



VIA EMAIL

August 13, 2024

Katrina Lassiter
Program Manager, Hazardous Waste and Toxics Reduction
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Ms. Lassiter,

Thank you for your work to make cosmetics and personal care products safer. We, the undersigned, are submitting this letter in response to the agency's request for public comments before a draft rule to ban formaldehyde releasers under the Toxic-Free Cosmetics Act (RCW 70A.560) is officially proposed.

Under the authority of the Toxic-Free Cosmetics Act (TFCA), we urge you to restrict **all** formaldehyde releasers that may be used in cosmetics. We also applaud the agency for denying the industry petition to weaken the lead limit set by the legislature.

1. Ban all chemicals that release formaldehyde on an urgent timeline.

A comprehensive restriction on all formaldehyde releasers is particularly important to protect the health of vulnerable populations. Hair straighteners and relaxers, which often contain formaldehyde or formaldehyde releasers, are heavily marketed to Black women. For example:

- The vast majority of Black women, [an estimated 89 percent](#), have used hair straighteners at some time in their lives, often beginning in childhood.
- In 2022, the Departments of Ecology and Health tested products marketed to people of color with formaldehyde releasers on the label and found [high levels of formaldehyde](#) in a range of hair products, creams, and lotions.
- Recent studies have found an increased risk of uterine cancer and breast cancer in Black women who used hair straightening products.

The law clearly gives the agency authority to define formaldehyde releasers (RCW 70A.560.020)(1)(c) to prohibit. To fully meet the law's intent to ban ALL chemicals that release formaldehyde, there should be a list of chemicals that release formaldehyde AND, included in that list a broad description of FRs to ensure that any chemical that releases formaldehyde that may be used in cosmetics is banned.

Over many years and many sectors, we have 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.

Many safer, affordable preservatives are already in use in cosmetics, so formaldehyde releasing agents (preservatives) and other hazardous chemicals are not necessary. Retailers including [Target](#), [Sephora](#), [Ulta](#), and [Walmart](#) have all created programs that sell and market products that are not formulated with formaldehyde releasers, among other hazardous chemicals. Over 300 name brands manufacture specific products for Target's program, which

prohibit the use of formaldehyde releasers.

We urge the agency to adopt the most stringent timeline for the ban allowed in the law. The ban deadline for all formaldehyde releasers should be no later than January 1, 2026 for the first list of 10 and then January 1, 2027 for the “remaining listed chemicals” and all chemicals that release formaldehyde defined broadly.

- 2. Uphold the lead limit adopted by the legislature.** We applaud Ecology’s decision to deny the cosmetic industry’s petition to increase the amount of lead allowed in personal care products and cosmetics. There is no known safe amount of lead (CDC, 2021; WHO, 2022). We strongly encourage Ecology to maintain the lead limit of 1 ppm set by the Legislature.

All of us use cosmetic and personal care products each day, many containing toxic chemicals that are first spread on our bodies, which are then washed down the drain to threaten our waterways and wildlife. We urge you to fully implement the Toxic-Free Cosmetics Act, eliminating the most hazardous chemicals from these products.

Sincerely,

Laurie Valeriano
Executive Director
Toxic-Free Future

Ariana Anjaz
Sr Director
Afghan Health Initiative

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Marissa Doherty
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