



# Washington State Toxic-Free Cosmetics Act

Washington Chemical Policy Forum

**Shari Franjevic**, TFCA Implementation Planner



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# Here's what we'll cover:

1. Toxic-Free Cosmetics Act
2. Formaldehyde related restrictions
3. Lead policy and data call in



# The law

## Toxic-Free Cosmetics Act (Ch. 70A.560 RCW)

- 1. Chemical restrictions:** Law and rule restrict cosmetic products that contain certain toxic chemicals from being **sold, used in services, distributed, or manufactured** in Washington.
- 2. Voluntary initiatives:** Law directs Ecology to develop initiatives to support small businesses in transitioning to safer cosmetic products.

# Examples of cosmetics

Perfume, shampoo, hair gel, body wash, deodorant, hand lotion, toothpaste, shaving cream, lipstick



# Restricted chemicals and chemical classes

## Chemicals

1. **Formaldehyde** (CAS 50-00-0)
2. **Methylene glycol** (CAS 463-57-0)
3. **Triclosan** (CAS 3380-34-5)
4. **m-Phenylenediamine and its salts** (CAS 108-45-2)
5. **o-Phenylenediamine and its salts** (CAS 95-54-5)

## Chemical classes

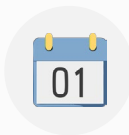
6. **o-Phthalates** (several CAS)
7. **PFAS** (several CAS)
8. **Mercury** (CAS 7439-97-6) and mercury compounds
9. **Lead** (CAS 7439-92-1) and lead compounds
10. **Formaldehyde releasers**

# Restrictions on cosmetic products

Cosmetic products manufactured, sold, used in services, or distributed in Washington State **can't contain:**

- Intentionally added restricted chemicals.
- Lead or lead compounds at or above 1 ppm.\*

\*Ecology issued an interim policy in Dec. 2024.



# Restriction Deadlines

## Current restrictions

- Nine chemicals and chemical classes:  
Formaldehyde, methylene glycol, triclosan, o-and m-phenylenediamines, o-phthalates, PFAS, mercury, lead.
- Restrictions went into effect **Jan. 1, 2025,**
- Sell through period ended **Dec. 31, 2025.**

## Future restrictions

- **All** formaldehyde releasers.
- Restrictions will go into effect on **Jan. 1, 2027,**
- Sell-through period will end **Dec. 31, 2027.**



# Formaldehyde-related restrictions

Clearing up confusion

# Formaldehyde related restrictions

1) List in law: Restricts **formaldehyde** and **methylene glycol**

2) List in rule:

Restrict a list of **25 formaldehyde releasers**.

3) Definition in rule:

Define “**intentionally added**”. When applied to the statutory restriction on formaldehyde, restricts **all other formaldehyde releasers** added to a cosmetic product for formaldehyde to serve a function.

# Formaldehyde related restrictions

| Restricted chemical or class     | Restriction Date<br>(Stop purchasing) | Sell through Date<br>(Stop selling and using) |
|----------------------------------|---------------------------------------|-----------------------------------------------|
| Formaldehyde                     | Jan. 1, <a href="#">2025</a>          | Dec. 31, <a href="#">2025</a>                 |
| Methylene glycol                 | Jan. 1, <a href="#">2025</a>          | Dec. 31, <a href="#">2025</a>                 |
| 25 listed formaldehyde releasers | Jan. 1, <a href="#">2027</a>          | Dec. 31, <a href="#">2027</a>                 |
| All other formaldehyde releasers | Jan. 1, <a href="#">2027</a>          | Dec. 31, <a href="#">2027</a>                 |

# Hair smoothing products

## Hair straighteners

- Keratin hair treatments or Brazilian Blowout
- **Usually contain formaldehyde, methylene glycol, or another formaldehyde-releasing chemical**
- Formaldehyde functions as a cross-linker
- Formaldehyde-free products may still contain a formaldehyde-releaser

## Hair relaxers

- Alkaline treatment using sodium hydroxide (lye) or another strong base
- **May not contain formaldehyde or formaldehyde releasers**
- Can be harsh on hair and skin
- No lye typically use milder ingredients for sensitive scalp

# Brazilian Blowout Original

<https://loyalty.brazilianblowout.com/products/original/>

Excerpt from Safety Data Sheet

| 3. COMPOSITION & INGREDIENT INFORMATION    |                                                                                                          |            |            |        |                                             |      |        |         |         |      |      |      |              |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------|------------|------------|--------|---------------------------------------------|------|--------|---------|---------|------|------|------|--------------|
| CHEMICAL NAME(S)                           | CAS No.                                                                                                  | RTECS No.  | EINECS No. | %      | EXPOSURE LIMITS IN AIR (mg/m <sup>3</sup> ) |      |        |         |         |      |      |      |              |
|                                            |                                                                                                          |            |            |        | ACGIH                                       |      | NIOSH  |         |         | OSHA |      |      | OTHER        |
|                                            |                                                                                                          |            |            |        | ppm                                         |      | ppm    |         |         | ppm  |      |      |              |
|                                            |                                                                                                          |            |            |        | TLV                                         | STEL | ES-TWA | ES-STEL | ES-PEAK | PEL  | STEL | IDLH |              |
| WATER (AQUA/EAU)                           | 7732-18-5                                                                                                | ZC0110000  | 231-791-2  | 60-100 | NA                                          | NA   | NF     | NF      | NF      | NA   | NA   | NA   |              |
| * METHYLENE GLYCOL                         | 463-57-0                                                                                                 | TY2000000  | 207-339-5  | 3-7    | NA                                          | 0.3  | 1.2    | 2       | 2.5     | 5    | 2    | 20   | FORMALDEHYDE |
|                                            | Acute Tox. Oral 4; Skin Irrit. 1B; Skin Sens. 1; Eye Dam. 1; Carc. 2; H302, H315, H317, H318, H335, H351 |            |            |        |                                             |      |        |         |         |      |      |      |              |
| CYCLOPENTASILOXANE                         | 541-02-6                                                                                                 | GY59452000 | 208-764-9  | 1-5    | NA                                          | NA   | NF     | NF      | NF      | NA   | NA   | NA   |              |
|                                            | Flam. Liq. 4; Skin Irrit. 3; Eye Irrit. 2B; H227, H316, H320                                             |            |            |        |                                             |      |        |         |         |      |      |      |              |
| CETEARYL ALCOHOL                           | 8005-44-5                                                                                                | NA         | 267-008-6  | 1-5    | NA                                          | NA   | NF     | NF      | NF      | NA   | NA   | NA   |              |
|                                            |                                                                                                          |            |            |        |                                             |      |        |         |         |      |      |      |              |
| BEHENTRIMONIUM METHOSULFATE                | 81646-13-1                                                                                               | NA         | 279-791-1  | 1-5    | NA                                          | NA   | NF     | NF      | NF      | NA   | NA   | NA   |              |
|                                            |                                                                                                          |            |            |        |                                             |      |        |         |         |      |      |      |              |
| FRAGRANCE (PARFUM)                         | NA                                                                                                       | NA         | NA         | 1-5    | NA                                          | NA   | NF     | NF      | NF      | NA   | NA   | NA   |              |
|                                            |                                                                                                          |            |            |        |                                             |      |        |         |         |      |      |      |              |
| EUTERPE OLERACEA (AÇAÍ PALM) FRUIT EXTRACT | NA                                                                                                       | NA         | NA         | 0.1-1  | NA                                          | NA   | NF     | NF      | NF      | NA   | NA   | NA   |              |
|                                            |                                                                                                          |            |            |        |                                             |      |        |         |         |      |      |      |              |

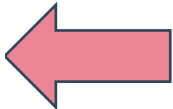
Already Restricted

# CHI Keratin Mist Leave In Treatment

[https://www.fragrancenet.com/haircare/chi/chi/keratin-mist-leave-in-treatment?mv\\_pc=msnus\\_smartshop\\_hair\\_%28device%7d&utm\\_campaign=662355268&utm\\_medium=cpc&utm\\_source=msn\\_us#152932](https://www.fragrancenet.com/haircare/chi/chi/keratin-mist-leave-in-treatment?mv_pc=msnus_smartshop_hair_%28device%7d&utm_campaign=662355268&utm_medium=cpc&utm_source=msn_us#152932)

## Product Description

| Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Ingredients | Instructions |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|
| <div><b>Ingredients</b><br/>Aqua (Water),Dicetyldimonium Chloride,Cocodimonium Hydroxypropyl Silk Amino Acids,Acetamide MEA,Lactamide MEA,Hydrolyzed Wheat Protein Hydroxy Polysiloxane,Lauryl Pyrrolidone,Panthenol,Propylene Glycol,Diazolidinyl Urea,Methylparaben,Propylparaben,Methylchloroisoithiazolinone,Methylisoithiazolinone,Nettle,Chamomile Extract,Algae,Aloe Vera,Lavender Extract,Rosemary Extract,Fragrance,FD&amp;C Yellow 5,D&amp;C Red 33,Zinc Oxide,Titanium Dioxide,Mica,Boron Nitride Powder</div> |             |              |



Will be restricted

# Brazilian Blowout FREE

[https://web.brazilianblowout.com/hub/bb/safety-data-sheets/Doc/1\\_Professional%20Products/1\\_Brazilian%20Blowout%20FREE%20Smoothing%20Activator/Link.pdf](https://web.brazilianblowout.com/hub/bb/safety-data-sheets/Doc/1_Professional%20Products/1_Brazilian%20Blowout%20FREE%20Smoothing%20Activator/Link.pdf)

## Excerpt from Safety Data Sheet

### 3 Composition/Information on Ingredients

- **Chemical characterization: Substance**

- **Description:**

Mixture of substances listed with non-hazardous additions and/or components that are less than listing threshold. All non-hazardous, components listed under threshold, and listed component total 100%.

- **Dangerous Components:**



|                   |                         |          |
|-------------------|-------------------------|----------|
| CAS: 50-01-1      | Guanidine hydrochloride | 25-50% * |
| RTECS: MF 4300000 |                         |          |

\* Actual concentration ranges are withheld as a trade secret.

- **Additional information:**

The exact percentages of the ingredients of this mixture are considered to be proprietary and are withheld in accordance with the provisions of paragraph (i) of §1910.1200 of 29 CFR 1910.1200 Trade Secrets.

## What are the key ingredients in Brazilian Blowout FREE? +

Our patent-pending smoothing technology is powered in part by Guanidine HCL, a naturally occurring compound that has been clinically proven to stretch and manipulate bonds within the keratin structure. Not to be confused with guanidine carbonate which permanently cleaves/breaks bonds, guanidine HCL does not break nor damage the hair bonds.

# Not restricted

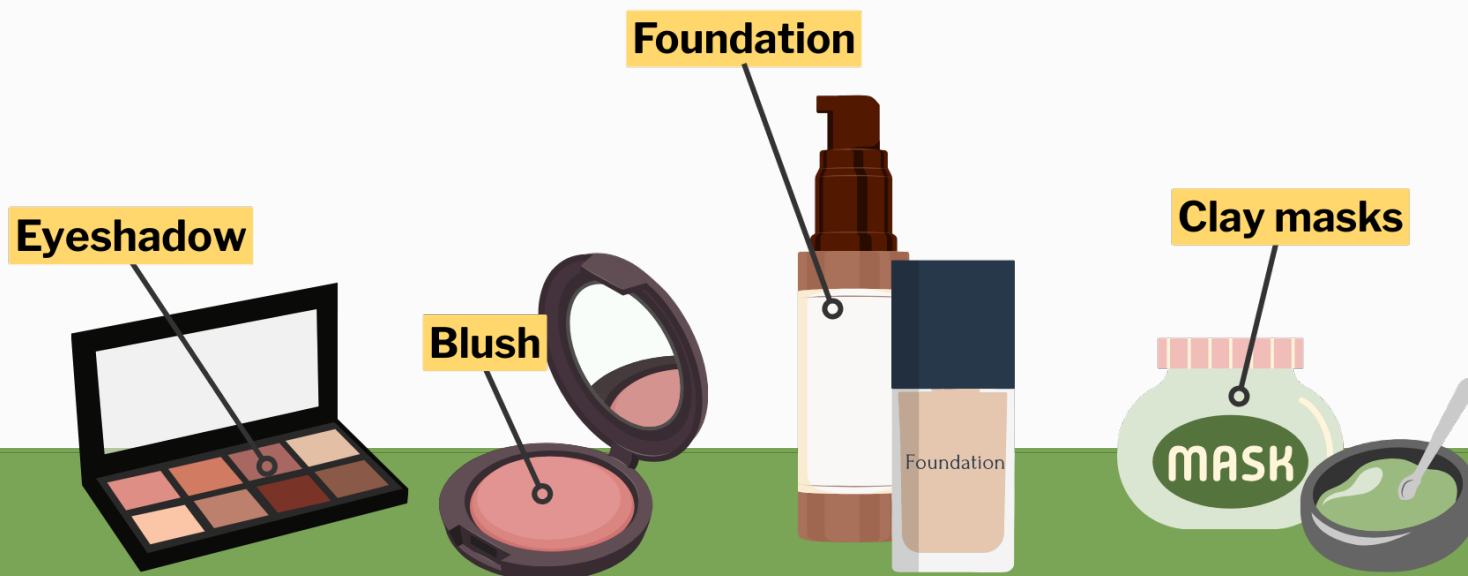


# Lead Policy and Data collection

Regarding levels of lead impurities

# Lead impurities in cosmetics

- Products with **mineral-based ingredients**, like eyeshadow, blush, foundation, and clay masks, have higher lead levels.
- The **limit on lead in cosmetics is 1 ppm.** However, some products aren't able to consistently meet that limit right now.



# Agency actions on lead

## 1. Issued interim policy effective Jan 1, 2025

- Provides alternative paths to compliance.
- Manufacturers must notify Ecology of their use of the policy.
- **Updated on Aug. 31, 2026**, to remain in effect until a rule is adopted or the policy is rescinded and updated ongoing eligibility requirements for Option 2.

## 2. Announced rulemaking on Dec. 19, 2024

- To determine a feasible approach to regulating lead, potentially changing the lead limit.

# Lead interim policy, Option 1

## Option 1: All cosmetics

- Notify us with the [online form](#).\*



**General cosmetics:**  
lead  $\leq 2$  ppm



**Color cosmetics:**  
lead  $\leq 5$  ppm



**Clay masks:**  
lead  $\leq 5$  ppm

\* [forms.office.com/g/8aNzPabq83](https://forms.office.com/g/8aNzPabq83)

# Lead interim policy, Option 2

## Option 2: Color cosmetics and clay masks

- Notify us with the [online form](https://forms.office.com/g/8aNzPabq83).
- Lead concentration  $> 5$  and  $\leq 10$  ppm.
- Monitor lead in each batch of each product.
- Retain data and information and submit to Ecology if requested.

<https://forms.office.com/g/8aNzPabq83>



# Manufacturer policy selections

## Interim Policy Form responses

- Includes all manufacturers using the policy
- Tells what option they selected for:
  - General cosmetics
  - Color cosmetics and clay masks

## Download from our Interested Parties Webpage

[https://www.ezview.wa.gov/site/alias\\_1962/38927/toxic\\_free\\_cosmetics.aspx](https://www.ezview.wa.gov/site/alias_1962/38927/toxic_free_cosmetics.aspx)

# Lead data collection

## Goals:

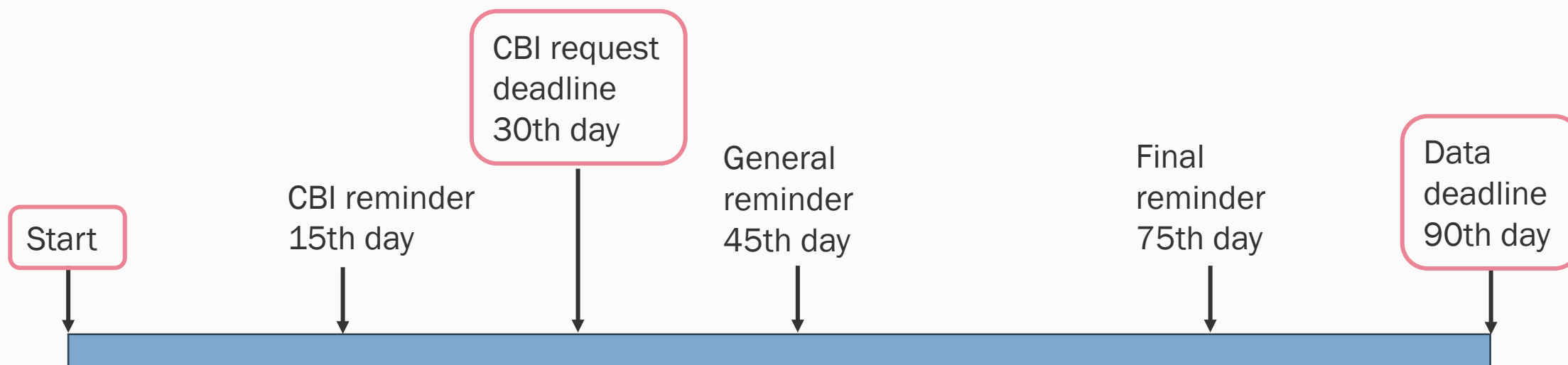
- Gather baseline data
- Support ongoing regulation of lead in cosmetics

## Business Selection:

- **Ten** manufacturers randomly selected from 67 using Option 2.
- Grouped by business size prior to random selection

# Data collection timeline

- Businesses have 90-days to submit data, no extensions
- Data due by Dec 2026
- Data analysis and summary by June 2027



# Option 2 Requirements for eligibility

**Businesses must submit data by the deadline if requested.**

Loss of eligibility for the Interim Policy means:

- The business must **immediately comply with the statutory lead limit of 1 part per million (ppm)** for all their cosmetic products.
- The business won't be allowed to re-enter the Interim Policy.



# TFCA Resources

## Website:

- [ecology.wa.gov/cosmetology](https://ecology.wa.gov/cosmetology)

## Publications:

- [Formaldehyde releaser product disposal](#)
- [Lead interim policy](#)
- [Guide for Cosmetic Industry & Sellers](#)
- [TFCA restricted chemicals](#)
- [Formaldehyde and Formaldehyde Releasers](#)



# Thank you



DEPARTMENT OF  
**ECOLOGY**  
State of Washington



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