



April 11, 2025

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

**RE: WE ACT Comments on Formaldehyde in Cosmetics Formal Draft Rule**

Dear Ms. Callaway,

On behalf of WE ACT for Environmental Justice, a nonprofit environmental justice organization dedicated to ensuring that communities of color and low-income populations have a voice in shaping sound environmental policies, I am writing to express our strong support for the Department of Ecology's proposed rule to restrict formaldehyde and formaldehyde-releasing chemicals in cosmetic products under Chapter 173-339 WAC.

WE ACT for Environmental Justice, founded in 1988 and headquartered in Harlem, has been at the forefront of advocating for healthier, safer communities. Through our "Beauty Inside Out" campaign<sup>1</sup> and studies<sup>2</sup>, we have long educated our members and the broader public about the dangers of formaldehyde in cosmetic products. We commend Washington for taking a bold step toward banning cancer-causing chemicals in personal care products. Formaldehyde and formaldehyde-releasing chemicals have no place in the products we use daily on our skin and hair.

Formaldehyde is a well-known carcinogen that has been linked to various health risks, including cancer, brain function impairment, increased asthma risk, and eye and skin irritation. These chemicals are especially harmful when used in cosmetics like hair-straightening products, which have long been marketed to communities of color, particularly Black women. The use of these products has been associated with an increased risk of hormone-related cancers, such as ovarian<sup>3</sup>, uterine<sup>4</sup>, and breast cancers,<sup>5</sup> and can affect one's ability to conceive<sup>6</sup>. Scientists have

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<sup>1</sup> WE ACT for Environmental Justice, Beauty Inside Out Campaign, <https://weact.org/programs/beauty-inside-out/>

<sup>2</sup> Edwards, Lariah, et al. "Beauty inside out: examining beauty product use among diverse women and femme-identifying individuals in Northern Manhattan and South Bronx through an environmental justice framework." *Environmental Justice* 16.6 (2023): 449-460.

<sup>3</sup> Alexandra J White, Dale P Sandler, Symielle A Gaston, Chandra L Jackson, Katie M O'Brien, Use of hair products in relation to ovarian cancer risk, *Carcinogenesis*, Volume 42, Issue 9, September 2021, Pages 1189–1195, <https://doi.org/10.1093/carcin/bgab056>

<sup>4</sup> National Institutes of Health (2022), Hair straightening chemicals associated with higher uterine cancer risk, <https://www.nih.gov/news-events/news-releases/hair-straightening-chemicals-associated-higher-uterine-cancer-risk>

<sup>5</sup> Eberle, Carolyn E., et al. "Hair dye and chemical straightener use and breast cancer risk in a large US population of black and white women." *International journal of cancer* 147.2 (2020): 383-391.

<sup>6</sup> Alexandra J White, Dale P Sandler, Symielle A Gaston, Chandra L Jackson, Katie M O'Brien, Use of hair products in relation to ovarian cancer risk, *Carcinogenesis*, Volume 42, Issue 9, September 2021, Pages 1189–1195, <https://doi.org/10.1093/carcin/bgab056>

documented that Black and Latina women are disproportionately exposed to these chemicals due to the higher usage of hair-straightening products on the market. According to research by the Harvard T.H. Chan School of Public Health, approximately 50% of products marketed to Black women contain formaldehyde and related chemicals, compared to just 7% of those marketed to White women.<sup>7</sup> This disparity not only places these communities at greater risk but also underscores the urgent need for stronger regulations to protect public health.

The need for regulatory action on formaldehyde has been underscored at the federal level as well. Under the Biden administration, the U.S. Food and Drug Administration (FDA) has considered banning formaldehyde and certain formaldehyde-releasing chemicals in hair-straightening products.<sup>8</sup> However, progress on this issue remains stalled, with previous efforts under the Trump administration failing to propose concrete actions. The proposed restrictions in Washington State represent a critical opportunity to address this long-standing environmental and health injustice, particularly in products that disproportionately affect Black women and other women of color.

WE ACT strongly support the following elements of the proposed rule:

1. **The Ban on 28 Formaldehyde Releasers:** We fully support the proposed ban on the 28 formaldehyde-releasing chemicals identified in the rule, which will take effect on January 1, 2027. This timeline allows manufacturers sufficient time to transition away from using these harmful chemicals, while prioritizing public health.
2. **The Definition of “Intentionally Added”:** The clear definition of “intentionally added” in the proposed rule is critical in ensuring that all formaldehyde-releasing chemicals—whether used directly in the manufacturing process or added as ingredients—are subject to the restrictions. This ensures comprehensive coverage and reduces loopholes that could undermine the intent of the regulation.
3. **Strong Enforcement Provisions:** We strongly support the enforcement provisions that clearly stipulate that formaldehyde or a restricted formaldehyde releaser will be assumed to have been intentionally added if formaldehyde is detected during sampling. This approach is essential for ensuring accountability and compliance, ultimately safeguarding consumers from harmful exposure.

Formaldehyde and its releasers are toxic substances with no place in personal care products. As we know, many of the most vulnerable populations—particularly people of color, including Black and Latina women—are disproportionately exposed to these chemicals through their use of hair care and beauty products. WE ACT for Environmental Justice advocates for strong, equitable,

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<sup>7</sup> Harvard T.H. Chan School of Public Health (2020), Some Black hair products <https://hsph.harvard.edu/news/some-black-hair-products-may-harm-users-health/>

<sup>8</sup> Wiley (2025), FDA’s Catch-Up Plan on Cosmetics Faces Likely Regulatory Delays with Change in Administrations, <https://www.wiley.law/alert-FDAs-Catch-Up-Plan-on-Cosmetics-Faces-Likely-Regulatory-Delays-with-Change-in-Administrations#:~:text=In%20the%20Spring%202023%20Unified,marketed%20in%20the%20United%20States.>

and health-protective policies to eliminate these chemicals from the products that consumers use daily.

We also note that the proposed rule does not address lead or lead impurities, and we encourage the Department of Ecology to prioritize similar protections for lead in cosmetics as part of future rulemaking.

We urge the Department of Ecology to finalize the proposed rule and take swift action to ban formaldehyde and formaldehyde-releasing chemicals in cosmetic products. This rule will make a significant difference in protecting the health and safety of all Washington residents, particularly the most vulnerable among us. Furthermore, this rule will serve as a model for other states and the federal government to follow.

Thank you for your leadership in ensuring that Washington remains at the forefront of protecting public health and advancing environmental justice.

Sincerely,

Yuwa Vosper  
Federal Policy Manager  
WE ACT for Environmental Justice