

Dear Washington Department of Ecology,

Breast Cancer Prevention Partners (BCPP) is a national nonprofit organization dedicated to preventing breast cancer by eliminating exposure to harmful chemicals linked to the disease. Our work is grounded in rigorous, peer-reviewed science demonstrating the connection between toxic chemical exposure and increased breast cancer risk. Through our Campaign for Safe Cosmetics, we educate the public, advocate for stronger laws, and work to transform the beauty industry. For over 20 years, we have led efforts to remove carcinogens and other toxic ingredients from personal care products to protect both human and environmental health.

We appreciate the opportunity to comment on the Department of Ecology's proposed rule regulating formaldehyde-releasing preservatives (FRPs) in cosmetics, and we commend your leadership in advancing protections for public health. We respectfully offer the following recommendations to strengthen the rule, particularly in light of the disproportionate exposures faced by vulnerable populations.

Formaldehyde is a known human carcinogen. Even at low levels, it is associated with significant health harms, including allergic reactions, skin irritation, and respiratory problems. In cosmetics, formaldehyde is often not added directly but is instead released slowly over time from a group of intentionally added preservatives known as formaldehyde-releasing preservatives (FRPs). These ingredients often do not appear transparently on product labels, leaving consumers unaware of their exposure. This lack of transparency disproportionately affects salon workers, children, communities of color, and individuals with pre-existing health conditions, who may experience higher cumulative exposures. More information can be found at: [Formaldehyde And Formaldehyde-Releasing Preservatives](#).

The Washington State Department of Ecology proposed rule would:

- Identify chemicals used in cosmetics that release formaldehyde.
- Establish formaldehyde releaser restrictions and compliance schedule.
- Define what constitutes an “intentionally added” ingredient.

1. Expand the List of Formaldehyde-Releasing Preservatives

Issue: The current proposed rule (WAC 173-339-110) identifies 28 specific formaldehyde-releasing chemicals. While this is a strong starting point, the chemical-by-chemical approach falls short of fully protecting public health.

Recommendation: We strongly urge the Department to adopt a *class-based ban* on all FRPs in cosmetics. A class-based approach is necessary to:

- Prevent regrettable substitutions, where one hazardous FRP is replaced with another similar compound.
- Acknowledge that *any* exposure to formaldehyde, a known carcinogen, is unsafe, with science showing harm even at low levels.
- Address the fact that consumers, manufacturers, and regulators have no reliable way of quantifying how much formaldehyde is released from FRPs in cosmetics.

- Encourage innovation, as safer alternatives are widely available and already used in natural and organic products.
- Align Washington’s regulation with international leadership. FRPs are banned in cosmetics and toiletries in countries like Japan and Sweden.
- Future-proof the rule by capturing new or modified FRPs before they enter the market.

2. Proposed Definition of “Intentionally Added” Ingredients

Issue: The current proposed definition of “intentionally added” may not adequately cover all scenarios in which FRPs are used.

Recommendation: We suggest the rule’s proposed definition of “Intentionally added chemical” or “intentionally added” be strengthened to read:

An “intentionally added chemical” or “intentionally added” means a chemical that serves an intended function *that a manufacturer or upstream supplier has added to:*

- The final product;
- The manufacturing of the product; or
- An ingredient in the final product.

This definition would include chemicals that would be considered incidental by the FDA *or are released by or are the intentional breakdown products of the added chemical.*

The purpose of the suggested changes to the proposed rule is to capture a FRP ingredient that is intentionally added to a cosmetic product to release another chemical (formaldehyde) to preserve the product. It is not clear that DOE’s proposed definition would capture FRPs because, for example, the Quaternium-15 that is added to a cosmetic product does not itself “serve an intended function in the final product,” it is the formaldehyde released by the Quaternium-15 that “serves an intended function in the final product.” Another problem with the proposed definition is it does not name the entities that are prohibited from intentionally adding a prohibited chemical to a cosmetic product. By naming the manufacturer, as well as any upstream supplier, the definition captures entities who should be accountable for complying with this regulation.

Our proposed definition of “intentionally added” is based on [California AB2771](#) (Friedman), enacted in 2022, which bans the class of PFAS chemicals from cosmetic products sold in California.

However, we *support* the Proposed Rule’s intention to capture “intentionally added chemicals that would be considered incidental by the FDA.” We know that for some chemicals, especially endocrine disrupting compounds, low level exposures can cause harmful effects.

3. Require Regular Updates to the FRP List

Issue: Preservative use evolves rapidly. Without regular updates, the list of regulated FRPs could become outdated.

Recommendation: We urge the Department to:

- Require biennial reviews of the FRP list,
- Establish a transparent process that allows third parties (such as academic institutions and NGOs) to petition for new chemicals to be added, and
- Encourage or require manufacturers to conduct alternatives assessments and adopt safer preservatives whenever feasible.

A growing number of effective, safer preservatives, such as those based on benzyl alcohol, salicylic acid, glycerin, and sorbic acid, are available and widely used in products certified by COSMOS and Ecocert. These options provide broad-spectrum protection and are compatible with consumer demand for cleaner, more transparent products.

We strongly support Washington's efforts to reduce toxic chemical exposure in cosmetics. By adopting a class-based ban on FRPs and strengthening key rule provisions, Washington can set a national precedent in public health and environmental justice.

Thank you for your leadership on this important issue and for the opportunity to provide input.

Sincerely,

Laura Gillan, MPH
Breast Cancer Prevention Partners (BCPP)