

August 13, 2024

Shari Franjevic
Toxic-Free Cosmetics Act Implementation Planner
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology

Submitted electronically via <https://hwtr.ecology.commentinput.com/?id=93Bx2jiP5D> and by email to ToxicFreeCosmetics@ecy.wa.gov.

Re: Preliminary Draft Rule

Ms. Franjevic and Team,

On behalf of the Personal Care Products Council (PCPC)¹, thank you for the opportunity to provide feedback on the preliminary draft rule implementing new cosmetic product restrictions in Washington state. Across Washington, our industry is proud to support 66,370 jobs, contribute \$5.3 billion to the state's GDP, and generate \$3.9 billion in labor income and more than \$1.5 billion in tax dollars. We appreciate this chance to contribute our experience and expertise to the critically important rulemaking process.

Clarification of Identified Formaldehyde Releasing Agents (FRAs)

We appreciated the opportunity to participate in your July 23 webinar on this topic and would like to note our confusion caused by the discrepancy between the available list in the [online discussion draft](#) and the list presented in the [recent webinar slides](#). Clarification on this point will be critical in order to adequately assess the forthcoming rule.

Safety of Identified Formaldehyde Releasing Agents (FRAs)

PCPC opposes these efforts to ban the identified FRAs, which are important preservatives and are not equivalent to formaldehyde. Formaldehyde is not added to cosmetics or personal care products, and FRAs do not present the concerns associated with breathing formaldehyde. Formaldehyde releasing preservatives, which are intended to release minimal amounts of formaldehyde through chemical reactions over time, have been used for many decades as a well-studied product preservative method that is internationally recognized as safe.

¹ *Founded in 1894, the Personal Care Products Council (PCPC) is the voice and advocate for 600 member companies representing the global cosmetics and personal care products industry. PCPC's members represent approximately 90% of the U.S. beauty industry and are some of the most beloved and trusted brands in beauty and personal care today. As manufacturers, distributors and suppliers of a diverse range of products millions of consumers rely on every day — from sunscreens, toothpaste and shampoo to moisturizer, makeup and fragrance — PCPC's member companies are global leaders committed to safety, quality and innovation.*

FRAs used to preserve product integrity are widely considered not only safe but also effective in protecting consumer personal care products against microbial contamination. Preservatives such as FRAs prevent the growth of mold, yeast, bacteria, fungi, and other contaminants. Products without adequate preservative protection could become moldy or discolored, develop an unpleasant smell, or even cause serious health problems like irritation or infection.

Of the 11 FRAs identified between your two lists, ten have been fully reviewed by the independent Expert Panel for Cosmetic Ingredient Safety and determined to be safe under the conditions of use and concentrations indicated. Although the eleventh, sodium hydroxymethyl-glycinate, has not yet been reviewed by the aforementioned panel, it has been reviewed for use in the European Union and found to be safe at appropriate concentrations.

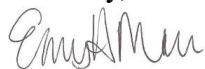
Consumer safety is a top PCPC priority, and we strongly encourage the Department of Ecology to reconsider banning these ingredients that are not only safe but necessary to maintain product stability and shelf life when used at the appropriate concentration levels.

Definition of Intentionally Added

Many of the terms used and defined in this draft are terms of art in the cosmetic and personal care product industry. Using standard definitions across laws and requirements in all 50 U.S. states and countries around the world is a critical component of an effective regulatory system. As such, we ask that you define “intentionally added” in a way that aligns with existing state law, similar to cosmetic regulations already in place in [California](#), [Colorado](#), [Connecticut](#), [New Hampshire](#), or [Rhode Island](#). Creating a new definition of this term for Washington state would cause significant discrepancies for companies working to ensure compliance with all existing state, federal and international laws. Further, the definition already used by other states and countries is a more accurate representation of the cosmetic and personal care product production process. An ingredient that is “intentionally added” to a product refers only to an ingredient added to the product itself, not to all substances that may be used at any point and for any purpose along the production line. For instance, a substance used to sterilize a piece of equipment in a laboratory is not an “intentionally added” component of the final product produced in the laboratory. This piece of equipment may never touch any component of the final product directly. As currently written, the definition in the preliminary draft is too broad for its intended purpose.

Thank you again for this opportunity to comment on the preliminary draft rule. We hope to see our comments incorporated into future versions of this document and look forward to additional opportunities to participate in this rulemaking process.

Sincerely,



Emily Manoso
EVP, Legal & Regulatory Affairs and General Counsel
Personal Care Products Council