



# Toxic-Free Cosmetics Act

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# Agenda

## 1. The Toxic-Free Cosmetics Act

Background, requirements, implementation

## 2. Technical Assistance

Safer ingredients and products

## 3. Rulemaking

Authority, process, timeline, status

## 4. Questions & Answers



# Toxic-Free Cosmetics Act

Background, requirements, and implementation

# Background

- **2021:** Bill introduced but not passed.
- **2022:** Legislature directed Ecology and Health to publish the cosmetics report. We published in Jan. 2023.
- **2023:** WA codified the Toxic-Free Cosmetics Act (Chapter 70A.560 RCW) in May 2023.



# The law

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

- 1. Restriction:** Restricts the *manufacture, distribution, and sale* of cosmetic products that contain certain chemicals.
- 2. Technical assistance:** Directs us to provide technical support to small businesses that make or use cosmetic products.
- 3. Rulemaking:** Gives us the authority to conduct rulemaking to identify and restrict formaldehyde-releasing chemicals used in cosmetics.

# Cosmetic product

## Definition

Intended to be used on the human body (rubbed, poured, sprinkled, sprayed, etc.) for cleansing, beautifying, promoting attractiveness, or altering appearance.

## Examples

Perfume, shampoo, hair gel, body wash, deodorant, hand lotion, toothpaste, shaving cream, lipstick

# Restrictions on cosmetic products

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

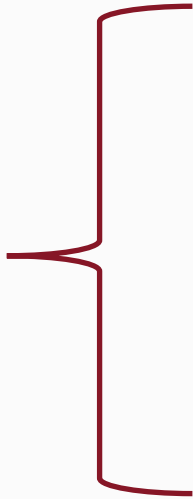
- Intentionally added restricted chemicals.
- Lead or lead compounds at or above 1 ppm.

## Deadlines

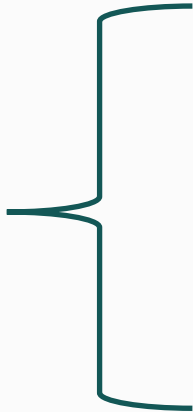
- **Jan. 1, 2025:** Restrictions take effect.
- **Jan. 1, 2026:** Deadline for in-state retailers to sell existing stock.

# Restricted chemicals and chemical classes

## Chemicals

- 
1. Formaldehyde (CAS 50-00-0)
  2. Methylene glycol (CAS 463-57-0)
  3. Triclosan (CAS 3380-34-5)
  4. m-Phenylenediamine and its salts (CAS 108-45-2)
  5. o-Phenylenediamine and its salts (CAS 95-54-5)

## Chemical classes

- 
6. o-Phthalates (several CAS)
  7. PFAS (several CAS)
  8. Mercury (CAS 7439-97-6) and mercury compounds
  9. Lead (CAS 7439-92-1) and lead compounds

# Vision

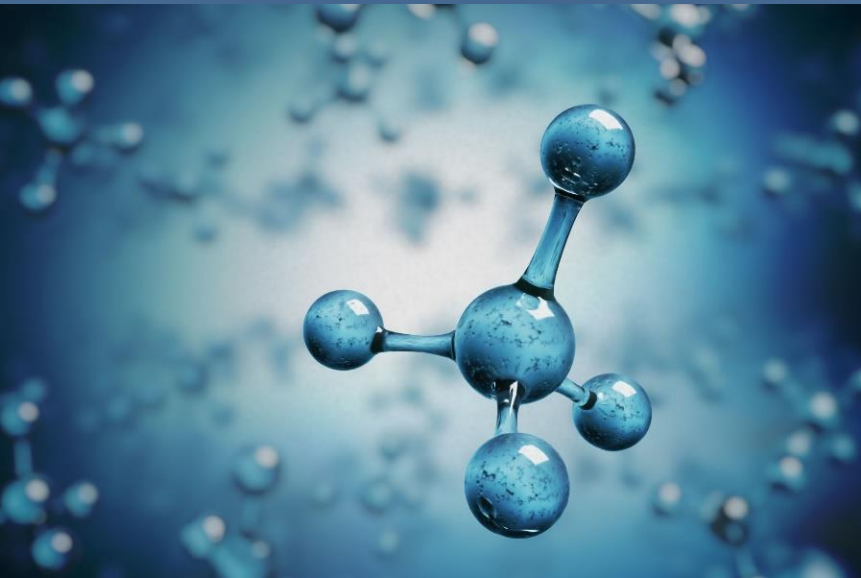
- Equitably reduce exposure to toxic chemicals in cosmetic products.
- Prevent releases of toxic chemicals from cosmetic products into the environment.



# Levers for financial and technical assistance

## Hazard assessment

**We** identify and assess safer ingredients.



## Certification subsidy

**Brands** make and certify safer products.



## Product replacement

**Salons** purchase and use safer products.



# Demand pull strategy

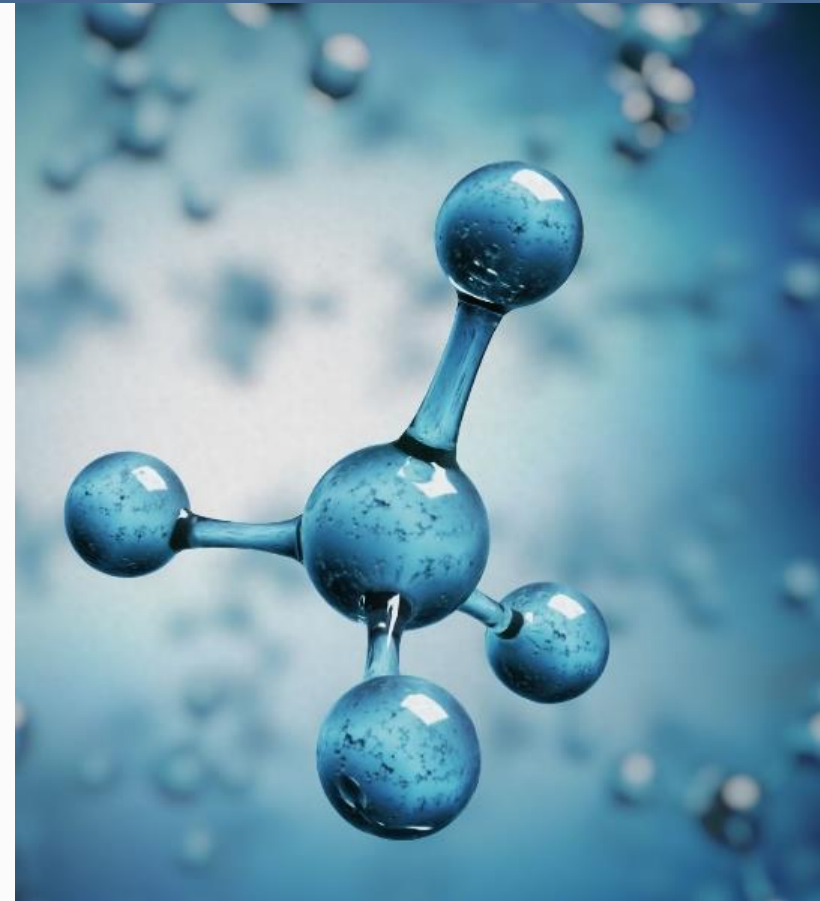
**Education and  
financial incentives**

DEMAND

**Certified safer  
products**

DEMAND

**Safer ingredients  
and innovation**



# Integrating equity

- **Disproportionate exposure**

Studies show that women have higher levels of harmful chemicals found in cosmetics than men, and Black women have higher levels than white women. Salon workers experience higher exposures due to daily use.

- **Focus group**

Cosmetologists who are Black women.

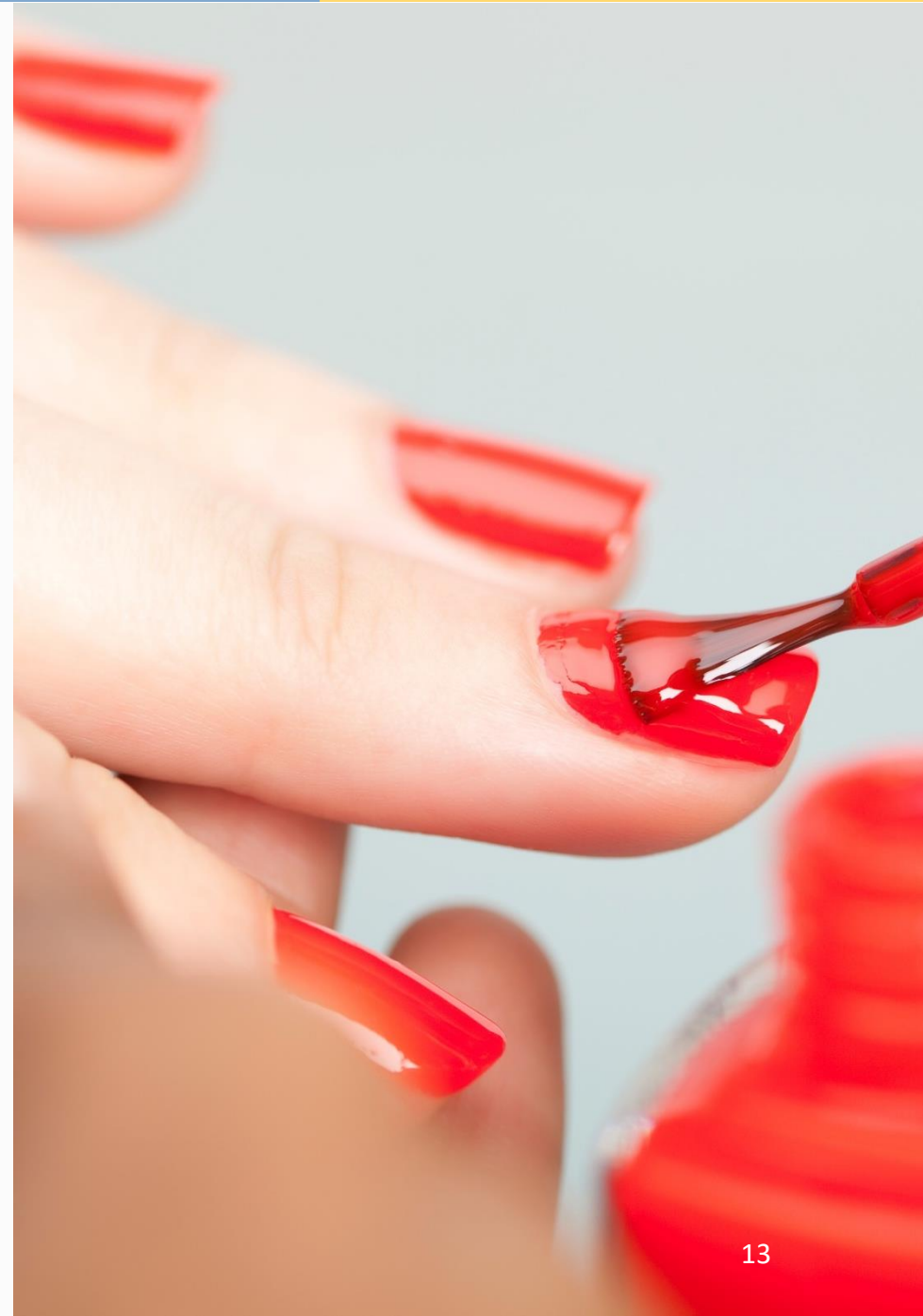
- **In-person outreach**

Small Asian Business Fair, Affiliated Tribes of Northwest Indians, Black Hair Expo, and others.



## Integrating equity (cont.)

- **Building relationships with community leaders:** Serve Ethiopians WA and Community Health Workers Coalition for Migrants and Refugees.
- **Prioritizing chemicals:** Selecting chemicals that disproportionately impact people with higher rates of exposure.
- **Financial assistance:** Structuring our compensation tiers to reimburse businesses for safer products in overburdened communities and vulnerable populations.





# Technical Assistance

Safer ingredients and products

# Priorities for financial and technical assistance

## Organizations that:

- Go beyond compliance
- Formulate safer products
- Are in overburdened communities

## Products that **benefit**:

- Vulnerable populations



# Phased implementation



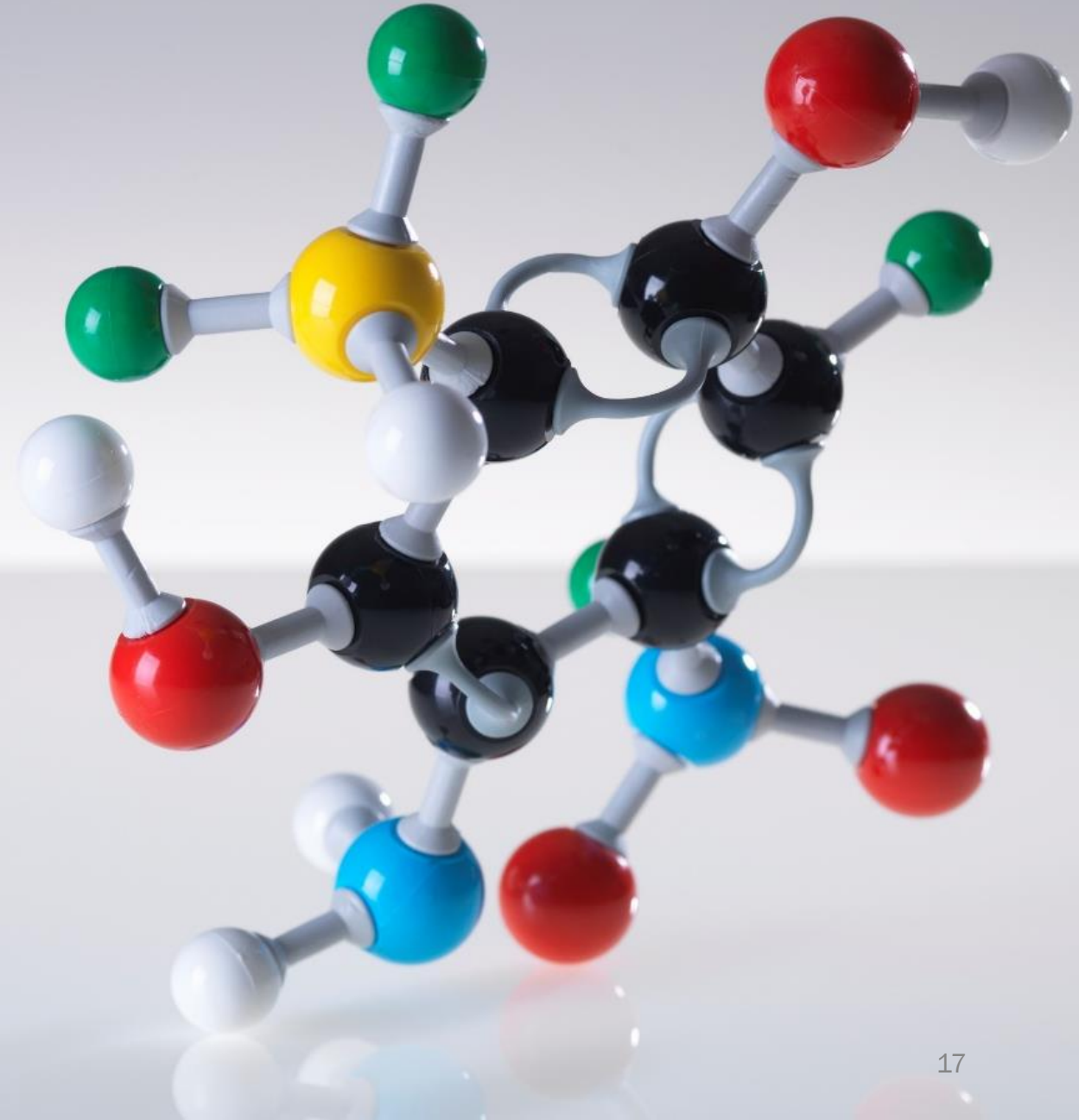
# Assess chemical hazards

## Phase I

- Ten preservatives
- 54 chemicals with overlapping functions

## Value

- Inform chemical selection
- Choose safer alternatives
- Avoid regrettable substitutes



# Support small manufacturers

## Strategy

- Prioritize businesses serving vulnerable populations
- Opportunity to formulate safer products
- Network to learn
- Refine offerings as we gain experience

## Offerings

- Written educational content—published
- Custom technical support—available
- Certification subsidy program—launched



# Support cosmetologists

## Program components

- Technical assistance
- Financial incentives for switching to safer products

## Health Equity

- Prioritize products that are certified safer and marketed to people of color
- Focus networking and outreach





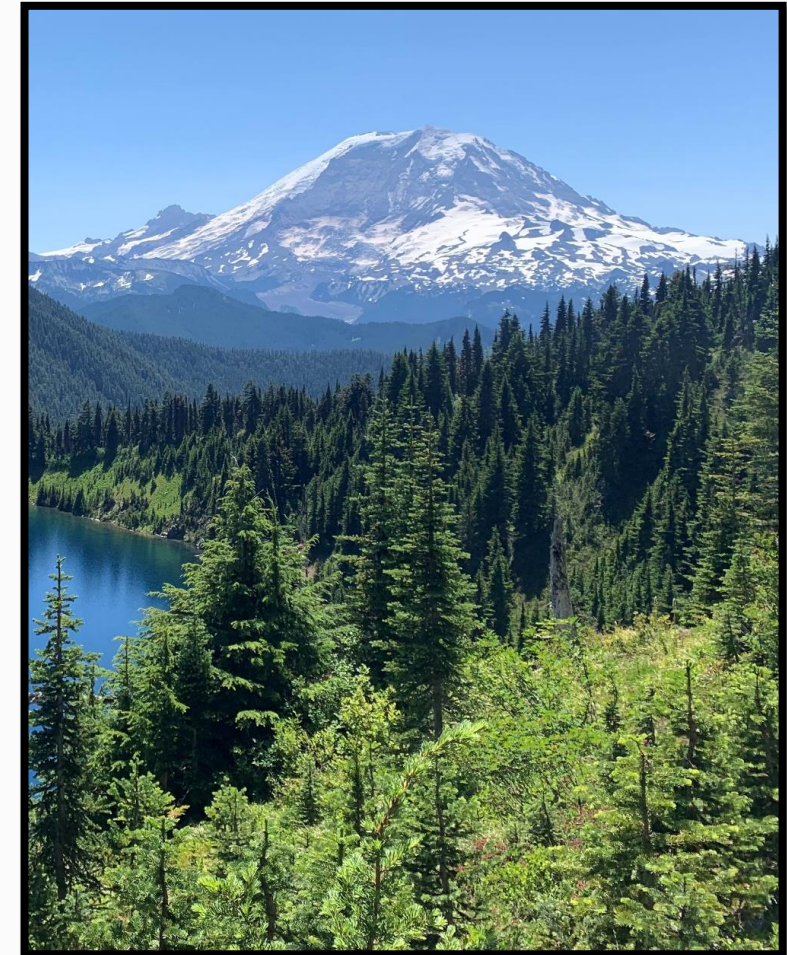
# Rulemaking

Authority, timeline, status

# Rulemaking authority: formaldehyde releasers

Chapter 70A.560 RCW authorizes Ecology to conduct a rulemaking to:

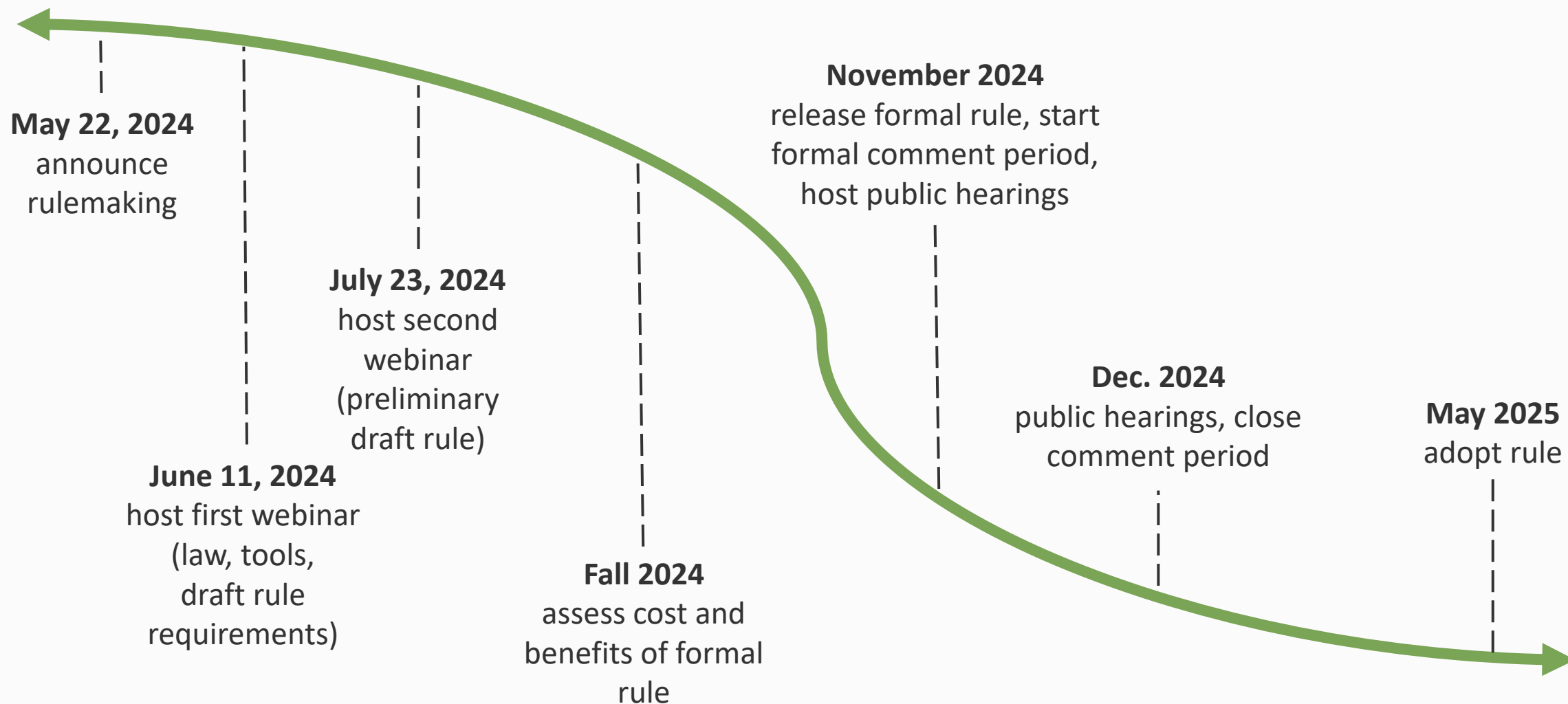
- Identify chemicals used in cosmetics that release formaldehyde (formaldehyde releasers).
- Adopt restrictions on the listed formaldehyde releasers.



# Rulemaking authority: lead

- Chapter 70A.560 RCW restricts:
  - Intentionally added lead.
  - Lead at or above 1 ppm.
- Concerns about lead in cosmetic products
  - No known safe level of lead exposure, particularly in childhood.
  - 1 ppm lead restriction is compatible with detection limits for analytical test methods.
  - Ecology's and FDA's product testing demonstrate 1 ppm restriction is feasible.
- We received three petitions to change the lead limit to 10 ppm.
  - We denied the petitions because we would need evidence that the 1 ppm restriction is not achievable.

# Cosmetics rulemaking timeline



# Scope of cosmetics rulemaking

- 1. Identify chemicals** used in cosmetic products that release formaldehyde (formaldehyde releasers).
- 2. Establish restrictions** for formaldehyde releasers.
  - Restrictions on top 10 formaldehyde releasers effective on or after Jan. 1, 2026.
  - Restrictions on other formaldehyde releasers effective on or after Jan. 1, 2027.

# Statutory directive

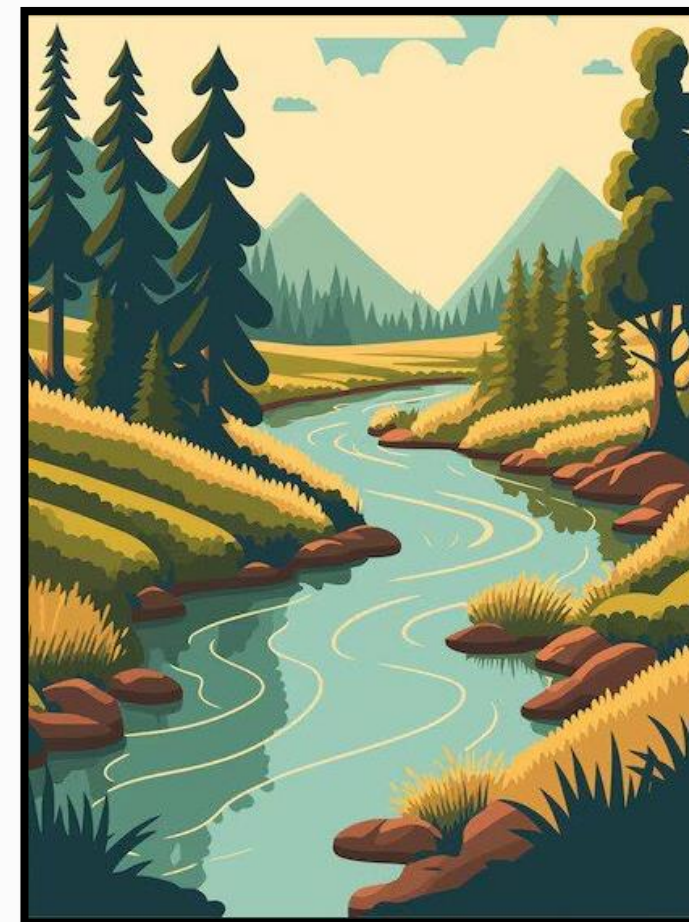
- Identify a list of formaldehyde releasers.
- Consider:
  - Estimated prevalence of use
  - Potential to reduce disproportionate exposure.
  - Other relevant information.



# Formaldehyde releasers: overview

## Formaldehyde releasers can:

- Cause cancer.
- Harm brain function.
- Increase the risk of asthma.
- Irritate eyes and skin.
- Lead to allergic reactions.
- Enter indoor and outdoor air.
- Wash down the drain and enter wastewater streams.



# Formaldehyde releasers: process

- Identified formaldehyde releasers
- Gathered information on use to prioritize top ten
  - Use in cosmetics
  - Prevalence in cosmetics in the US
  - Use in products used more by women of color



Develop main list of  
formaldehyde releasers



Narrow down list of 47  
formaldehyde releasers



Pick 10 to include on  
Priority List for new rule

# Disproportionate exposures

- Exposures are not equal
- 2023 report to legislature identified
  - Makeup
  - Hair straighteners and hair smoothers
  - Facial cleansers
  - Intimate hygiene products



# Preliminary draft rule top ten list



	Chemical name	Prevalence in US products (%)	Suggested by int. parties	Used in products of concern
99.0%	DMDM Hydantoin	44	yes	many
	Diazolidinyl Urea	32	yes	many
	Imidazolidinyl Urea	14	yes	many
	Quaternium-15	3.6	yes	many
	Tosylamide/Formaldehyde Resin	2.2	no	one
	2-Bromo-2-Nitropropane-1,3-Diol	1.8	yes	many
99.6%	Sodium Hydroxymethylglycinate	1.7	yes	many
	Polyoxymethylene Urea	0.4	yes	some
	Glyoxal	0.2	yes	some
	Polyoxymethylene Melamine	0.04	no	one

# We value your feedback

Nov. 2024 – Jan. 2025, share feedback by:

- Submitting formal comments.
- Attending public hearings.



# To learn more

## Webpages

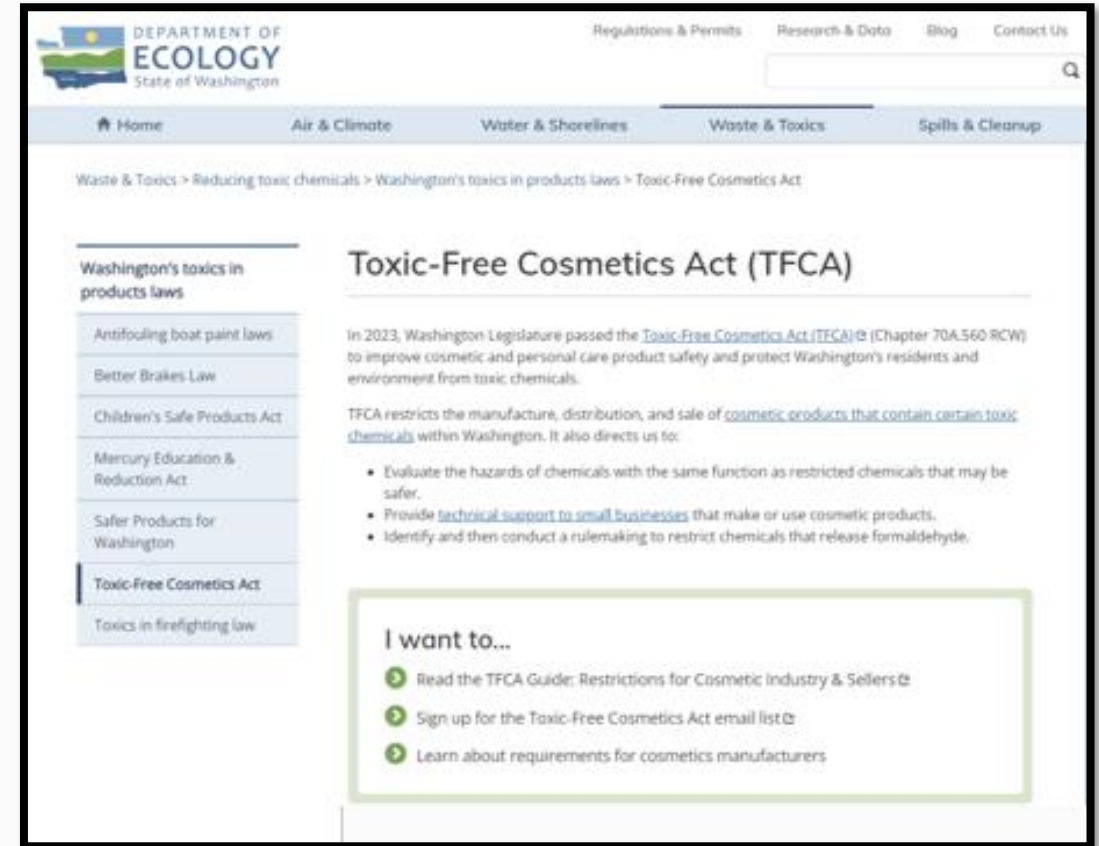
- [Toxic-Free Cosmetics Act \(TFCA\)](#)
- [Safer cosmetics certification subsidy program](#)
- [Safer cosmetics replacement program](#)
- [Cosmetics rulemaking](#)

## Subscribe

- [Toxic-Free Cosmetics email list](#)

## Email us

- [toxicfreecosmetics@ecy.wa.gov](mailto:toxicfreecosmetics@ecy.wa.gov)



[ecology.wa.gov/tfca](https://ecology.wa.gov/tfca)



# Discussion

Questions and Answers

# Discussion

- What questions do you have for me?
- Questions for you to consider:
  - What other tools or guidance may help small businesses?
  - Who else should we talk to?
  - What product category would you like us to focus on next and why?





# Thank you

Email us at:

[toxicfreecosmetics@ecy.wa.gov](mailto:toxicfreecosmetics@ecy.wa.gov)

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