

Appendix C. Hearing Testimonies

Chapter 173-339 WAC Cosmetic Products Restrictions

Overview

We accepted formal comments on the proposed rule during the 64-day public comment period that closed on April 11, 2025. We received 39 comment submissions on the proposed rule, including verbal testimony shared during public hearings.

The following are verbal testimonies shared during the hearings on March 31, 2025, and April 1, 2025.

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Testimony from March 31, 2025

Cheri Peele, Director of Government and Market Policy for Toxic Free Future

Good morning. My name is Cheri Peele. I'm the Director of Government and Market Policy for Toxic Free Future. Thank you for the opportunity to testify today in support of the draft rule to ban all formaldehyde releasers in cosmetics. A ban on all formaldehyde releasers is a critical step in making products safer that we use on our skin and hair, then flush down the drain.

Formaldehyde can be hazardous, even at low levels, and is associated with cancer, harm to brain function, asthma, and eye and skin irritation. In particular, studies show that women of color are disproportionately exposed to hazardous chemicals in their cosmetics. For example, a 2022 study found an increased risk of uterine cancer in Black women who used Hair Straightening products, which can contain formaldehyde releasers. These hazardous chemicals have no place in the products that we use on our bodies every day.

The Toxic Free Cosmetics Act clearly gives the agency authority to define formaldehyde releasers, to prohibit to fully meet the law's intent to ban all chemicals that release formaldehyde. This should include a list of chemicals that release formaldehyde and included in that a broad description of formaldehyde releasers, to ensure that any chemical that releases formaldehyde that may be used in cosmetics is banned.

Over many years in many sectors, we've seen that a restriction on a specific chemical in a class has simply resulted in industry shifting to regrettable substitutes, often within the same class. Only by restricting all chemicals that release formaldehyde in cosmetics will the state succeed at eliminating this important source of exposure.

To protect health, we specifically support:

1. The ban on the list of 28 formaldehyde releasers that will take effect January 1, 2027.
2. The definition of intentionally added, which will ensure that all formaldehyde releasers added to the final product, the manufacturing of the product, or to an ingredient in the final product will be covered.
3. The strong enforcement provisions that clearly state there will be an assumption that formaldehyde, a restrictive formaldehyde releaser, or both were intentionally added if formaldehyde is found during sampling. Washington State can continue to lead the way in banning, from banning, harmful chemicals in personal care products and cosmetics.

Please finalize this draft rule that bans all formaldehyde releasers and ensures strong enforcement to ensure that people have access to products that do not threaten their health. Thank you.

Brianna Jones, Co-Director of the Alphabet Alliance of Color

Hi all, I'm Brianna Jones, I use they/them pronouns, and I'm a Co-Director with the Alphabet Alliance of Color. Thank you for the space to provide testimony today and thank you for your leadership in banning cancer-causing chemicals in personal care products and cosmetics.

As a representative and co-director with Alphabet Alliance of Color, we strongly support the Department of Ecology's draft rule to ban all formaldehyde releasers in cosmetics. This is a really key step in making products that impact our communities, bodies, and community ecosystems safer. Specifically, as a co-director of an organization that is composed of and serves queer and trans people of color, specifically in the Puget Sound, I'm very frequently interfacing with the multitude of barriers to safety and to help that our community faces.

We are folks who are already living in neighborhoods with higher levels of toxic waste and toxic chemicals in our air, our soil and our care products, and so this rule is one of the critical steps we can take in eliminating one of the ways our community is disproportionately likely to deal with conditions like cancer and asthma and condition or symptoms, excuse me, like reduced brain function and skin irritation.

We'd like to echo that Alexandria Ocasio-Cortez (AOC) specifically supports the ban on the list of 28 formaldehyde releasers that would take place January 1, 2027, the definition of intentionally added, which will ensure all formaldehyde releasers added to the final products will be covered, and the strong enforcement provisions that clearly state there will be an assumption that formaldehyde or restricted formaldehyde releaser or both were intentionally added if formaldehyde is found during sampling.

Thank you for your work to finalize the structural and to make our community safer. It's really essential in this time where we are critically under attack in many ways. This is a way to actionably make change and make our community safer. Thank you.

Robin Dodson, Associate Director of Research Operations at Silent Spring Institute

Thank you for this opportunity. I'd like to share our research in support of your proposed rulemaking on formaldehyde releasers. My name is Robin Dodson. I'm the Associate Director of Research Operations and a scientist at Silent Spring Institute with a doctorate in environmental health from the Harvard School of Public Health. Silent Spring Institute is an independent nonprofit research organization that investigates the links between everyday chemicals and public health.

I lead our research on consumer product chemical exposures, which includes identifying and addressing exposure inequities. I'm also part of the Taking Stock Study, a community academic research study focused on consumer products, consumer product use, and chemical exposures

among women of color living in California. And as part of this study in 2021, we asked 70 women, Black women and Latinas living in South LA (Los Angeles), to log their product use over one week and also take photos of the ingredients, list of their products.

We use this information to create a very detailed product ingredient database based on the products that our study participants are using. We recently analyzed this ingredient data set to identify personal care products, so skin care, hair care, and cosmetics that listed formaldehyde and or formaldehyde-releasing preservatives as ingredients.

We used a list of 35 releasers presented in DeGroot et al, 2009. A scientific manuscript summarizing our findings is currently under peer review.

So, what did we find? Over half of the taking stock participants, either Black women or Latinas living in South LA, are using products with formaldehyde releasers. These include body lotions, soaps and cleansers, and hair products. Women in this study reported using many of these products several times a week. Some lotions and cleansers were used multiple times a day.

The majority of the products identified with formaldehyde releasers were used at least twice over the one-week period. Now, when we looked across all personal care products used by participants in our study, we found that about 4% of the products listed formaldehyde releasers. We compared that to national data from the US EPA consumer product database, also known as CPD, and in the national data set, we found that approximately 8% of personal care products listed formaldehyde releasers. Previous estimates were higher, perhaps as high as 15 to 20% of products.

While the overall prevalence of formaldehyde releasers and products may seem relatively low, we can see from our data that formaldehyde releasers are found in commonly used products, hence, half the study participants are using products with formaldehyde releasers listed on their products. Similar to Washington state's Department of Ecology zone analysis, DMDM hydantoin was the most common formaldehyde releaser listed on the products by taking stock study participants as well as EPA consumer product database...

Fran Sant, Hearing Officer (1 10:26)

We'll invite you back at the after everybody else had an opportunity, if you want to provide additional comments. Thank you.

Robin Dodson: Similar to Department of Ecology own analysis- In our analysis, DMDM Hydantoin was the most common formaldehyde releaser used in products used by our study participants as well as the EPA consumer product database.

Both Diazolidinyl and Imidazolidinyl Urea were also common. As noted in ecology's own documents, "Chemicals released from formaldehyde do not have a common use structure, structural chemical definition. They do not have a common naming convention so consumers can

readily identify them. For consumers who want to avoid these chemicals, they cannot be expected to read the labels for the chemicals.”

So, for consumers who do want to try to avoid these chemicals, they cannot be expected to read labels with chemicals like DMDM Hydantoin. We should not be putting this burden on the consumer and instead restricting use to these chemicals and personal care products will better protect consumers from exposure to formaldehyde, a known carcinogen.

So, on behalf of the Taking Stock Study team, we hope you find our study's health findings are helpful as you consider this rulemaking. Thank you.

Hannah McCall, Founder of Clean Beauty for Black Girls

Hi. Good afternoon. My name is Hannah McCall, and I am the founder of Clean Beauty for Black Girls, the community voice and educator that focuses on bridging science, systemic harm, and everyday care, while also reminding the industry that Black women's wellness and dollars carry power.

Banning formaldehyde-releasing chemicals to us is not extreme, because we would, in fact, argue that it is overdue. These ingredients have no place in the products we use every day, especially the ones marketed directly to Black communities.

I want to be candid and talk about how exposure really works to the daily consumer. Hair straighteners, leave-ins, shampoos, body washes, serums, lotions, cleansers, just to name a few that many of us use this morning before 9 am. Each one might contain what the industry calls a safe level. But what does that mean when you're using several of them before 9 am? That safe level doesn't hold when it's layered. Accumulation is real, and our bodies are not resetting in between uses. We absorb it, we inhale it, we carry it.

Industry statements often ignore this reality. They present each product in isolation, tested under ideal conditions, on ideal bodies, but our lived conditions are different. Our exposure is constant, and our health outcomes do reflect that.

Washington has the opportunity to lead with integrity here. That includes protecting the full definition of intentionally added and not watering it down under pressure. Not letting companies sidestep responsibility by pointing to manufacturing processes or shelf life. Because if we are to prioritize preservation, I have a few things I would like to add about preserving human life. Enforcement matters. Clear bans matter. Definitions matter. Because what gets defined gets regulated.

I urge you to adopt the strongest possible version of this rule, not just to protect consumers, but to correct the harm that's already been done. Because from where I stand, toxins do not

discriminate, but companies and lawmakers do, so let's not continue that cycle. Thank you for this time, space, and conversation.

Astrid Williams, CEO and Founder of Sienna Girl Jones

Thank you, Washington's Ecological Department, for your leadership and protection of consumers by banning cancer-causing chemicals and personal care products in cosmetics. I strongly support the Department of Ecology's draft to rule to ban formaldehyde releasers in cosmetics.

This rule is a necessary and long overdue step in ensuring that the safety of products we use on our skin and on our hair, and that ultimately enters into the environment, in our waterways.

As we all know, formaldehyde is a known carcinogen that has been linked to increased cancer risk, harm to brain function, heightened asthma susceptibility, and skin and eye irritation.

Despite these well-documented risks, formaldehyde releasers continue to be hidden in everyday beauty and personal care products, disproportionately affecting communities that rely on these products daily. Also, recent studies have shown that Black women are disproportionately exposed to toxic chemicals in personal care products, including formaldehyde releasers, due to the formulations of hair relaxers, conditioners, and styling products marketed to them. This exposure contributes to a higher rate of our hormone disruption, reproductive harm, and cancer within our communities.

It is unacceptable that beauty should come at a cost to our health.

For these reasons, I support the ban on the list of the 28 formaldehyde releasers set to take effect on January 1, 2027. Also, the clear definition of intentionally added to ensure that all formaldehyde releases, whether introduced in the final product, during manufacturing, or as a part of an ingredient, are covered by the rule. And lastly, strong enforcement provisions, including the presumption that formaldehyde or its restricted releasers are intentionally added if detected during the product sampling.

So, this rule is crucial in making sure ensuring that beauty and personal care products are safer for everyone, particularly for historically marginalized communities that have been disproportionately affected by toxic exposure. Consumers deserve transparency and perfection, excuse me, protection from harmful chemicals, and the products that we trust.

Lastly, we urge the Department of Ecology to adopt and enforce these regulations without delay. Sincerely, Dr Astrid Williams, CEO and founder of Sienna Girl Jones. Thank you.

D'Arcy Harrison, Cosmetologists of Washington United

D'Arcy Harrison, Cosmetologists of Washington United. I have to extend my gratitude towards the Department of Ecology for committing to this work.

As you know, professionals not only work with clients to sell these products, but also work with these products every single day, repetitively, throughout the day, weeks on end, months on end, years on end. So, the cumulative effect of formaldehyde releasers is dramatic because of the higher frequency that we will experience as professionals.

The concern that I have expressed to Department of Ecology offline is the level of enforcement towards professionals that are working with us every day, not to say that they should not be part of the enforcement, just however, a knowledge that we are not chemists. And so, there is some education that needs to be ongoing regarding these ingredients and the dangers of them if people have not been thoroughly educated. As well as making sure that brands are not miseducating, mismarketing, or mistreating certifications regarding these ingredients and whether they exist in the products or formaldehyde releasers (that) are being utilized.

So, we hope that the Department of Ecology has heard our concerns and that we can move forward with continuing this work in tandem to make sure that Washington State is known for its toxic-free not only for consumers, but also within salon shops, nail shops, barber shops, etc. Thank you so much.

Testimony from April 1, 2025

Marissa Doherty

Hello, I'm Marissa Doherty, and I support the ban of all 28 formaldehyde releasers and cosmetics.

I personally have been affected by FRAs. In 2018, after 17 years of being a cosmetologist, I started to go into anaphylaxis at work. I was told by my doctors that I was getting poisoned by the chemicals and if I didn't stop my exposure, I could die. I had chosen to not do chemical straightening services due to the dangers for myself and my clients. And unfortunately, it was not enough.

Another stylist was performing Brazilian blowouts. And since they have FRAs, the formaldehyde was airborne and poisoned my coworker and myself anyway. My holistic allergist explained to me that formaldehyde is one of the largest known sensitizers and does not easily leave your system. It accumulates and causes a ton of serious risks, such as allergies, lung problems like asthma, and even cancer.

My lungs developed asthma and bullae, which are tiny blisters that made my lungs partially collapse. I have extreme sensitivities to fragrance, which I also learned can be contained in formaldehyde as well. I have extreme fatigue and migraines when I'm exposed. My brain was also so affected that I was unable to read for more than a few sentences at a time, which was devastating as an avid reader.

I had to step away from my career that I loved and built for 17 years. I lost my health, but also my livelihood. My body is forever damaged from FRAs. This isn't just a personal tragedy. It's a systemic failure to protect workers and consumers.

I never knew the dangers and trusted that our government had safely regulated our industry products, but I was wrong. When speaking with fellow hair stylists, they have all told me that they also trusted that their products were safe and were happy that I have spoken in support of these bans because they also want to be able to operate their businesses safely as well.

Unfortunately, finding safe products is very hard. You shouldn't need to have a degree in chemistry to buy hair products for your children and your families. I truly believe that when we know better, we must do better.

We know that formaldehyde-releasing agents are extremely dangerous. The Royal Health Organization and the CDC both classify formaldehyde as a known human carcinogen. And that is why we must strictly enforce and ban all 28 FRAs to protect children, families, and really, everyone from being poisoned by this unnecessary and dangerous ingredient.

Thank you.

Meredith Pedack

Hello, may I be heard? Thank you. I... first wanted to just say how moved I am by this hearing and by this presentation. I wrote out a testimony that I was going to say, and now I don't even know how to say what I was um..the thing that I was going to say because after doing advocacy for the last several years, I am a-I've been a hairstylist for 30 years, and I am of an affected group of people that have been really harmed by the exposures of formaldehyde. And to see that we have made this much progress and that these conversations are happening, and to be able to have an opportunity to appear in this way. These conversations just were not ones that I could find, or have, that were productive even a number of years ago.

So, I fully support the ban of the 28 formaldehyde releasers, and... it's really... been impactful in my life. I just I don't want anyone else to have to go through the things that I have gone through, and so many other beautiful and talented hairdressers that have been harmed and have had their health or their life path disrupted by unnecessary chemicals.

So, thank you for your research and for your time and the opportunity to speak.

Thank you.

Zenda Walker, Know Your Hairitage LLC

My name is Zenda Walker. I'm the CEO and founder of Know Your Hairitage, that's H-A-I-R-I-T-A-G-E-L-L-C. It's an educational consulting company. And I visit K-12 classrooms monthly to enhance social studies ELA, vocational as well as STEM education through hair stories.

I've written two children's books, and this topic is something I'm passionate about. And I would like to testify today in favor of the ban of 28 formaldehyde releasers in cosmetic products. As a beauty professional, as well as an educator, and most importantly, as a mother.

As CEO of Know Your Hairitage LLC, I'm deeply invested in the well-being and education of our youth. Working directly with K through 12 students, I've noticed that many of them are beginning to explore personal care and beauty products. And the knowledge that these products could contain harmful formaldehyde releases is profoundly concerning.

And, you know, as somebody who's tasked with educating our youth and what includes and substances (are included) that are in these products. I just want to make sure that our children are protected from jeopardizing their health.

As a beauty professional, I understand the trust that my clients place in me. They rely on my expertise to provide safe and effective services and products. And so, these formaldehyde releasers and cosmetics undermine the trust that I have with my customers. It also creates a climate of uncertainty and fear where clients are forced to question the safety of everyday products.

The scientific evidence linking formaldehyde to cancer, asthma, and hormone disruption is clear. And so, it's our responsibility to protect those who rely on our professional guidance.

Also, as a mother, I just feel it's really urgent to address this issue. My daughter, like so many young people, deserves the right to experiment with beauty products without fear. She should not have to worry that these products, the products that she's using, are exposing her to carcinogenic substances. And the idea that she or any child could develop problems with their health, it's just unacceptable.

So, I definitely am grateful today to learn more about the advocacy in Washington state. I will make sure that I do my due diligence and implore others to support what's happening here today for a healthier future for everyone.

Thank you.