

## **DRAFT OF COMMENT**

**BEFORE Aug 13, 2024 deadline for Informal Public Comment for  
Toxic Free Cosmetics Act (TCFA)**

**For: [CosmetologistsofWashingtonUnited.org](https://www.cosmetologistsofWashingtonUnited.org)**

**Contact: D'Arcy Harrison Board Secretary & Legislative lead**

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We write on behalf of Cosmetologists of Washington United, a 501c6 trade association advocating on behalf of WA state professional licensees and small business cosmetologists, barbers, hair design, esthetician, nails, massage, permanent makeup/tattoo, and instructors/Schools in those areas.

We have had direct meetings to give feedback on this law following the webinar with Dept of Ecology as well as engagement on the original legislation in the state legislature with the bill's sponsor. As service providers who work with products that sit on or in the skin, nails & hair– it is even more important that they be as safe and non-toxic as possible to protect not only clients but also professionals who use it multiple times a day for numerous years.

When we engaged on the bill, we recommended that the legislature should err on the side of aligning with the European Union as those standards are already higher than current US standards. There is potential to return to the legislature to more clearly align with that recommendation regarding the 1ppm limit on lead. In the European Union it is 2ppm and we do not want WA state to become its own category of cosmetic type products for manufacturers. There already exists a standard that is manufactured that is safer. There are natural impurities in clay and bright pigments that cannot be removed nor synonymously replaced. We already suffer inflation and global supply chain issues in the wake of the pandemic- we hope WA state knows that safety should be balanced with available ingredients. Additionally, COWU knows it is an undue burden on small business to require a letter of certification from the manufacturer for 100s of products and from every company on the lead limits. Additionally, Small businesses cannot afford financially nor timewise to independently test 100's of products used in their shop.

We understand that we are in the rulemaking period for just the Formaldehyde releasing agents and the definition of "Intentionally Added Chemical". Our concern is specifically for any chemical that contains any natural impurities that cannot be replaced. If the impurities are present in an ingredient that is needed for the function of the product- even these trace elements could trigger enforcement of the law. Let's not be the enemy of good by expecting safer products to be 100% perfect and pure. Finally, we have concerns with enforcement of these Rules, specifically with the inclusion of cosmetologists and cosmetology businesses as entities that must comply with these regulations and therefore subject to enforcement. We recognize that there is language in RCW that states no one can "knowingly sell" products that contain these chemicals. However, it would be near impossible for the small businesses and self employed individuals in our industry to verify that the products we use are in compliance. We rely on the manufacturers and distributors for information on the products we use, and assume that they are following the appropriate regulations. Many of us use over 100 different products in our salons and we simply do not have the time or skill set required to review each and every product ingredient list. We urge you to take this into consideration when implementing this new law.

We are neutral on extending the deadline for compliance schedules.

