
SENATE BILL 5480

State of Washington

67th Legislature

2021 Regular Session

By Senators Das, Cleveland, Darneille, Keiser, Kuderer, Lovelett, Nobles, Robinson, Rolfes, Saldaña, Wellman, and Wilson, C.

Read first time 04/07/21. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to the use and disclosure of toxic chemicals in
2 cosmetic products; adding a new chapter to Title 70A RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that certain
6 chemicals used in cosmetic products are linked to harmful impacts on
7 health, such as cancer, birth defects, damage to the reproductive
8 system, organ system toxicity, and endocrine disruption. Many of
9 these chemicals have been identified by the state of Washington as
10 high priority chemicals of concern.

11 (2) The legislature further finds that harmful ingredients in
12 cosmetics and personal care products disproportionately affect women
13 of color. Some of the most toxic ingredients are marketed towards
14 women of color and women who use these products may be more likely to
15 experience harmful health effects. Every day, citizens of Washington
16 may be using personal care products without realizing that the
17 products contain chemicals that present serious health risks. Nail
18 and hair salon workers, and other workers in the beauty industry,
19 regularly and frequently handle a multitude of products that contain
20 ingredients that may be classified as carcinogens, reproductive
21 toxicants, asthmagens, neurotoxicants, allergens, and other chemicals

1 of concern. Extended exposure on a daily basis makes it imperative
2 that workers be provided with information on potential hazards.

3 (3) In order to ensure the safety of cosmetic products and
4 protect Washington citizens from toxic exposures, the legislature
5 intends to prohibit use of toxic chemicals found in cosmetic and
6 personal care products, require manufacturers to disclose information
7 on their websites to provide consumers and workers with ingredient
8 information about cosmetic products that encourages informed
9 purchasing decisions and reduces public health impacts from exposure
10 to potentially harmful chemicals, and join other jurisdictions in
11 creating a safer global standard for cosmetic products and bringing
12 more sustainable, safer ingredients to the marketplace.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires
15 otherwise.

16 (1) "Coal tar compounds" means chemicals in coal tar including,
17 but not limited to, coal tar (CAS 65996-92-1) and carbon black (CAS
18 1333-86-4).

19 (2) (a) "Cosmetic product" includes articles intended to be
20 rubbed, poured, sprinkled, or sprayed on, introduced into, or
21 otherwise applied to the human body or any part thereof for
22 cleansing, beautifying, promoting attractiveness, or altering the
23 appearance, and articles intended for use as a component of such an
24 article.

25 (b) "Cosmetic product" includes cosmetics marketed to
26 professionals.

27 (c) "Cosmetic product" does not include soap, dietary
28 supplements, or food and drugs approved by the United States food and
29 drug administration.

30 (3) "Department" means the department of ecology.

31 (4) "Formaldehyde releasing agent" means a chemical that releases
32 formaldehyde.

33 (5) "Manufacturer" has the same meaning as defined in RCW
34 70A.350.010.

35 (6) "Ortho-phthalates" means esters of ortho-phthalic acid.

36 (7) "Parabens" means esters of parahydroxybenzoic acid including,
37 but not limited to, methylparaben (99-76-3), ethylparaben,
38 propylparaben (CAS 94-13-3), and butylparaben (CAS 94-26-8).

1 (8) "Perfluoroalkyl and polyfluoroalkyl substances" has the same
2 meaning as defined in RCW 70A.350.010.

3 (9) "Phenolic compounds" has the same meaning as defined in RCW
4 70A.350.010.

5 (10) "Practical quantitation limit" means the minimum
6 concentration of an analyte that can be measured with a high degree
7 of confidence that the analyte is present at the reported
8 concentration.

9 (11) "Undisclosed synthetic fragrances" means chemicals made by
10 humans that serve the function of being a fragrance in a cosmetic
11 product and have not been disclosed to the public on a label or on a
12 manufacturer's website.

13 (12)(a) "Vulnerable populations" means population groups that may
14 be more likely to have adverse health outcomes, due to: (i) Greater
15 susceptibility; (ii) greater exposure; or (iii) adverse socioeconomic
16 factors, such as unemployment, high housing and transportation costs
17 relative to income, limited access to nutritious food and adequate
18 health care, linguistic isolation, and other factors that negatively
19 affect health outcomes.

20 (b) "Vulnerable populations" includes, but is not limited to,
21 racial or ethnic populations, sensitive populations as defined in RCW
22 70A.350.010, low-income populations, populations disproportionately
23 impacted by health or environmental impacts of pollution, and
24 populations of workers experiencing health threats.

25 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2025, no person
26 may manufacture, knowingly sell, offer for sale, distribute for sale,
27 or distribute for use in this state any cosmetic product that
28 contains any of the following chemicals or chemical classes above the
29 practical quantitation limit:

- 30 (a) Ortho-phthalates;
31 (b) Perfluoroalkyl and polyfluoroalkyl substances;
32 (c) Phenolic compounds;
33 (d) Formaldehyde (CAS 50-00-0) and formaldehyde releasing agents;
34 (e) Arsenic and arsenic compounds (CAS 7440-38-2);
35 (f) Ethylene glycol (CAS 107-21-1);
36 (g) Methylene glycol (CAS 463-57-0);
37 (h) Mercury and mercury compounds (CAS 7439-97-6);
38 (i) Styrene (CAS 100-42-5);
39 (j) 1,4-dioxane (CAS 123-91-1);

- 1 (k) Cadmium and cadmium compounds (CAS 7440-43-9);
- 2 (l) Octamethylcyclotetrasiloxane (CAS 556-67-2);
- 3 (m) Decamethylcyclopentasiloxane (CAS 541-02-6);
- 4 (n) Toluene (CAS 108-88-3);
- 5 (o) Parabens;
- 6 (p) Lead and lead compounds (CAS 7439-92-1);
- 7 (q) Asbestos;
- 8 (r) Hydroquinone (CAS 123-31-9);
- 9 (s) 2-Ethylhexyl acrylate (CAS 103-11-7);
- 10 (t) Ethyl acrylate (CAS 140-88-5);
- 11 (u) Aluminum salts;
- 12 (v) Sodium laurel sulfate (CAS 151-21-3);
- 13 (w) Sodium laureth sulfate (CAS 3088-31-1);
- 14 (x) Benzalkonium chloride (CAS 8001-54-5);
- 15 (y) Coal tar compounds;
- 16 (z) Triclosan (CAS 3380-34-5);
- 17 (aa) Methylisothiazolinone (CAS 2682-20-4);
- 18 (bb) Methylchloroisothiazolinone (CAS 26172-55-4);
- 19 (cc) m-phenylenediamine and its salts (CAS 108-42-5);
- 20 (dd) o-phenylenediamine and its salts (CAS 95-54-5);
- 21 (ee) p-phenylenediamine and its salts (CAS 106-50-3); and
- 22 (ff) Any undisclosed synthetic fragrances not listed in this
- 23 subsection.

24 (2) (a) By December 1, 2022, the department in consultation with
25 the department of health must create and adopt a community engagement
26 plan to: (i) Test cosmetic products marketed to women of color and
27 identify potentially harmful ingredients; (ii) seek information
28 through outreach and provide culturally appropriate education
29 concerning identified harmful ingredients used in cultural and other
30 cosmetic products, prioritizing engagement with vulnerable
31 populations; and (iii) obtain recommendations for priority chemicals
32 or products to be regulated in accordance with chapter 70A.350 RCW.

33 (b) The plan must include methods for outreach and communication
34 with those who face barriers to participation, such as language or
35 otherwise.

36 NEW SECTION. **Sec. 4.** A manufacturer of a cosmetic product that
37 is manufactured on or after January 1, 2023, is required to have the
38 following information on its website for each cosmetic product sold
39 in this state:

1 (1) Information that satisfies all of the labeling requirements
2 pursuant to the federal food, drug, and cosmetic act (21 U.S.C. Sec.
3 301 et seq.), and the federal fair packaging and labeling act (15
4 U.S.C. Sec. 1451 et seq.); and

5 (2) A list of chemicals or chemical classes intentionally added
6 to the product if the chemicals are identified by the department as
7 a:

8 (a) High priority chemical of high concern for children under
9 chapter 70A.430 RCW; or

10 (b) High priority chemical under chapter 70A.350 RCW.

11 NEW SECTION. **Sec. 5.** (1) A manufacturer violating a requirement
12 of this chapter, a rule adopted under this chapter, or an order
13 issued under this chapter, is subject to a civil penalty not to
14 exceed \$5,000 for each violation in the case of a first offense.
15 Manufacturers who are repeat violators are subject to a civil penalty
16 not to exceed \$10,000 for each repeat offense.

17 (2) Any penalty provided for in this section, and any order
18 issued by the department under this chapter, may be appealed to the
19 pollution control hearings board.

20 (3) All penalties collected under this chapter shall be deposited
21 in the model toxics control operating account created in RCW
22 70A.305.180.

23 NEW SECTION. **Sec. 6.** This chapter may be known and cited as the
24 toxic-free cosmetics act.

25 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act
26 constitute a new chapter in Title 70A RCW.

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