



Toxic-Free Cosmetics Act

Shari Franjevic, TFCA Implementation Planner

Dr. Holly Davies, DOH Toxicologist

Stacey Callaway, TFCA Rulemaking Lead



Agenda

1. The Toxic-Free Cosmetics Act

Background, requirements, implementation

2. Rulemaking

Formaldehyde releasers

3. Discussion

Draft rule requirements

4. Next steps



Toxic-Free Cosmetics Act

Background, requirements, and implementation

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:

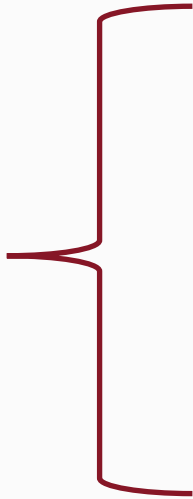
- Intentionally added restricted chemicals.
- Lead or lead compounds at or above 1 ppm.

Deadlines

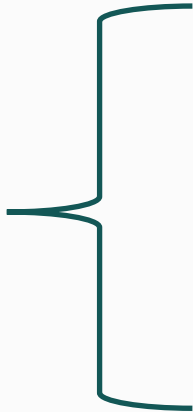
- **Jan. 1, 2025:** Restrictions take effect.
- **Jan. 1, 2026:** Deadline for in-state retailers to sell existing stock.

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



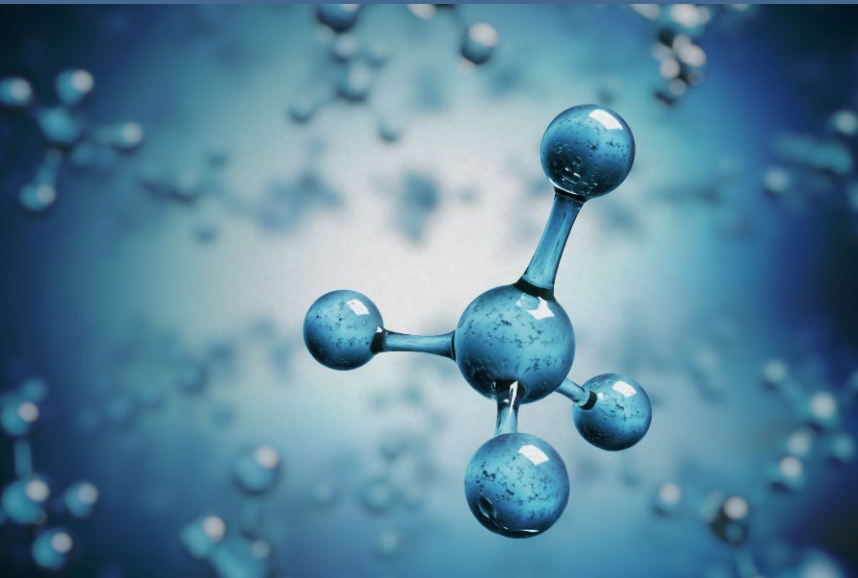
Vision

- 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

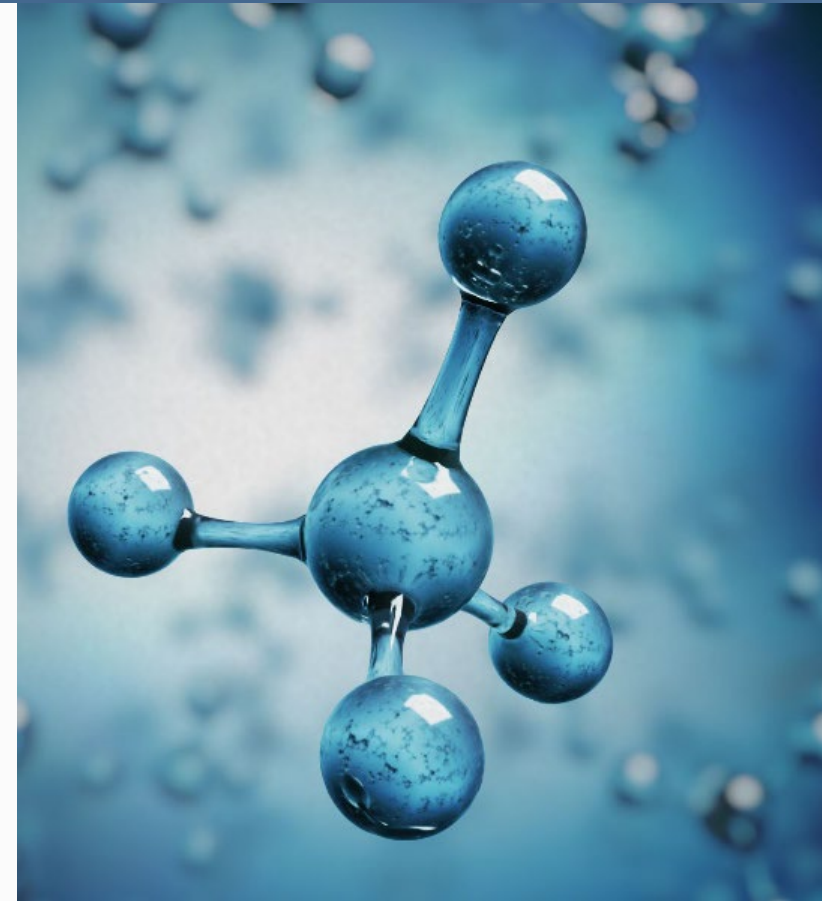
**Education and
financial incentives**



**Certified safer
products**



**Safer ingredients
and innovation**



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



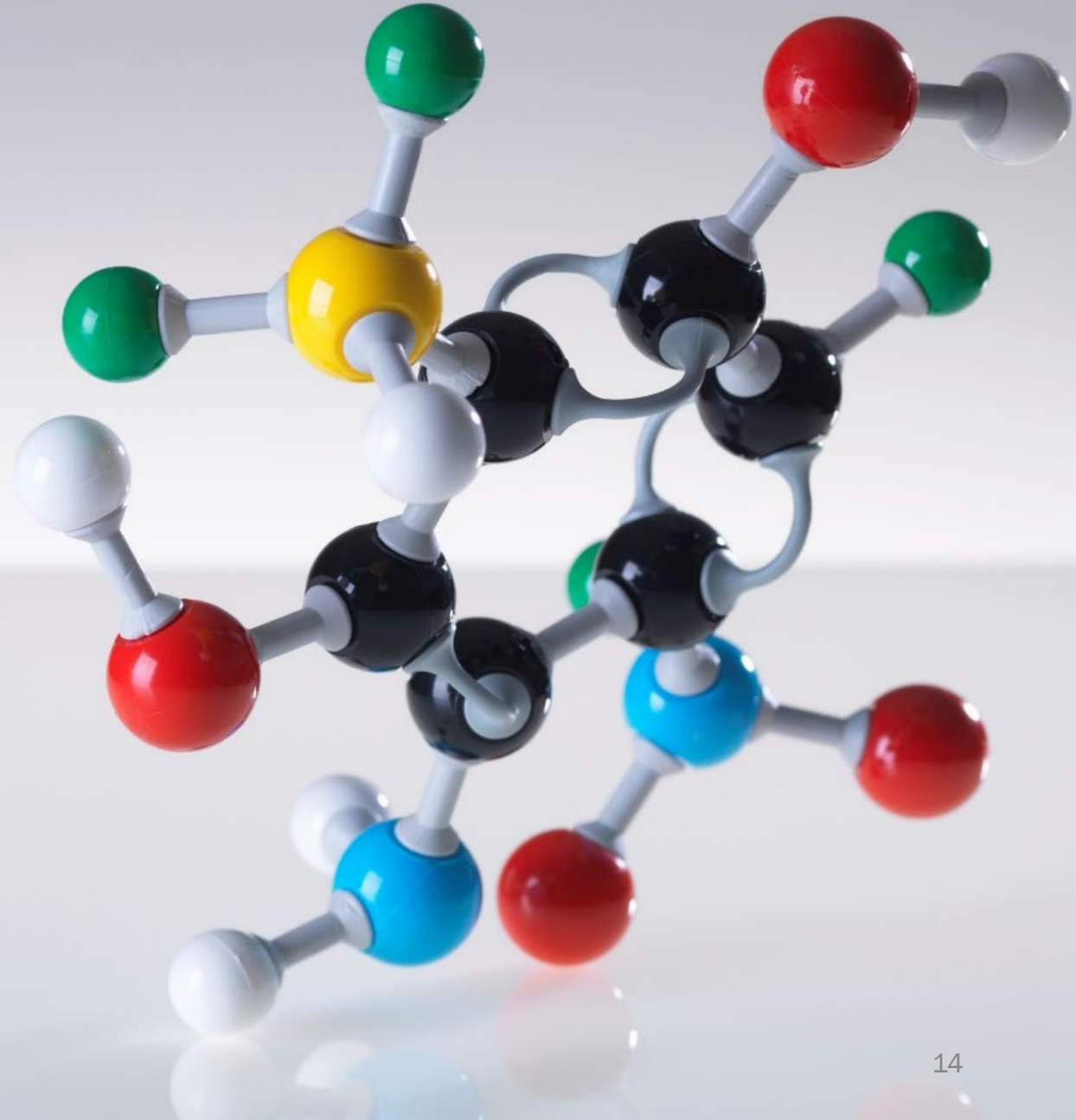
Assess chemical hazards

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: Product Replacement Program

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



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.

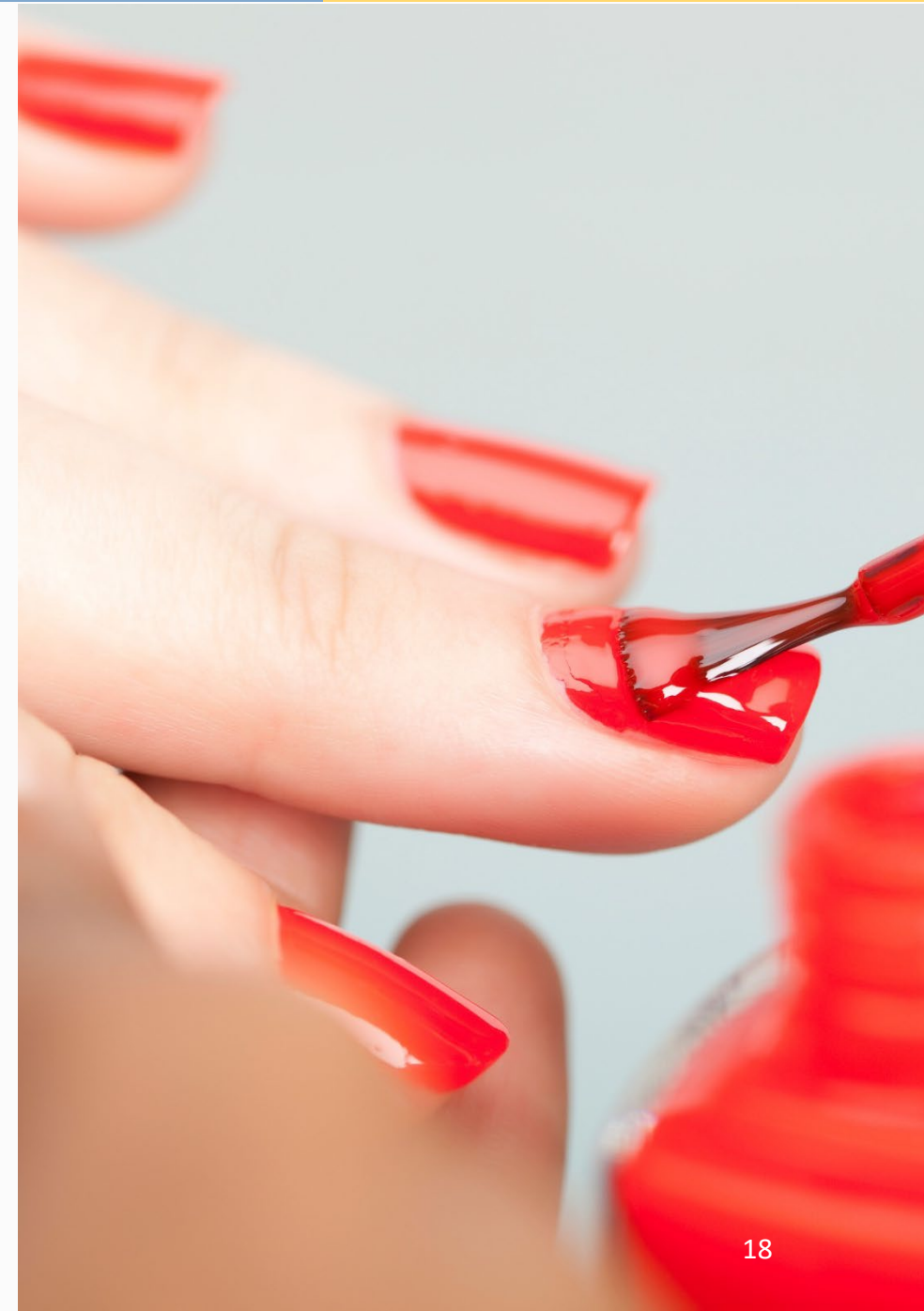
- **In-person outreach**

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

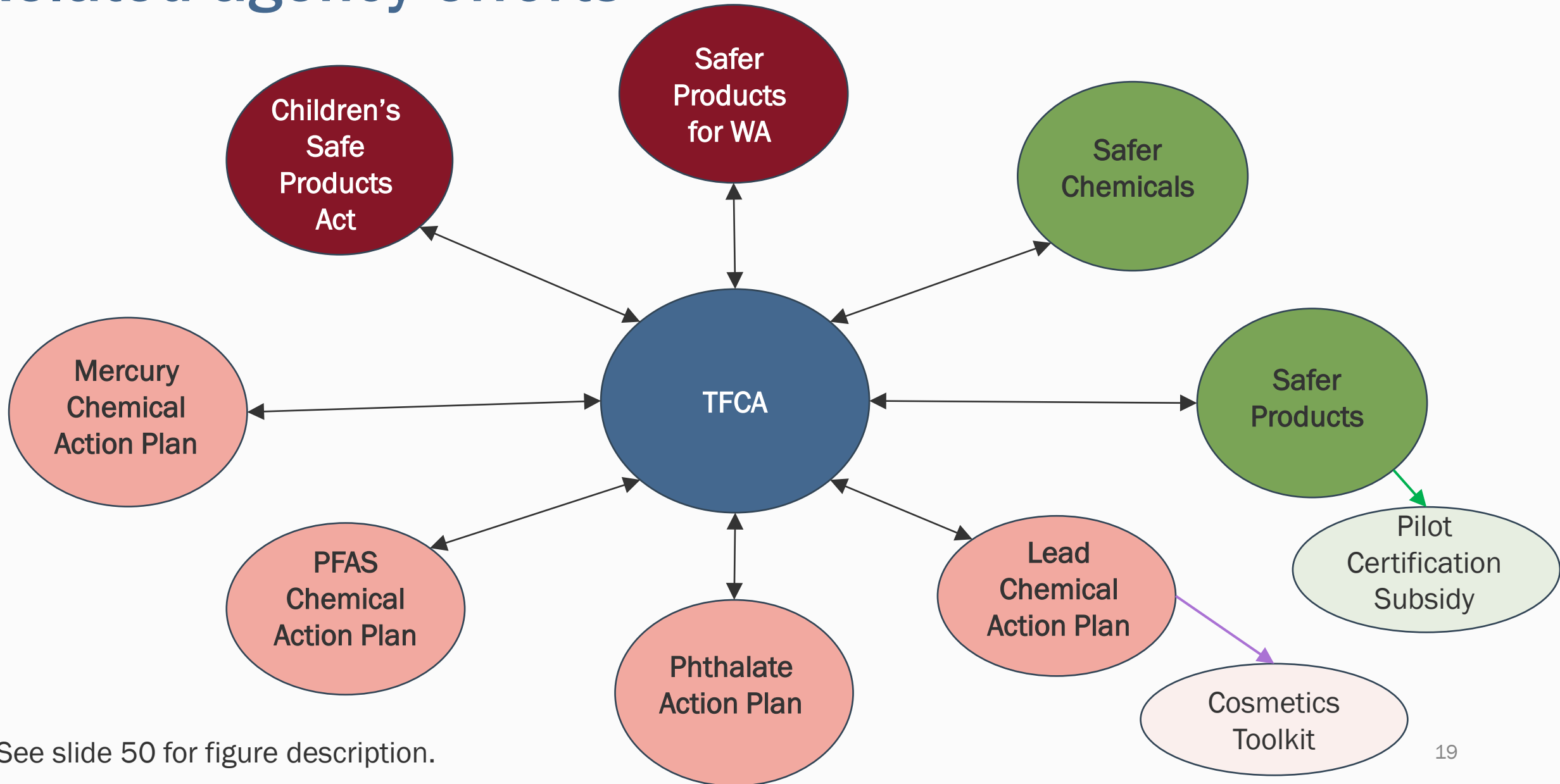


Integrating equity (*cont.*)

- **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.



Related agency efforts



See slide 50 for figure description.

To learn more

Webpages

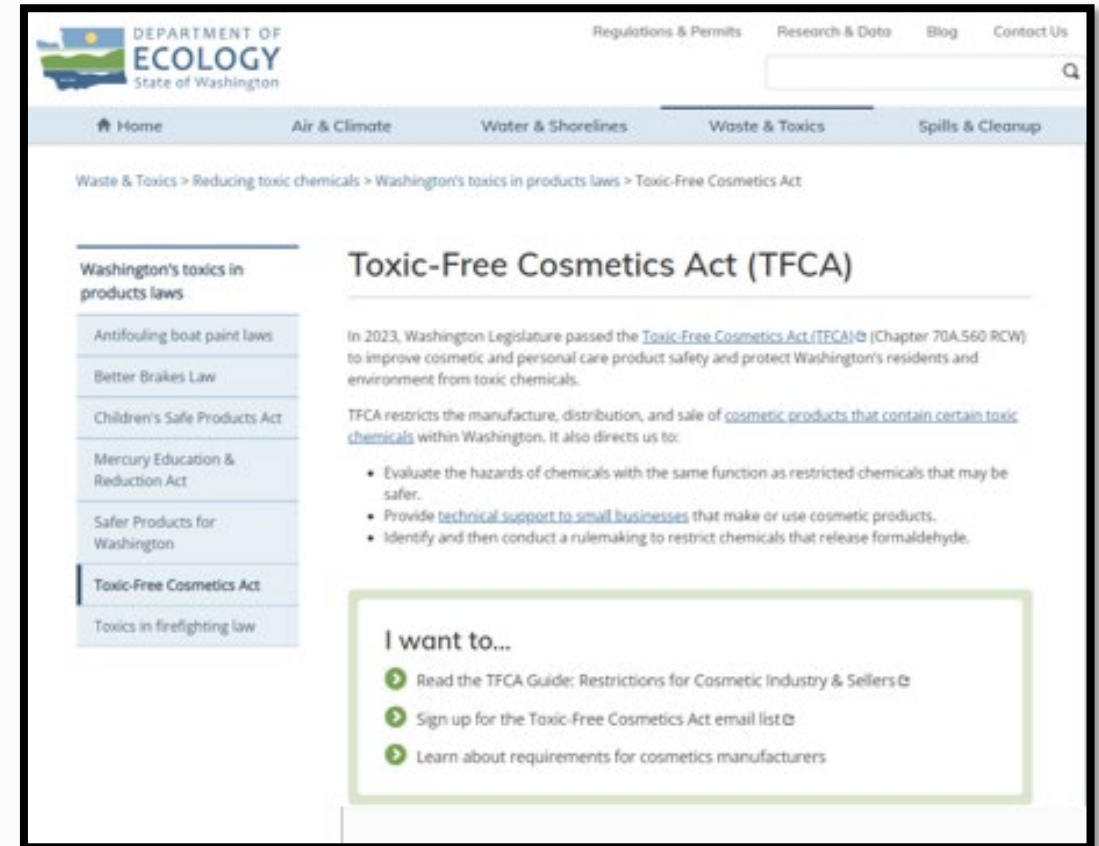
- [Toxic-Free Cosmetics Act \(TFCA\)](#)
- [Safer cosmetics certification subsidy program](#)
- [Safer cosmetics replacement program](#)
- [Cosmetics rulemaking](#)

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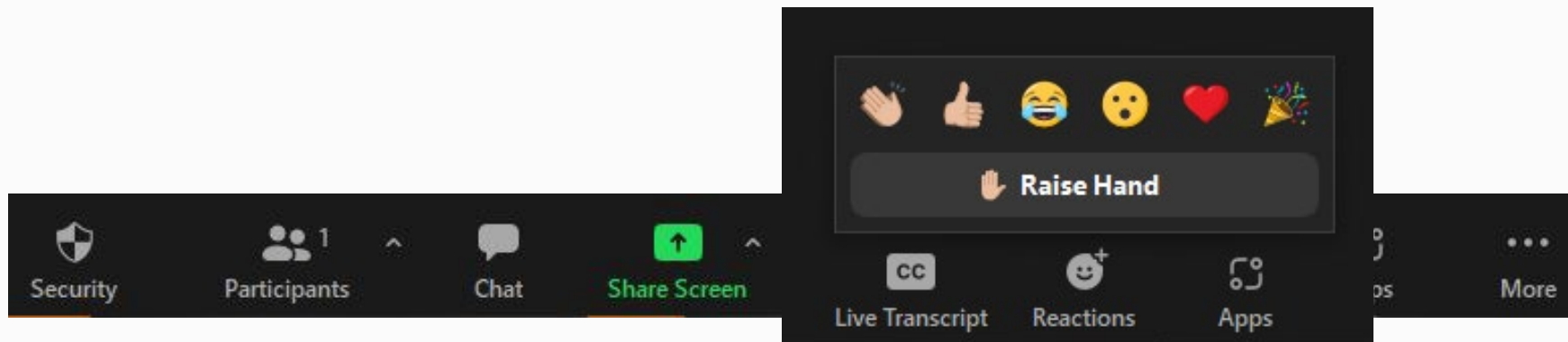
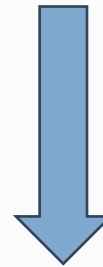
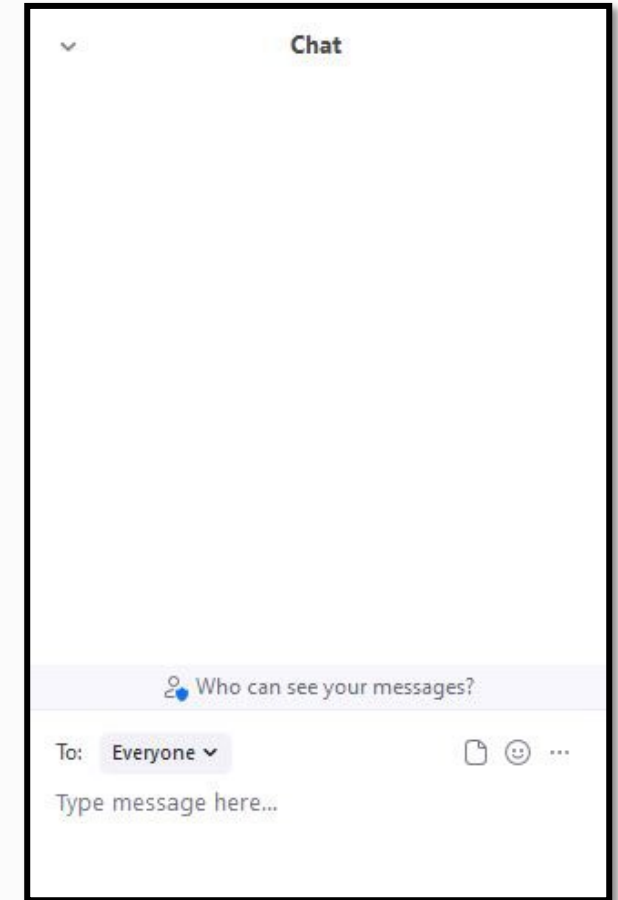
Discussion

TFCA implementation

Tell us your ideas

To share feedback:

- Type your ideas in the chat.
- Raise your hand to share your ideas verbally.



TFCA implementation: discussion

- What questions do you have for us?
- 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?

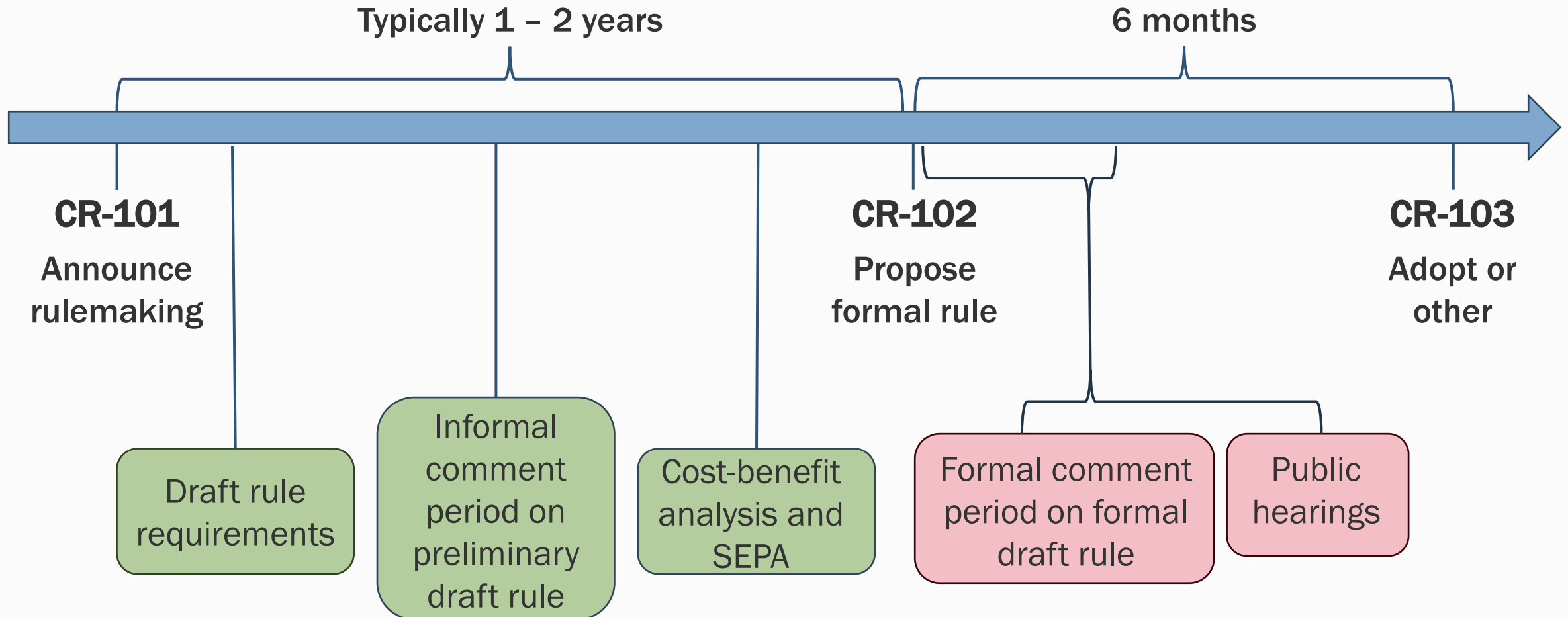




Rulemaking

Formaldehyde releasers

Rulemaking process



See slide 50 for figure description.

Opportunities to provide feedback

CR-101

INFORMAL comment period

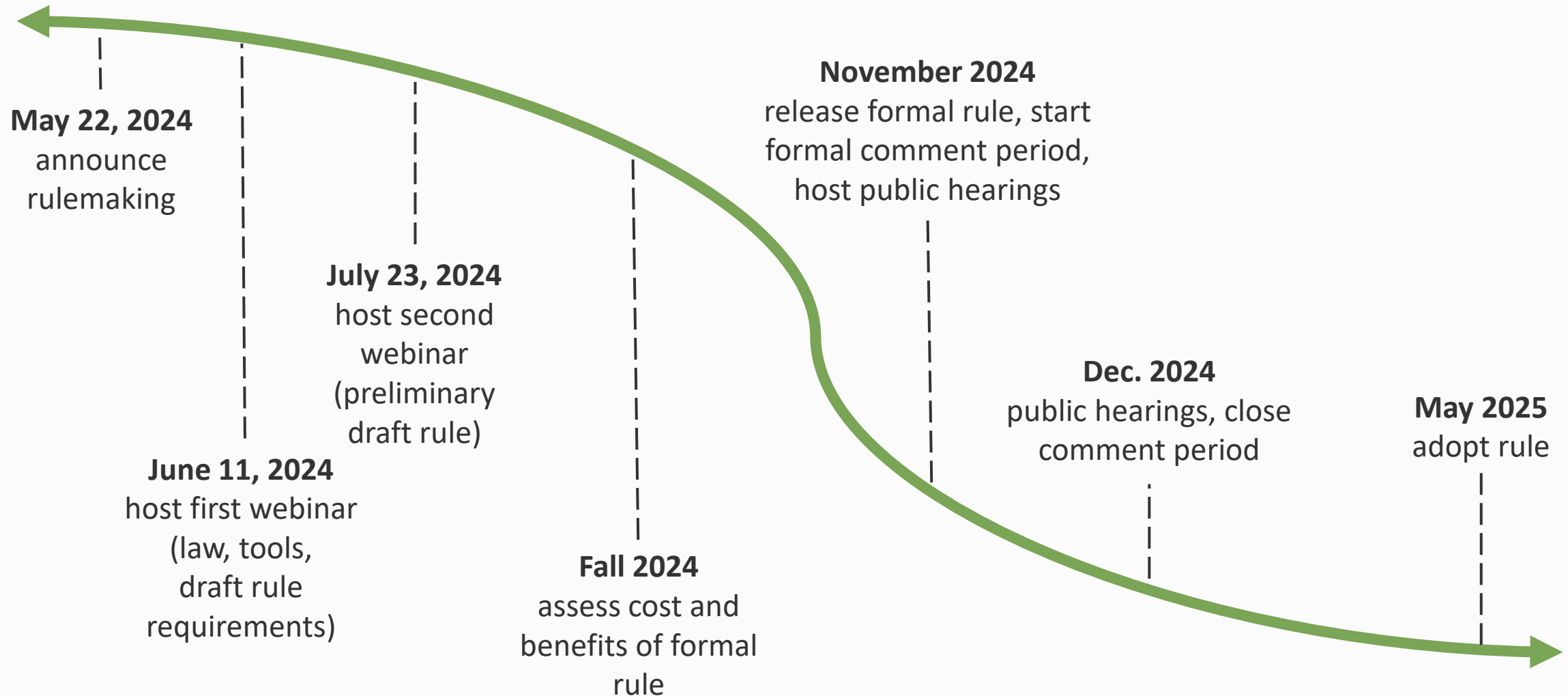
- Create draft rule requirements.
- Write preliminary draft rule.
- Provide INFORMAL public comment period.
- Significant changes are ok.

CR-102

FORMAL comment period

- Release formal draft rule, cost-benefit analysis, and SEPA.
- Provide FORMAL public comment period and hearings.
- Must refile the CR-102 form if significant changes to rule.

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.

Scope of rulemaking (*cont.*)

Cosmetic products

- Include articles intended to be rubbed, poured, sprinkled, or applied to the human body for cleansing, beautifying, promoting attractiveness, or altering appearance.
- Doesn't include soap.
- Defined in Ch. 69.04 RCW.

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.

We value your feedback

Now until Aug. 13, share feedback by:

- Attending summer webinars.
- Using our online comment form.
- Emailing our team.
- Requesting a meeting with our team.

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

- Submitting formal comments.
- Attending public hearings.





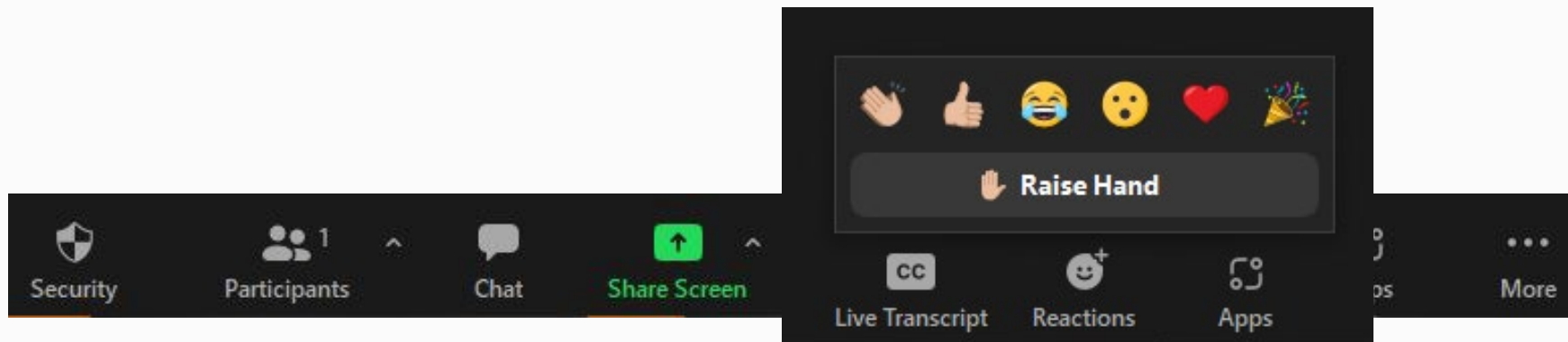
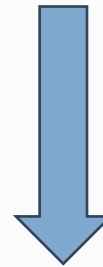
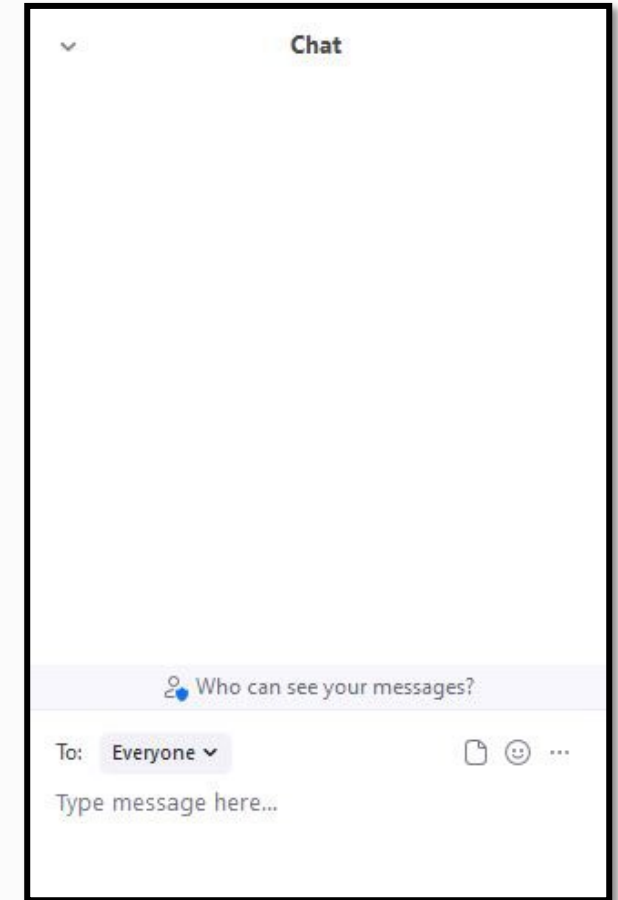
Discussion

Draft rule requirements

Tell us your ideas

To share feedback:

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Formaldehyde releasers: overview

Statutory directive

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



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



Draft 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

Formaldehyde releasers: discussion

Questions to consider

- Do you think we captured the top 10 formaldehyde releasers?
- What other formaldehyde releasers are important to you and your business? And why? What products use these formaldehyde releasers?
- Do you have additional information on:
 - Additional formaldehyde releasers?
 - Which formaldehyde releasers are used in cosmetics?
 - Types of cosmetic products that contain each formaldehyde releaser?
- Is there anything else we should consider?

Compliance schedule: discussion

Statutory directive

- Restriction on top 10 list of formaldehyde releasers may take effect on or after Jan. 1, 2026.
- Restriction on additional formaldehyde releasers may take effect on or after Jan. 1, 2027.

Questions to consider

- When should the restrictions take effect?
- What is feasible?
- What are the limitations?
- Do you have information about potential costs related to complying with the Jan. 1, 2026 date?

Restriction and compliance

Example language (restriction)

No person may manufacture, sell, or distribute a cosmetic product described in (1) of this section that contains the following intentionally added formaldehyde releasers.

Restriction and compliance (*cont.*)

Example language (compliance)

Ecology presumes that the detection of formaldehyde indicates the intentional addition of formaldehyde and/or restricted formaldehyde releasers.

Manufacturers may rebut this presumption by submitting a request to Ecology that includes the following information.

- The name and address of the person submitting the statement.
- A statement that a formaldehyde releaser was **not** intentionally added. Provide credible evidence supporting that statement and include information, data, or sources relevant to demonstrate that a formaldehyde releaser was **not** intentionally added.

Restriction and compliance: discussion

Questions to consider

- Do you have any concerns about the way the restriction is worded?
- Do you have suggestions for wording it differently?



Intentionally added: discussion

Overview

- The law (TFCA) restricts specific intentionally added chemicals.
- The law doesn't define "intentionally added."
- The Safer Products rule (337) defines "intentionally added" as:

"A chemical that serves an intended function in the final product or in the manufacturing of the product or part of the product."

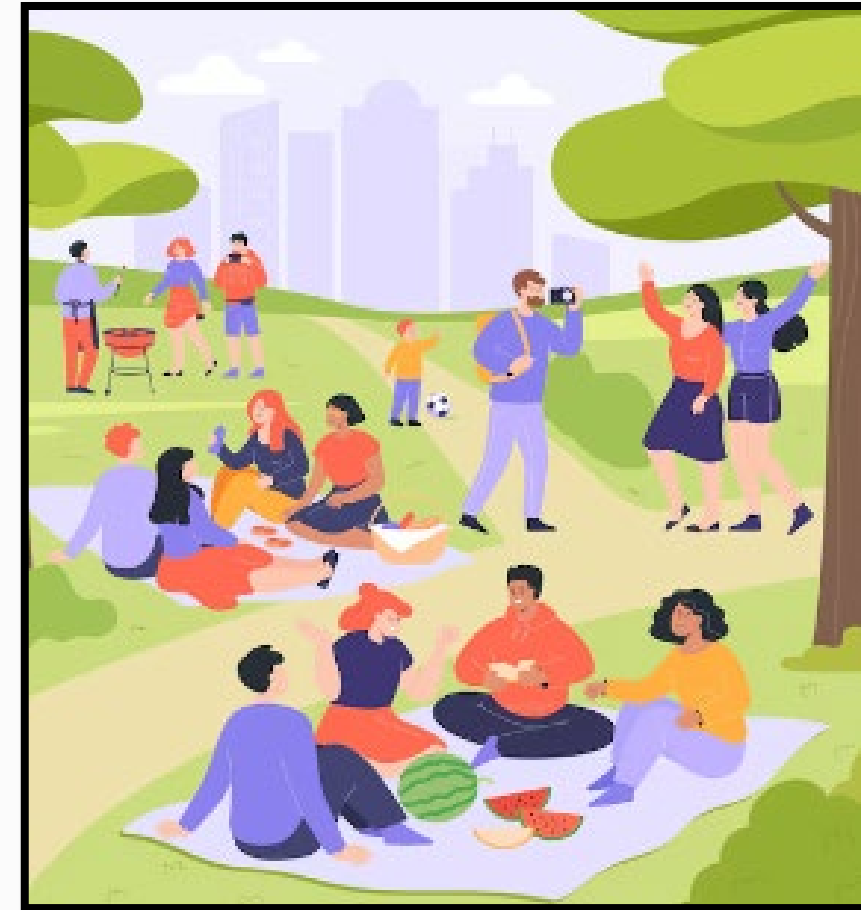
Question to consider

Is there anything unique about this product category that needs to be captured in this definition?

Equity and environmental justice

Environmental justice goals

- Achieve the highest attainable environmental quality and health outcomes for all people.
- Adopt a racial justice lens.
- Engage communities meaningfully.
- Be transparent and accountable.



Equity and environmental justice: discussion

Questions to consider

- How else can we address equity and environmental justice while implementing this law?
- How should we talk about equity and environmental justice in the preliminary draft rule?

General discussion

What else would you like to tell us about:

- Our efforts to implement TFCA?
- The draft rule requirements?





Next Steps

Toxic-Free Cosmetics Act

Next steps

- Share feedback during our informal public comment period May 22 to August 13.
- Ecology releases preliminary draft rule in July.
- Attend our webinar on July 23.
- Ecology conducts an economic assessment in September.
- Ecology proposes formal draft rule in November.





DEPARTMENT OF
ECOLOGY
State of Washington

Thank you

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accounts/WAECY/signup/40162](https://public.govdelivery.com/accounts/WAECY/signup/40162)

Visit the TFCA webpage:

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

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Figure Description

- **Slide 19:** This slide shows how our efforts to implement the Toxic-Free Cosmetics Act relate to agency work. Our work is related to the following programs, projects, and initiatives: Children's Safe Products Act; Safer Products for Washington; Green and Safer Chemistry and Product initiatives including the pilot certification subsidy; Lead Chemical Action Plan and Cosmetics Toolkit; Phthalates Action Plan; PFAS Chemical Action Plan; and the Mercury Chemical Action Plan.
- **Slide 25:** This slide shows the three milestones of the rulemaking process. We file the CR-101 form to announce the rulemaking, and this officially starts the rulemaking effort. This phase typically lasts one to two years and includes drafting the rule requirements, an informal comment period on the preliminary draft rule, a cost benefit analysis, and SEPA review. Then we file the CR-102 form and materials to propose the formal draft rule. This process lasts six months. During this time, we start the formal comment period (which typically lasts 30 – 45 days) and host formal hearings. If the Ecology director supports adopting the rule, then we file the CR-103 form and materials with the Code Reviser.