

RCW 70A.560.030 Rule-making authority—Penalty. (1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) (a) The department's determinations of chemicals that release formaldehyde must be adopted by rule. The department must identify a list of chemicals used in cosmetics that release formaldehyde that may be subject to restriction under this chapter. In establishing this list, the department should consider:

- (i) Estimated prevalence of use;
- (ii) Potential to reduce disproportionate exposure; and
- (iii) Other information deemed relevant by the department.

(b) The department may identify for restriction an initial set of no more than 10 of the listed chemicals used in cosmetics that release formaldehyde. This restriction must take effect on or after January 1, 2026.

(c) Restrictions on the remaining listed chemicals used in cosmetics that release formaldehyde may take effect on or after January 1, 2027.

(d) The department may, but is not required to, conduct additional rule-making activities after January 1, 2027, including developing supplemental lists of chemicals that release formaldehyde and adopting additional restrictions.

(3) Prior to commencing rule making under this chapter, the department must engage with relevant stakeholders to ensure the availability of adequate expertise and input. The stakeholder process should include, but is not limited to, soliciting input from representatives from independent cosmetologists, small businesses offering cosmetology services, such as beauty salons, and small manufacturers of cosmetic products. The input received from stakeholders must be considered when adopting rules.

(4) A manufacturer that produces a product or imports or domestically distributes a product in or into Washington in violation of a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter, is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense.

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

(6) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180. [2023 c 455 § 4.]