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Washington Department of Ecology's Interim Policy on Lead in Cosmetics



The Washington State Legislature passed the [Toxic-Free Cosmetics Act](#) (TFCA) in 2023, which restricts the sale of cosmetic products containing certain chemicals, including lead and lead compounds. Effective January 1, 2025, cosmetic products must not include:

1. Any lead that has been intentionally added to the product.
2. Lead impurities over 1 part per million (ppm).

Challenges and Interim Actions

In response to industry concerns, the Washington State Department of Ecology (Ecology) acknowledged that compliance with the 1 ppm lead limit could be unfeasible for many cosmetic products due to the naturally occurring presence of lead in raw ingredients, such as minerals and clays. Consequently, in December 2024, Ecology issued an [interim policy](#) that provides manufacturers with regulatory flexibility and alternative compliance paths while still striving to minimize lead contamination in cosmetic products. The interim policy was revised in January 2025.

Interim Policy Overview

Effective January 1, 2025, the interim policy aims to offer manufacturers pathways to compliance while recognizing practical challenges. The policy will remain in effect until December 31, 2026, or until the adoption of a permanent rule or repeal of the interim policy (whichever occurs first).

Safe Harbor Provisions

Under the interim policy, Ecology will not enforce strict adherence to the 1 ppm lead threshold if the following conditions are met:

- **Option 1** applies to (1) general cosmetics with a lead concentration of 2ppm or below and (2) color cosmetics or clay masks with a lead concentration of 5 ppm or below. The manufacturer is required to notify Ecology of its decision to meet these limits for the products it sells in Washington.
- **Option 2** applies to color cosmetics or clay masks with a lead concentration above 5 ppm and below 10 ppm. The requirements are:
 - The manufacturer must notify Ecology of its decision to meet these limits.
 - The manufacturer must monitor lead in each batch of the product and retain lead concentration data and information.
 - Testing must be completed by a third-party laboratory, and lead levels must be verified by measuring total lead.

Additional Requirements for All Options

- Manufacturers must notify Ecology of their decision to meet the conditions of this policy and provide contact information through [Ecology's online submission form](#).
- Small businesses may rely on theoretical calculations from estimations of raw ingredients or composite testing if data is not available, demonstrating a good faith effort to monitor lead in products.

Policy Use and Compliance

- Distributors, retailers, and other sellers can rely on the interim policy for compliance purposes.
- Cosmetic products purchased or received from manufacturers that notify Ecology of their intent to comply with this policy are considered compliant during the effective term of the policy.

This interim policy aims to balance the need for reducing lead in cosmetics with the practical challenges faced by manufacturers, ensuring continued product availability while protecting human health and the environment.

WA's Open Rulemaking on Lead Impurities in Cosmetics in 2025

Ecology acknowledges that more information is needed before it can make a final determination about a feasible level for allowed lead impurities in cosmetics. Ecology is committed to [open rulemaking](#) that will allow it to (1) better understand compliance challenges within the statutory limit and (2) determine the lowest feasible limit that manufacturers can achieve that is also protective of people and the environment.

Authors

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