



Stacey Callaway
Department of Ecology
Hazardous Waste and Toxics Reduction Program
PO Box 47600
Olympia, WA 98504-7600

April 11, 2025

RE: Draft restrictions on intentionally added formaldehyde and formaldehyde releasers

Dear Ms. Callaway,

We are writing in strong support of the Washington State Department of Ecology's (Ecology) proposed rules to restrict formaldehyde and formaldehyde releasers in cosmetics. This rule will go a long way to protect both consumers and workers from formaldehyde, a known carcinogen, in products in Washington state. A ban on all formaldehyde releasers is a critical step in making safer the products that we use on our skin and hair, then flush down the drain.

Formaldehyde-releasers in cosmetics pose a serious threat to public health

In 2023, Ecology issued a report that found formaldehyde in many beauty and personal care products available for sale in Washington state. [Ecology tested 50 products marketed to or used by people of color](#) and found high levels of formaldehyde in certain hair products, creams, and lotions.

Studies show that women of color are disproportionately exposed to harmful chemicals in their cosmetics. A 2022 [study](#) found an increased risk of uterine cancer in black women who used hair straightening products, which may contain formaldehyde. Additionally, Ecology notes that people of color and people with lower incomes are generally exposed to higher levels of formaldehyde from other industrial sources, food cooking, cosmetic products, and cheaper building materials. Acting on formaldehyde in cosmetics will lead to reduced exposure to vulnerable environmental justice populations.

Hair and nail salon workers, along with workers at cosmetics development and manufacturing facilities, may also be exposed to formaldehyde from cosmetic products more frequently and intensely. This is notable, especially as some of these populations, such as hair and nail salon workers, are more likely to be people of color.

Ecology's proposed restrictions align with leading companies

Consumers are increasingly demanding products "free of" high-hazard chemicals like formaldehyde. In response, major retailers, including Walmart, Target, Sephora, and Ulta Beauty, actively promote

“clean” cosmetics that do not contain formaldehyde or formaldehyde releasers. Over 300 name brands manufacture specific products for Target’s program, which prohibits the use of formaldehyde releasers. Companies including Credo, Beautycounter, Honest, Sephora, and Ulta, as well as their suppliers, Innolex and Dow, have collaborated with ChemFORWARD to better understand the hazard of the chemical ingredients currently used in cosmetic products. [Their analysis](#) showed that over 50% of the 122 chemicals identified used as preservatives were assessed as meeting Ecology’s definition of “safer” under the Safer Products for Washington program, demonstrating the availability of safer solutions. Ecology’s proposal aligns with the best practices of these leading brands and retailers and helps create a level playing field for the business community.

The draft rule provides a comprehensive approach to fully ban formaldehyde and formaldehyde releasers in cosmetic products

The legislature was clear when it directed Ecology to adopt a rule to ensure formaldehyde and formaldehyde-releasing chemicals are no longer used in cosmetics products. The comprehensive approach taken by the draft regulation ensures that this goal will be met. Anything short of such a comprehensive approach may result in loopholes, allowing formaldehyde and formaldehyde releasers to remain in final cosmetic products.

We fully support Ecology’s proposed rule including:

1. Definition of “intentionally added”

We strongly support Ecology’s definitions of “intentionally added chemical” or “intentionally added” to “include a chemical that serves an intended function in the final product; the manufacturing of the product; or an ingredient in the final product.”

It is critically important that the definition in the draft rule is consistent with that of the Washington Safer Products Restrictions and Reporting rule (Chapter 173-337 WAC). This is necessary to avoid confusion for businesses needing to comply. The definition as drafted provides clear guidance to businesses on the scope of chemicals covered by the rule and will help ensure all formaldehyde releasers are banned.

2. Definition of “formaldehyde releasers”

The law clearly gives the agency authority to ban all formaldehyde releasers (RCW 70A.560.020)(1)(c). We strongly support Ecology’s comprehensive definition of formaldehyde releasers.

Over many years and in 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.

3. Strong enforcement provisions

We support the strong enforcement provisions that clearly state there will be an assumption that formaldehyde, a restricted formaldehyde releaser, or both were intentionally added if formaldehyde is

found during sampling. This provision ensures that formaldehyde releasers not named on the list included in the draft cannot be used as regrettable replacements.

4. The January 1, 2027, timeline for implementing the restrictions on formaldehyde releasers

We support the timeline of January 1, 2027, to ban all formaldehyde releasing agents. The law stated that Ecology could identify a first set of 10 formaldehyde releasing agents to ban by January 1, 2026. It is urgent to eliminate these chemicals; it is also important to provide businesses, especially small businesses, sufficient time to comply and ensure they are moving to safer solutions. We know safer solutions are available and the market has moved considerably. However, it also makes sense from an enforcement standpoint to have a consistent deadline for all formaldehyde releasing agents.

Many thanks to Ecology staff for their excellent work and the opportunity to comment. We strongly support the proposed regulations as a means to protect public health, environmental justice communities, and workers. Please reach out if you have any questions.

Sincerely,

Cheri Peele
Director of Government and Market Policy
Toxic-Free Future