

Lead-in-Cosmetics **Data Collection Information**

June 11, 2025



Agenda

- 1. The Toxic-Free Cosmetics Act**
Background on the law and policy
- 2. Published Data Collection Information**
Summary of four documents
- 3. Confidential Treatment of Information**
Governing law, requirements, and process
- 4. Data Collection Template**
Live walk through and explanation
- 5. Questions & Answers**



Section 1. Toxic-Free Cosmetics Act

The law

Toxic-Free Cosmetics Act (Ch. 70A.560 RCW)



- 1. Restrictions:** cosmetic products that contain certain toxic chemicals.
- 2. Rulemaking authority:**
 - Formaldehyde releasers
 - Lead impurities
- 3. Small business subsidies:**
 - Manufacturers – certify products as safer
 - Salons – purchase and use safer products

<https://ecology.wa.gov/tfca>

Restrictions on cosmetic products

Cosmetic products manufactured, sold, or distributed in Washington **can't contain:**

- Intentionally added restricted chemicals.
- Lead or lead compounds at or above 1 ppm.
(Ecology issued an interim policy in Dec. 2024.)

Deadlines

- **Jan. 1, 2025:** Restrictions took effect.
- **Dec. 31, 2025:** Deadline for in-state retailers to sell existing stock.

Lead Interim Policy

Effective Jan. 1, 2025, the [policy](#):

- Extends time for compliance.
- Provides temporary alternatives.

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



Lead interim policy, Option 1

Option 1: All cosmetics

- Notify us with the [online form](#).



General cosmetics:

lead \leq 2 ppm



Color cosmetics:

lead \leq 5 ppm



Clay masks:

lead \leq 5 ppm

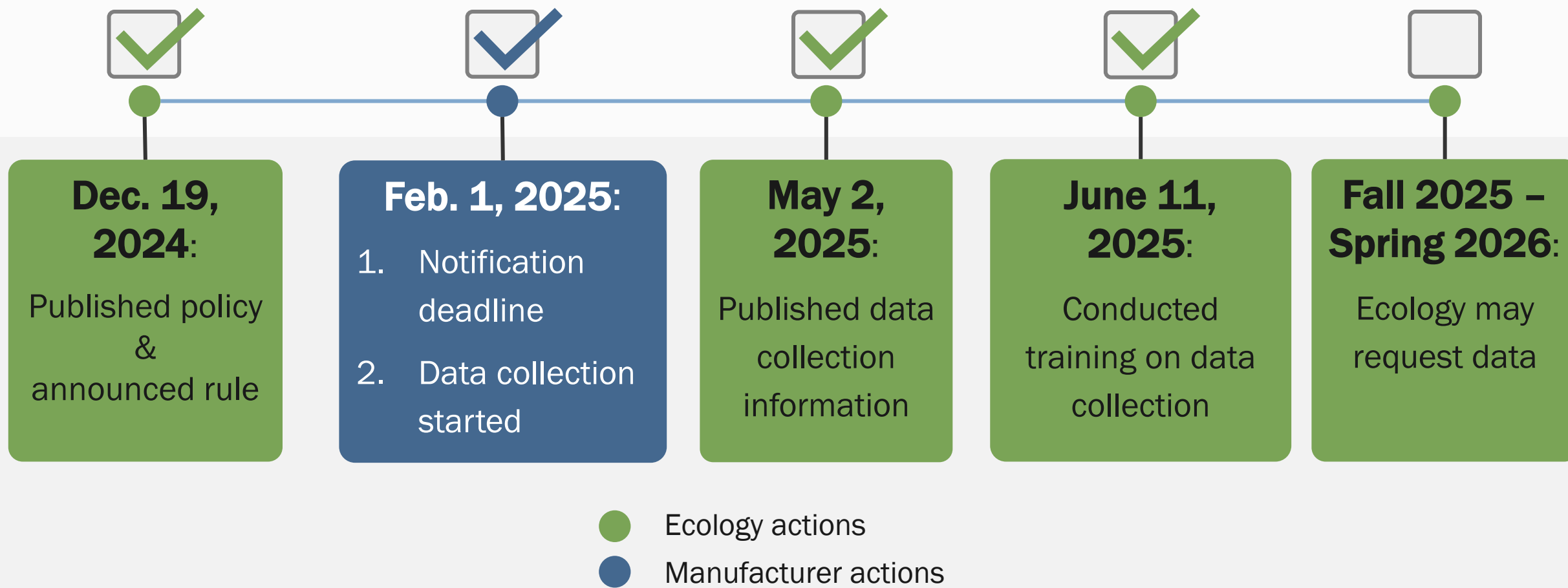
Lead interim policy, Option 2

Option 2: Color cosmetics and clay masks

- Notify us with the [online form](#).
- Lead concentration > 5 and ≤ 10 ppm.
- Monitor lead in each batch of each product.
- Retain data and information and submit to Ecology if requested.



Timeline



A man in a blue checkered shirt is sitting at a desk, writing in a notebook with a pen. In the background, there is a laptop and a white dog. The scene is set in a bright, modern office or home workspace.

Section 2. Published data collection information

Documents

1. Information sheet on data collection
 - ✓ Appendix 1: Test Methods Guidance
 - ✓ Appendix 2: Confidential Business Information (CBI) Process
2. Data collection example
3. Data collection template
4. CBI Request Form



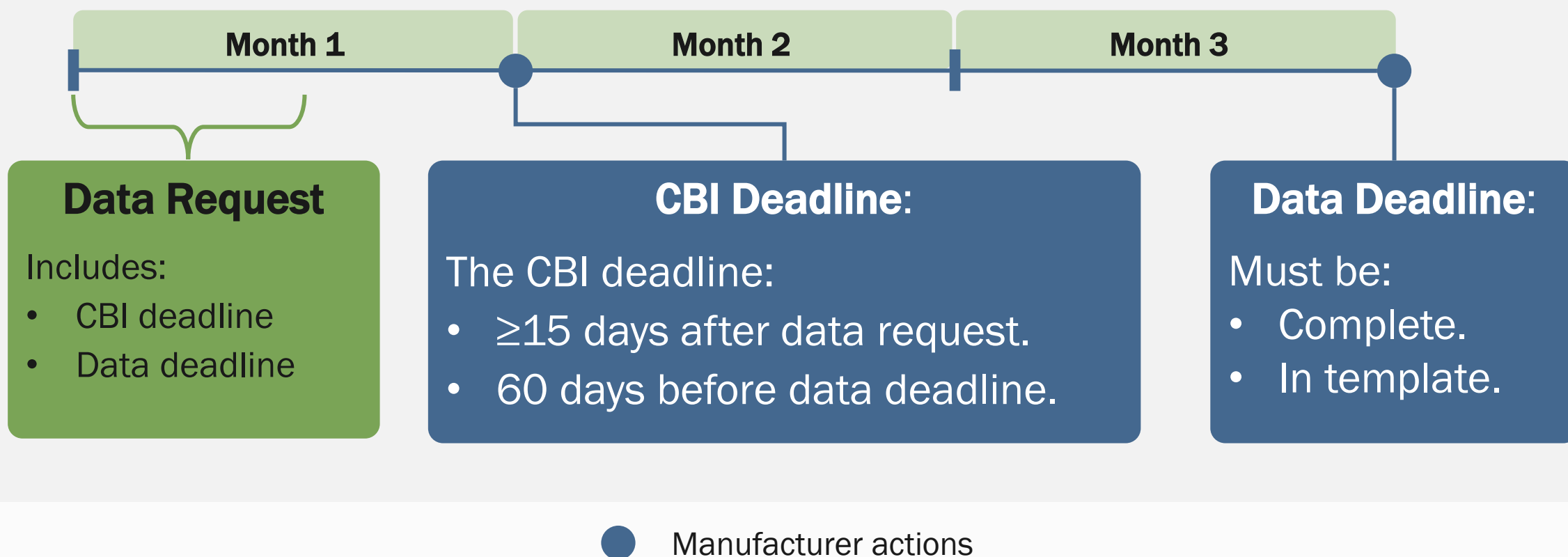
Scan the QR code to download these documents or visit the link below.

Why Ecology will request data

- Inform potential rulemaking on lead in cosmetics.
- Look for patterns in the data.
 - Analyze distribution and variability of lead levels.
 - Evaluate data by key attributes: batch, product category, test method.



Timeline for lead data collection



What data to collect



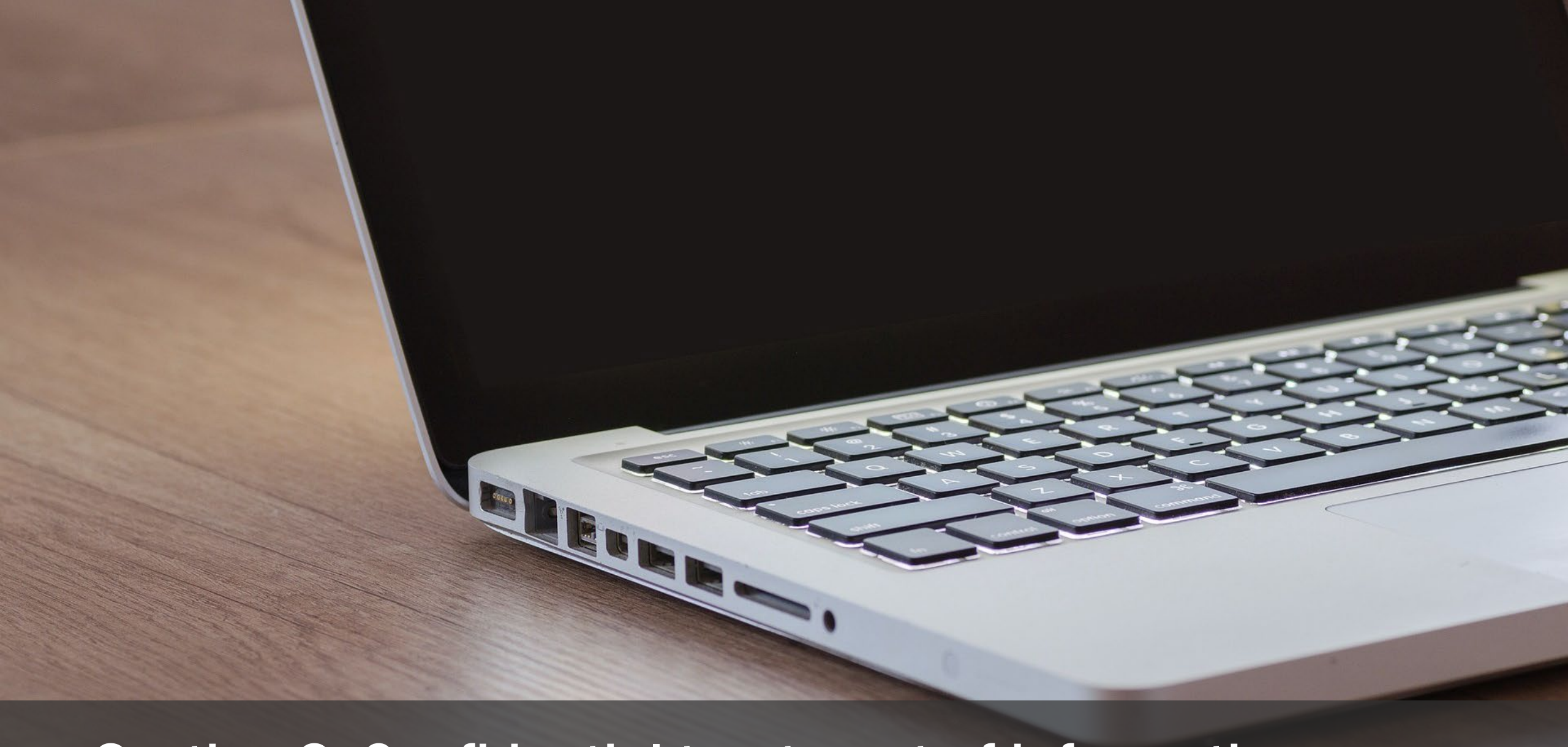
Measured product lead levels; or



Measured ingredient lead levels
and calculated product lead levels.

Lead data requirements

- Third-party laboratory
- Total lead
- Specify test method
- Specify quality control information



Section 3. Confidential treatment of information

Confidential Business Information (CBI) process

- You fill out the form.
- You submit the form and supporting information by the deadline.
- We inform you of the director's decision.
- You submit data by the deadline.
- If confidential protection was granted, you highlight it.

CBI criteria

RCW 43.21A.160

- Information that “relate[s] to the processes of production unique to the owner or operator thereof,” and
- Information that “may affect adversely the competitive position of such owner or operator if released to the public or to a competitor.”

CBI Director's considerations

RCW 43.21A.160

- “would not be detrimental to the public interest”, and
- “is otherwise within accord with the policies and purposes of this chapter”.

What may be granted protection

- Company name
- Submitter's name and contact information

Avoid sensitive information

- Avoid market identifiers.
- Use manufacturer-selected identifiers.



“Product 1”



“Ingredient 1, Batch A”

5 - Form B1 Ingredient Testing										
Products		Methods for Ingredient Testing				Ingredient Testing Results				
Product Identifier	Product Category	Extraction Method	Acids Used for Digestion	Analytical Method	Analytical Instrument	Ingredient Identifier	Product Batches Using this Ingredient (matching Form B2)	Measured Ingredient Lead Result in ppm	Limit of Quantitation (LOQ)	Limit of Detection (LOD) optional
Product #1	(03)(k) Other eye makeup preparations.	EPA3052	concentrated nitric acid	EPA 6020	ICP-MS	Ingredient 1 - Lot 1	batch 1,2,3	Non Detect	0.03	0.01
		EPA3052	HNO3, HCl	EPA 6020	ICP-MS	Ingredient 1 - Lot 2	batch 1,2,3	0.58	0.58	0.01
		EPA3052	concentrated nitric acid	EPA 6020	ICP-MS	Ingredient 1 - Lot 3	batch 4,5,6	Non Dectect	0.41	0.01
		EPA3052	HNO3, HCl	EPA 6020	ICP-MS	Ingredient 2 - Lot 1	batch 1,2,3,4,5,6	8.3	0.03	0.01
		EPA3052	concentrated nitric acid	EPA 6020	ICP-MS	Ingredient 3 - Lot 1	batch 1,2,3,4,5,6	6.2	0.03	0.01
		EPA3052	concentrated nitric acid	EPA 6020	ICP-MS	Ingredient 4 - Lot 1	batch 1,2,3,4	7.6	0.58	0.01
		EPA3052	concentrated nitric acid	EPA 6020	ICP-MS	Ingredient 4 - Lot 2	batch 1,2,3,5	7.8	0.41	0.01
		EPA3052	concentrated nitric acid	EPA 6020	ICP-MS	Ingredient 4 - Lot 3	batch 1,2,3,6	7.6	0.58	0.01
		EPA3052	concentrated nitric acid	EPA 6020	ICP-MS	Ingredient 5 - Lot 1	batch 1,2,3	7.8	0.41	0.01
		add more rows if needed								

Section 4. Data collection template

Questions

Ask questions now or email our team:
ToxicFreeCosmetics@ecy.wa.gov



Thank you

Email us at:

ToxicFreeCosmetics@ecy.wa.gov

Join our email list:

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



Visit the TFCA webpage:

<http://ecology.wa.gov/tfca>