients used in cosmetic products, such as minerals and clays. Ingredients used for pigments are a common source of lead impurities, but manufacturers have limited pigment options approved by the federal Food and Drug Administration. The variability of lead concentrations in ingredients can prevent manufacturers from complying with the statutory limit of 1 ppm.

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.020>

On December 19, 2024, we:

- Announced the start of [rulemaking](#)⁵ to identify a feasible approach to regulating lead in cosmetic products, including potentially adopting a different limit on lead impurities than the statutory limit of 1 ppm.
- Issued an [interim policy on lead in cosmetics](#)⁶ to provide compliance guidance to manufacturers while we conduct the rulemaking.

This interim policy gives:

- Manufacturers time to comply with the statutory lead limit of 1 ppm.
- Ecology time to collect information about the lowest feasible lead levels in cosmetic products.
- Manufacturers alternative paths to compliance for cosmetic products that are currently unable to consistently achieve lead concentrations below 1 ppm.

To receive updates about these efforts, join our [email list](#).⁷

5. What changed from the proposed rule to the adopted rule?

On February 6, 2025, we [proposed](#)⁸ the [formal draft rule](#)⁹ (proposed rule) and accepted formal comments on the proposed rule and other rulemaking documents until April 11, 2025. During the 64-day comment period, we received 39 submissions including comments from members of the public, cosmetic professionals, industry associations, local government, community advocacy groups, and environmental advocacy groups. Based on these comments, we made the following changes:

- 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. We revised this definition and added the definition of “in-state retailer” to provide greater clarity about the sell-through period, based on feedback we received.

⁵ <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

⁶ <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

⁷ <https://public.govdelivery.com/accounts/WAECY/signup/40162>

⁸ <https://ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf>

⁹ <https://ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf>

- 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. We removed the third bullet that considered chemicals intentionally added if they are used during the manufacturing process. While we had intended this language to capture molecular building blocks, manufacturers pointed out that it could be broadly applied. This means that manufacturers may continue to use resins manufactured with formaldehyde releasers in cosmetic products. However, we think there are very few resins in production beyond what we restricted in the list, and we believe the clarity provided by this change will support compliance.
- Restrictions: 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. The chemicals we removed incidentally release formaldehyde. The formaldehyde released doesn’t serve a function. In some cases, there are alternate ways to make the chemical that can avoid formaldehyde.
 - Revised bullet (1)(c)(ii)(C) to clarify that credible evidence may include information, data, or sources.

6. Who does this rule apply to?

The adopted rule:

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

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.

7. How did Ecology develop the list of formaldehyde releasers in the adopted rule?

We partnered with the Washington State Department of Health to develop the list of 25 formaldehyde releasers in the adopted rule. To do this, we:

- Compiled a general list of formaldehyde releasers, including their chemical names and Chemical Abstract Services (CAS) numbers.
- Prioritized the list of formaldehyde releasers based on:
 - Prevalence of use in cosmetic products [[RCW 70A.560.030\(2\)\(a\)\(i\)](#)¹⁰].
 - Potential to reduce disproportionate exposures [[RCW 70A.560.030\(2\)\(a\)\(ii\)](#)¹¹].
- Revised the list of formaldehyde releasers after reviewing formal public comments by considering whether the:
 - Substance is used in cosmetic products.
 - Substance releases formaldehyde.
 - Released formaldehyde serves a function in the cosmetic product.

For more information on how we developed the list of formaldehyde releasers, review the [Formaldehyde Releasers Technical Support](#).¹²

8. What did Ecology do after the comment period closed?

Ecology accepted formal comments on the proposed rule and rulemaking documents from February 6, 2025, through April 11, 2025. Once the comment period closed, we used formal comments to develop the final rule and finalize the rulemaking documents.

- [Adopted rule](#)¹³ (Chapter 173-339 WAC: Cosmetic Products Restrictions)

The adopted 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.

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.030>

¹¹ Ibid.

¹² <https://apps.ecology.wa.gov/publications/SummaryPages/2504048.html>

¹³ <https://ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25>

- Defines “intentionally added” to clarify the applicability of the restrictions on toxic chemicals in the Toxic-Free Cosmetics Act ([RCW 70A.560.020](#)¹⁴). Applying the definition of “intentionally added” to the statutory restriction on formaldehyde restricts all chemicals that release formaldehyde that serve a function.
- [Final Regulatory Analyses](#)¹⁵
This document includes the probable costs and benefits of the adopted rule and considers qualitative and quantitative benefits.
- [SEPA Determination of Nonsignificance and Environmental Checklist](#)¹⁶
These documents include information on potential environmental benefits of the proposed rule.
- [Concise Explanatory Statement](#)¹⁷
This document includes Ecology’s responses to formal comments we received on the proposed rule and rulemaking documents.
- [Environmental Justice Assessment](#)¹⁸
This document includes an assessment of potential environmental justice impacts related to this rulemaking. The assessment informs and supports consideration of overburdened communities and vulnerable populations.
- [Cosmetics Implementation Plan](#)¹⁹
This document provides an overview of this rulemaking and our efforts to implement this rule and other laws and rules related to toxic chemicals in cosmetic products. The purpose of these laws and rules is to make cosmetic products safer and to protect people and the environment in Washington State by reducing consumers’ and workers’ exposure to toxic chemicals.

9. How did Ecology tell people about this rulemaking?

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.

¹⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.020>

¹⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/2504045.html>

¹⁶ <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202500450>

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

¹⁸ <https://apps.ecology.wa.gov/publications/SummaryPages/2504041.html>

¹⁹ <https://apps.ecology.wa.gov/publications/SummaryPages/2504043.html>

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

On February 6, 2025, we [proposed](#)²⁴ the [formal draft rule](#)²⁵ (proposed rule) and shared rulemaking documents. To support the rule proposal, we:

- Hosted online [info sessions](#)²⁶ and formal hearings on March 31, 2025, and April 1, 2025.

²⁰ https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/11June2024-TFCA-webinarSlides.pdf

²¹ https://www.ezview.wa.gov/Portals/_1962/images/Toxic%20Free%20Cosmetics%20Act/TFCA_Webinar_%202024_07-23_AccessibleVersion.pdf

²² https://ecology.wa.gov/getattachment/4d872846-fca7-4d63-b052-18abe11dde2a/TFCA_PrelimDraftRule_2024-07.pdf

²³ <https://hwtr.ecology.commentinput.com/comment/extra?id=93Bx2jiP5D>

²⁴ <https://ecology.wa.gov/getattachment/e86ba2d6-ba80-4f7c-b5b0-266089621cf9/WSR-25-05-003.pdf>

²⁵ <https://ecology.wa.gov/getattachment/e34c9041-9364-476d-b072-d5af6294e58f/RDS-5886-6-For-Filing.pdf>

²⁶ https://www.ezview.wa.gov/Portals/_1962/Documents/Cosmetics/339A_Hearing_2025_Comms_finalremediated.pdf

- Provided a 64-day formal comment period.
- Used formal comments 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.
- 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.

10. What else does Ecology do to reduce toxic chemicals in cosmetic products?

In Washington State, there are several laws and rules that regulate the manufacture, sale, and distribution of cosmetic products.

- [Chapter 70A.560 RCW](#):³¹ Toxic-Free Cosmetics Act.
 - Restricts nine chemicals and chemical classes intentionally added to cosmetic products. Effective January 1, 2025.
 - Restricts lead impurities in cosmetic products to less than 1 ppm. Effective January 1, 2025. In December 2024, we started a rulemaking to identify a feasible approach to regulating lead in cosmetic products, and issued an [interim policy on lead in cosmetics](#)³² to provide compliance guidance to manufacturers while we conduct the rulemaking.

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>

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

³¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560>

³² <https://apps.ecology.wa.gov/publications/SummaryPages/2404036.html>

- Directs Ecology, in consultation with the Department of Health, to identify and [assess the hazards of chemicals](#)³³ that can provide similar functions in cosmetic products as restricted chemicals. The law also directs Ecology to provide the information to the public.
- Directs Ecology to implement initiatives to support:
 - [Small manufacturers](#)³⁴ in efforts to obtain voluntary environmental health certifications.
 - Independent cosmetologists and salons in efforts to [transition to safer cosmetic products](#).³⁵

These initiatives may include providing assistance and resources for chemical hazard assessments, reformulating products, identifying safer products, and financial incentives.

Visit our [Toxic-Free Cosmetics Act webpage](#)³⁶ for more information on these efforts.

- [Chapter 70A.430 RCW](#):³⁷ Children's Safe Products Act. Restricts cadmium, lead, and phthalates in children's cosmetic products. Effective since July 2009. Visit our [Children's Safe Products Act webpage](#)³⁸ for more information.
- [Chapter 173-334 WAC](#):³⁹ Children's Safe Products—Reporting Rule. Requires manufacturers to report to Ecology if their children's products contain chemicals of high concern. This includes cosmetic products made or marketed to children under the age of 12.
- [Chapter 173-337 WAC](#):⁴⁰ Safer Products Restrictions and Reporting. [WAC 173-337-111](#)⁴¹ restricts ortho-phthalates intentionally added to fragrances used in beauty products and personal care products. Effective January 1, 2025. Visit our [compliance and reporting webpage](#)⁴² for more information.

³³ <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act#faq>

³⁴ <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act#help>

³⁵ <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/cosmetics>

³⁶ <https://ecology.wa.gov/TFCA>

³⁷ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.430>

³⁸ <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/childrens-safe-products-act>

³⁹ <https://app.leg.wa.gov/wac/default.aspx?cite=173-334>

⁴⁰ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

⁴¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337-111>

⁴² <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/safer-products/compliance-and-reporting>

- [Safer Products for Washington Cycle 2](#).⁴³ On May 30, 2025, we submitted the [Safer Products for Washington Cycle 2 Phase 2 Priority Products report](#)⁴⁴ to the Legislature. In this report, we identified BTEX (benzene, ethyl benzene, toluene, and xylene substances) in nail products and cVMS (cyclic volatile methyl siloxanes) in cosmetic products as 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](#)⁴⁵ by June 2028.

11. How will Ecology support compliance with the laws and rules related to toxic chemicals in cosmetic products?

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 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.

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.

Our [product testing program](#)⁴⁶ focuses on chemicals found in cosmetic products. We test products purchased from physical stores and online retailers. 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](#).⁴⁷

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

⁴³ <https://ecology.wa.gov/safer-products-wa>

⁴⁴ <https://apps.ecology.wa.gov/publications/documents/2504030.pdf>

⁴⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-337>

⁴⁶ <https://ecology.wa.gov/research-data/monitoring-assessment/consumer-products-testing>

⁴⁷ <https://ecology.wa.gov/about-us/who-we-are/our-programs/environmental-assessment/scientific-services/quality-assurance>

and rules. When our assistance fails to achieve compliance, or the violation has significantly impacted human health or the environment, we will consider issuing 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 resources 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.

12. Will this rule prevent regrettable substitutions?

Formaldehyde releasers are often added so that formaldehyde can serve a purpose in the product over time and during specific conditions of use. Replacing one chemical that releases formaldehyde with another doesn't make products safer. The rule's definition of "intentionally added" restricts all formaldehyde releasers from being used provided the formaldehyde released is serving a purpose. By defining intentionally added, we are preventing the regrettable substitution of one formaldehyde releaser for another formaldehyde releaser that might not be listed yet.

Since formaldehyde-releasing chemicals are added to products for the purpose of releasing formaldehyde into the product to serve a function, such as preservative or cross-linking, they meet the definition of intentionally added formaldehyde.

There are other potentially regrettable substitutions, like propylparaben and butylparaben, that could be used as preservatives in place of formaldehyde releasers. We have a [list of safer alternatives](#)⁴⁸ available on our website.

13. Are other states restricting formaldehyde releasers in cosmetic products?

Washington state restricts formaldehyde and methylene glycol (a formaldehyde releaser) by statute. Washington is the first state to restrict formaldehyde releasers by rule, and to restrict so many of them at once.

⁴⁸ <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/washingtons-toxics-in-products-laws/toxic-free-cosmetics-act#faq>

- California restricted formaldehyde and three formaldehyde releasers by statute (methylene glycol, paraformaldehyde, and Quaternium-15) by [AB2762](#)⁴⁹ and restrictions went into effect January 1, 2025.
- Maryland restricted formaldehyde and three formaldehyde releasers by statute (methylene glycol, paraformaldehyde, and Quaternium-15) by [HB 0643](#)⁵⁰ and restrictions went into effect January 1, 2025.
- Vermont will have authority through statute [S.25](#)⁵¹ to restrict formaldehyde releasers by rule. The statute goes into effect January 1, 2026.
- Oregon restricted methylene glycol and all formaldehyde-releasing preservatives through [S.B.546](#).⁵² The statute goes into effect January 1, 2027.

14. Will restrictions on formaldehyde releasers change how my favorite cosmetic products work?

There are already many cosmetic products available that use preservatives that don't release formaldehyde. So, while manufacturers may need to change the preservative system used to keep your favorite product fresh, we don't expect that change to impact how the cosmetic product works for consumers. You may not even notice the change, but your favorite cosmetic products will be safer for you and your family.

There are keratin hair treatments on the market that claim to be formaldehyde free. Their performance may be different than the formaldehyde-containing products. Manufacturers have two years prior to the restrictions taking effect to innovate. There has been an increase in formaldehyde free products and we expect new products to continue to come on the market to meet consumers' needs.

15. Will restrictions on formaldehyde releasers make cosmetic products more expensive?

Alternative preservatives are already used in many cosmetic products on the market. Some cosmetic products are more expensive and some are less. Much of the market has already moved away from using formaldehyde-releasing preservatives, which indicates that alternatives are available and cost effective.

We expect manufacturers to be able to make cosmetic products without formaldehyde releasers without significant increases in costs. When manufacturers change a product, the most expensive step is the initial cost of changing an ingredient. To help regulated entities, especially small businesses, we provide assistance and subsidy programs.

⁴⁹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2762

⁵⁰ https://mgaleg.maryland.gov/2021RS/Chapters_noIn/CH_490_hb0643t.pdf

⁵¹ <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT131/ACT131%20As%20Enacted.pdf>

⁵² <https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB546>

Safer cosmetics certification subsidies

We developed a [safer cosmetic certification subsidy initiative](#)⁵³ to assist small cosmetics manufacturers in reformulating products with safer ingredients and obtaining environmental health certifications for their products. The certifications that currently meet our [criteria for safer](#)⁵⁴ include the Cradle to Cradle® Product Certification, the Cradle to Cradle Material Health Certification, and the USEPA Safer Choice certification.

The certification process requires manufacturers to:

- Identify all the chemicals in their cosmetic product.
- Screen cosmetic products 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:

- Seventy-five percent of the cost for the first \$10,000 spent.
- Fifty 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.

Safer Salons Partnership

We are developing the [Safer Salons Partnership initiative](#)⁵⁵ 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.

⁵³ <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/safer-alternatives/safer-chemicals-for-manufacturers/cosmetics-certification-subsidy-program>

⁵⁴ <https://apps.ecology.wa.gov/publications/summarypages/2204018.html>

⁵⁵ <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/cosmetics>

16. What happens if a consumer buys a cosmetic product with restricted ingredients in a different state and uses them in Washington State?

The restrictions on formaldehyde and formaldehyde releasers apply to the manufacture, sale, and distribution of cosmetic products. They **don't** apply to people who buy cosmetic products for personal use.

17. How can I find more information?

For more information:

- Contact the Toxic-Free Cosmetics Act team at ToxicFreeCosmetics@ecy.wa.gov.
- Subscribe to the [Toxic-Free Cosmetics email list](#).⁵⁶
- Contact the TFCA Implementation Lead by sending an email to ToxicFreeCosmetics@ecy.wa.gov.
- Visit the following webpages.
 - [Rulemaking: Formaldehyde in Cosmetics \(Chapter 173-339 WAC\)](#)⁵⁷
 - [Rulemaking: lead-in-cosmetics \(Chapter 173-339 WAC\)](#)⁵⁸
 - [Safer product certification subsidy program](#)⁵⁹
 - [Safer cosmetics replacement program](#)⁶⁰
 - [Toxic-Free Cosmetics Act](#)⁶¹
 - [Toxic-Free Cosmetics interested parties](#)⁶²
- Review the following rulemaking documents.
 - [Adopted rule](#)⁶³
 - [Final Regulatory Analyses](#)⁶⁴

⁵⁶ <https://public.govdelivery.com/accounts/WAECY/signup/40162>

⁵⁷ <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

⁵⁸ <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339-lead-in-cosmetics>

⁵⁹ <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/safer-alternatives/safer-chemicals-for-manufacturers/safer-product-certification-subsidy-program>

⁶⁰ <https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/cosmetics>

⁶¹ <https://ecology.wa.gov/TFCA>

⁶² https://www.ezview.wa.gov/site/alias__1962/38927/toxic_free_cosmetics.aspx

⁶³ ecology.wa.gov/adopted-rule-language-wac-173-339-08-28-25

⁶⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/2504045.html>

- [SEPA Determination of Nonsignificance and Environmental Checklist](#)⁶⁵
- [Concise Explanatory Statement](#)⁶⁶
- [Cosmetics Implementation Plan](#)⁶⁷
- [Environmental Justice Assessment](#)⁶⁸
- [Formaldehyde Releasers Technical Support](#)⁶⁹
- Review the following publications.
 - [Chemical Facts for Cosmetologists: Formaldehyde & Formaldehyde Releasers](#).⁷⁰
 - [Chemicals in Cosmetics Used by Washington Residents: Report to the Legislature Pursuant to ESSB 5693 \(2022\) Section 302 \(56\)](#)⁷¹
 - [Interim policy on lead in cosmetics](#)⁷²
 - [Keeping Your Home and Family Healthy: Reduce Your Exposure to Harmful Chemicals in Self-Care Products](#)⁷³
 - [Take the Detective Work Out of Choosing Safer Cosmetics](#)⁷⁴
 - [Toxic-Free Cosmetic Act Compliance & Outreach Questions and Answers](#)⁷⁵
 - [Toxic-Free Cosmetics Act Guide: Restrictions for Cosmetic Industry & Sellers](#)⁷⁶

⁶⁵ <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202500450>

⁶⁶ <https://apps.ecology.wa.gov/publications/SummaryPages/2504042.html>

⁶⁷ <https://apps.ecology.wa.gov/publications/SummaryPages/2504043.html>

⁶⁸ <https://apps.ecology.wa.gov/publications/SummaryPages/2504041.html>

⁶⁹ <https://apps.ecology.wa.gov/publications/SummaryPages/2504048.html>

⁷⁰ <https://apps.ecology.wa.gov/publications/SummaryPages/2404039.html>

⁷¹ <https://apps.ecology.wa.gov/publications/SummaryPages/2304007.html>

⁷² <https://apps.ecology.wa.gov/publications/SummaryPages/2304007.html>

⁷³ <https://apps.ecology.wa.gov/publications/SummaryPages/2204038.html>

⁷⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/2404061.html>

⁷⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/2404047.html>

⁷⁶ <https://apps.ecology.wa.gov/publications/SummaryPages/2404019.html>

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This report is available on the Department of Ecology's website at <https://apps.ecology.wa.gov/publications/SummaryPages/2504044.html>.

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⁷⁷ [ecology.wa.gov/contact](https://apps.ecology.wa.gov/contact)

⁷⁸ [ecology.wa.gov/ADA](https://apps.ecology.wa.gov/ADA)