



June 20, 2024

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Sent via email to [shari.franjevic@ecy.wa.gov](mailto:shari.franjevic@ecy.wa.gov)

Ms. Franjevic and the Washington Department of Ecology:

On behalf of the signatories below, the Personal Care Products Council (PCPC) wishes to express its overwhelming concern with the Department of Ecology decision not to establish a reasonable limit for unavoidable trace levels of lead in cosmetics. Although Washington's legislature provided the Department the authority<sup>1</sup> to determine a data-driven limit through the rulemaking process, the Department has instead decided to proceed with an unprecedented and arbitrary limit of 1 part per million (ppm). This limit will create no public health benefit, yet it will have a devastating impact on Washington businesses and consumers.

Lead is not intentionally added to cosmetics. Rather, trace amounts of lead may be present in a finished product through the addition of natural substances, such as water, clay, or minerals. These minute traces of lead cannot be effectively removed in their entirety, and they pose no risk to the health of the consumer or public. The trace amount of lead found in any cosmetic product, for instance, is less than the amount of lead found in the soil of gardens across Tacoma and Seattle.<sup>2</sup>

While there is absolutely no data to show that enforcement of a 1 ppm limit would have a positive impact on public health, it would certainly have catastrophic impacts on both Washington businesses and consumer choice. As companies work to identify which products would be impacted by this restriction, early estimates indicate that, on average, more than half of all cosmetics in the state would be impacted. Companies will almost certainly be forced to remove these products from the market. Further, according to the best available estimates, anywhere between 25-60% of imported cosmetics would be impacted, which raises potential trade barrier concerns that would merit notice to the World Trade Organization.

It is difficult to overstate the significance this would have for everyday Washington consumers. Shelves at large and small retailers will be substantially diminished or empty. Some brands would need to cease sales in Washington altogether as it would no longer be economically feasible to continue sales of just a small number of products. Retailers that focus primarily on selling beauty

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<sup>1</sup> WASH. REV. CODE § 70A.560.020 (2023)

<sup>2</sup> Defoe, P.P., G.M. Hettiarachchi, C. Benedict, and S. Martin. 2014. Safety of gardening on lead- and arsenic contaminated urban brownfields. *J. Environ. Qual.* 43:2064-2078.

products may be forced to curtail operations in Washington state. Indeed, small, local businesses will be hit the hardest. Legal e-commerce of any impacted products would also cease, and it is likely that fraudulent vendors would increase sales of unlicensed products into the state, leaving Washington residents more likely to face unwitting exposure to unsafe or counterfeit products.

The United States Environmental Protection Agency and the Centers for Disease Control and Prevention have long held that the ingestion of lead poses a significantly higher risk than any dermal exposure, establishing a limit of 400 ppm for soil in residential children's play areas<sup>3</sup> and stating that "human skin does not absorb lead in water."<sup>4</sup> Guidance from the U.S. Food and Drug Administration establishes a 10 ppm lead limit for cosmetics.<sup>5</sup> Global cosmetics regulators, participating in the International Cooperation on Cosmetic Regulations (ICCR) forum (including those from the U.S., European Union, Canada, and Japan), have likewise recommended a 10 ppm limit.<sup>6</sup>

We ask you to take this, along with all of the critical issues described above, into consideration and establish a 10 ppm trace contaminant lead limit on cosmetics in Washington state.

Sincerely,



Thomas Myers, President and CEO  
Personal Care Products Council

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Cosigned,

Amway  
Archibald Sisters  
BASF  
Bellevue Collection  
BIC

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<sup>3</sup> [https://www.atsdr.cdc.gov/csem/leadtoxicity/safety\\_standards.html#anchor\\_1589480607](https://www.atsdr.cdc.gov/csem/leadtoxicity/safety_standards.html#anchor_1589480607)

<sup>4</sup> <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water#skin>

<sup>5</sup> <https://www.fda.gov/cosmetics/cosmetic-products/limiting-lead-lipstick-and-other-cosmetics>

<sup>6</sup> [https://www.iccr-cosmetics.org/downloads/topics/2013-12\\_recommendation\\_on\\_lead\\_traces\\_in\\_cosmetics.pdf](https://www.iccr-cosmetics.org/downloads/topics/2013-12_recommendation_on_lead_traces_in_cosmetics.pdf)

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Color Techniques, Inc.  
Compass Rose  
Cosnova Beauty  
Coty  
dsm-firmenich  
e.l.f. Beauty  
Edgewell  
EMD Electronics  
The Estee Lauder Companies  
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Unilever

Utah Direct Selling Coalition

Vanderbilt Minerals

Washington Food Industry Association

Washington Retail Association

Wella Company

CASIC: Council of the Cosmetics, Personal Grooming and Home Care Industry of Latin America  
Cosmetics Europe

Argentina: Cámara Argentina de la Industria de Productos de Higiene Personal, Cosmética y Perfumería

Australia: Accord (hygiene, personal care and specialty products industry)

Brazil: ABIHPEC Associação Brasileira da Indústria de Higiene Pessoal, Perfumaria e Cosméticos

Bulgaria: Bulgarian National Association Essential oils, Perfumery and Cosmetics, (BNAEOPC)

Canada: Cosmetics Alliance Canada

Colombia: Cámara de la Industria Cosmética y de Aseo de la ANDI:

Czech Republic: Czech Association of Branded Products

Dubai: Multinational Companies Business Group (of Dubai)

Ecuador: Asociación Ecuatoriana de Empresas de Productos Cosméticos, de Higiene Domestica y Absorventes

France: FEBEA Fédération des Entreprises de la Beauté

Germany: IKW Industrieverband Körperpflege- und Waschmittel e. V.

Greece: The Hellenic Cosmetics Association, PSVAK

Italy: Cosmetica Italia

Japan: Japan Cosmetic Industry Association (JCIA)

South Korea: Korea Cosmetic Association (KCA)

Mexico: CANIPEC Cámara Nacional de la Industria de Productos Cosméticos y por la Asociación Nacional de la Industria de Productos del Cuidado Personal y del Hogar A.C.

Netherlands: NCV Nederlandse Cosmetica Vereniging

New Zealand: Cosmetics New Zealand

Poland: The Polish Union of the Cosmetics Industry

Romania: RUCODEM

Serbia: KOZMODET

Singapore: The Cosmetic, Toiletry & Fragrance Association of Singapore

Slovakia: Slovak Association for Branded Products

South Africa: CTFA, Cosmetic, Toiletry & Fragrance Association of South Africa

Spain: STANPA Spanish Cosmetics, Toiletry & Perfumery Association

Sweden: KoHF, the Swedish Cosmetic and Detergent Association

Switzerland: SKW, Swiss Cosmetic and Detergent Association

Taiwan: TWCIA Taiwan Cosmetics Industry Association

Thailand: TCMA, The Thai Cosmetic Manufacturing Association

Turkey: KTSD Cosmetics & Cleaning Products Industry Association

United Kingdom: CTPA, Cosmetic Toiletry & Perfumery Association

INTERNATIONAL INDUSTRY SIGNATORIES:

Latin America



European Union



Argentina



Australia



Brazil



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