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www.kingcountyhazwastewa.gov

April 11, 2025

Ms. Stacey Callaway
Washington State Department of Ecology
Post Office Box 47600
Olympia, WA 98504-7600

Dear Ms. Callaway,

RE: Formal comments on proposed Chapter 173-339 WAC Cosmetics Products Restrictions

Thank you for the opportunity to provide formal comments on the Department of Ecology's proposed rule restricting formaldehyde and formaldehyde releasers in cosmetics.

The Hazardous Waste Management Program (Haz Waste Program) is a multi-jurisdictional local government program in Washington State. The Program works to protect and enhance public health and environmental quality in King County, Washington. We do this by reducing the threat posed by the production, use, storage, and disposal of hazardous materials.

The Haz Waste Program testified in support of the 2023 legislation, SHB 1047, recognizing that toxic chemicals in cosmetics harm human health and the environment. We also have a deep commitment to racial equity, which directs attention to policies that disproportionately impact Black, Indigenous and People of Color (BIPOC) communities.

Formaldehyde, a known human carcinogen, has long been used in many chemical hair products disproportionately marketed to Black women. Taking products off the market that include formaldehyde and formaldehyde releasers is imperative to reducing this harm that has increased severe health risks including certain cancers and respiratory issues.

We support the language in proposed Chapter 173-339 WAC including:

- The definition of "intentionally added," which broadly includes chemicals intended to serve a function in the product, in the manufacturing of the product or an ingredient in the product.
- The list of formaldehyde releasers that targets those found in cosmetics and those known to disproportionately impact workers and women of color.
- A compliance schedule that is urgent yet realistic for manufacturers, retailers, cosmetologists and consumers.

- The assumption that, if Ecology detects formaldehyde in a product, then it or a formaldehyde releaser has been intentionally added unless manufacturer can prove otherwise.

We encourage the Department of Ecology to work with consumers, retailers and cosmetologists that use or sell the newly restricted products to better understand the harm from formaldehyde and formaldehyde releasers, to find safer alternatives, and to comply with the restrictions.

Thank you again for your work to implement the Toxic Free Cosmetics Act. If you have any questions please contact Pam Johnson, Hazardous Waste Liaison and Policy Advisor at pam.johnson@seattle.gov.

Sincerely,



Maythia Airhart, Director
Hazardous Waste Management Program