



12 February 2025

(25-0996)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>UNITED STATES OF AMERICA</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b> State of Washington
<b>2. Agency responsible:</b> Department of Ecology, State of Washington [2219] <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> Please submit comments to: USA WTO TBT Enquiry Point, Email: <a href="mailto:usatbtep@nist.gov">usatbtep@nist.gov</a>
<b>3. Notified under Article 2.9.2 [ ], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [X], 7.2 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Formaldehyde in cosmetics; Domestic safety (ICS code(s): 13.120); Cosmetics. Toiletries (ICS code(s): 71.100.70)
<b>5. Title, number of pages and language(s) of the notified document:</b> Chapter 173-339 WAC Cosmetic Products Restrictions (Formaldehyde in Cosmetics); (5 page(s), in English)
<b>6. Description of content:</b> Proposed rule and notice of public hearings scheduled for 31 March and 1 April 2025 - The Washington State Department of Ecology is proposing restrictions to make cosmetic products safer and needs feedback. The proposed rule— <a href="#">Chapter 173-339 WAC</a> —restricts formaldehyde and formaldehyde releasers intentionally used in cosmetic products. Formaldehyde can cause cancer, harm brain function, increase the risk of asthma, and irritate eyes and skin.  It includes 28 formaldehyde releasers to help manufacturers avoid using chemicals that release formaldehyde. This will make cosmetic products safer by reducing exposures to formaldehyde.  It has been defined as "intentionally added" to clarify restrictions on the toxic chemicals in the Toxic-Free Cosmetics Act ( <a href="#">RCW 70A.560.020</a> ).  The restrictions in the proposed rule and in the Toxic-Free Cosmetics Act: <ul style="list-style-type: none"><li>• Affect cosmetics manufacturers, distributors, retailers, and cosmetology businesses operating in Washington State.</li><li>• Apply to cosmetic products used in services, sold online, and sold in brick-and-mortar stores.</li></ul> If adopted, the restrictions would take effect on 1 January 2027.

	<p>The proposed rule <b>doesn't</b> include a restriction on lead or lead impurities. The Department of Ecology is conducting a separate rulemaking to identify a feasible approach to regulating lead impurities in cosmetic products. For more information, visit the Washington State <a href="#">Lead in Cosmetics Rulemaking webpage</a>.</p>
<p><b>7. Objective and rationale, including the nature of urgent problems where applicable:</b></p>	<p>Prevention of deceptive practices and consumer protection; Protection of human health or safety</p>
<p><b>8. Relevant documents:</b></p> <p><b>Draft documents available for comment</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Proposed rule</a>: Includes draft requirements such as restrictions on intentionally added formaldehyde and formaldehyde releasers.</li> <li>• <a href="#">Draft Implementation Plan</a>: Describes rulemaking and other efforts to make cosmetic products safer and to protect Washington residents, particularly people with higher toxic exposures.</li> <li>• <a href="#">Preliminary Regulatory Analyses</a>: Explains potential costs and benefits of the proposed rule.</li> <li>• <a href="#">Draft SEPA Determination of Non-Significance and Environmental Checklist</a>: Describes potential environmental benefits of the proposed rule.</li> </ul> <p>After the comment period, the Department of Ecology will review comments, consider revisions to the proposed rule, and respond to comments. Rule adoption decision is expected in August 2025.</p> <p><b>How can I learn more?</b></p> <ul style="list-style-type: none"> <li>• Visit the webpages: <ul style="list-style-type: none"> <li>◦ <a href="#">Rulemaking webpage</a></li> <li>◦ <a href="#">Toxic-Free Cosmetics Act webpage</a></li> <li>◦ <a href="#">Toxic-Free Cosmetics Act interested parties webpage</a></li> </ul> </li> <li>• Join the <a href="#">email list</a>.</li> <li>• Review the <a href="#">CR-102 form</a>.</li> <li>• Review <a href="#">Overview: Formaldehyde in Cosmetics Rulemaking</a> to learn more about the Formaldehyde in Cosmetics Rulemaking.</li> <li>• Review <a href="#">Formaldehyde Releasers Technical Support</a> to learn how the list of formaldehyde releasers was developed.</li> <li>• Contact Shari Franjevic at <a href="mailto:ToxicFreeCosmetics@ecy.wa.gov">ToxicFreeCosmetics@ecy.wa.gov</a> or +1 360-338-2913.</li> </ul> <p>WTO Members and their stakeholders are asked to submit comments to the <a href="#">USA TBT Enquiry Point</a>. Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by <a href="#">4pm Eastern Time</a> on 11 April 2025 will be shared with the Washington State Department of Ecology if received within the comment period.</p> <p><a href="#">Public hearing and webinar 31 March 2025, 10am (Pacific Time)</a></p> <p><a href="#">Public hearing and webinar 1 April 2025, 5:30pm (Pacific Time)</a></p>	
<p><b>9. Proposed date of adoption:</b></p> <p><b>Proposed date of entry into force:</b></p>	<p>To be determined</p> <p>To be determined</p>
<p><b>10. Final date for comments:</b></p>	<p>11 April 2025</p>

**11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

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