



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 28, 2025

TIME: 7:55 AM

WSR 25-18-057

Agency: Department of Ecology AO #24-01

### Effective date of rule:

#### Permanent Rules

- ☒ 31 days after filing.  
☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

### Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

**Purpose:** The Washington State Department of Ecology adopted a new chapter in the Washington Administrative Code (WAC): [Chapter 173-339 WAC](#): Cosmetic Products Restrictions. The new chapter or rule restricts the manufacture, sale, and distribution of cosmetic products in Washington State that contain intentionally added formaldehyde or chemicals that release formaldehyde.

### The adopted rule:

- Restricts the manufacture, sale, and distribution of cosmetic products in Washington State that contain intentionally added formaldehyde and chemicals that release formaldehyde.
- Identifies 25 formaldehyde-releasing chemicals that are restricted by rule when intentionally added to cosmetic products. This will help manufacturers investigate their supply chain and formulate products without chemicals that release formaldehyde.
- Defines "intentionally added" to clarify the applicability of the restrictions on toxic chemicals in the Toxic-Free Cosmetics Act ([RCW 70A.560.020](#)<sup>1</sup>). Applying the definition of "intentionally added" to the statutory restriction on formaldehyde restricts all chemicals that release formaldehyde.

### The restrictions in the rule and in the Toxic-Free Cosmetics Act:

- Affect cosmetics manufacturers, distributors, retailers, and cosmetology businesses operating in Washington State.
- Apply to cosmetic products used in services, sold online, and sold in physical stores.

### Formaldehyde releasers in the adopted rule

Item	Chemical name	CAS RN
1	DMDM Hydantoin	6440-58-0
2	Diazolidinyl Urea	78491-02-8
3	Imidazolidinyl Urea	39236-46-9
4	Quaternium-15	4080-31-3; 51229-78-8
5	Tosylamide/Formaldehyde Resin (PTSAF)	25035-71-6
6	2-Bromo-2-Nitropropane-1,3-Diol (Bronopol)	52-51-7
7	Sodium Hydroxymethylglycinate	70161-44-3
8	Polyoxymethylene Urea	9011-05-6; 68611-64-3
9	Polyoxymethylene Melamine	9003-08-1
10	5-Bromo-5-Nitro-1,3-Dioxane (Bronidox)	30007-47-7
11	7-Ethylbicyclo-oxazolidine (Bioban CS1246)	7747-35-5
12	Benzylhemiformal	14548-60-8
13	Dimethylhydantoin formaldehyde (DMHF)	26811-08-5; 9065-13-8

<sup>1</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.560.020>

14	Dimethylol Glycol	3586-55-8
15	Dimethylol Urea	140-95-4
16	Dimethyl Oxazolidine	51200-87-4
17	MDM Hydantoin	116-25-6; 27636-82-4; 16228-00-5
18	Methenamine	100-97-0
19	Methylal	109-87-5
20	Paraformaldehyde	30525-89-4
21	Polyoxymethylene	9002-81-7
22	Tetramethylolglycoluril	5395-50-6
23	Timonacic (when used in heat-activated hair straighteners)	444-27-9
24	Tris-Hydroxymethylnitromethane	126-11-4
25	Urea, polymer with formaldehyde, isobutylated	68002-18-6

#### Key dates

- The rule was adopted on Aug. 28, 2025.
- The rule takes effect on Sep. 28, 2025.
- The restrictions in rule take effect on Jan. 1, 2027.
- In-state retailers may sell existing stock through Dec. 31, 2027.

We adopted the rule to restrict the manufacture, sale, and distribution of cosmetic products in Washington State that contain intentionally added formaldehyde and chemicals that release formaldehyde. Formaldehyde can cause cancer, respiratory problems such as asthma, allergic skin responses, and irritation of and damage to eyes and skin. Restricting these chemicals will reduce consumers' and workers' exposure to formaldehyde from cosmetic products, such as makeup, shampoo, and shaving cream.

#### Citation of rules affected by this order:

New: Chapter 173-339 WAC: Cosmetic Products Restrictions  
 Repealed:  
 Amended:  
 Suspended:

**Statutory authority for adoption:** Chapter 70A.560 RCW: Toxic-Free Cosmetics Act

**Other authority:** Ecology completed an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

#### PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-05-003 on February 6, 2025 (date).

Describe any changes other than editing from proposed to adopted version:

- WAC 173-339-020: Acronyms and definitions
  - Revised the definition of "existing stock" to clarify that "existing stock" means cosmetic products physically located in Washington State on or before the date the restriction takes effect that in-state retailers, including cosmetology businesses, intend to sell to end-use consumers.
  - Added a definition for "in-state retailer" to clarify that "in-state retailer" means a person or business, including a cosmetology business, that sells cosmetic products to end-use consumers and is located in Washington State.
  - Revised the definition of "intentionally added chemical" to clarify that "intentionally added chemical" means a chemical that serves an intended function in the cosmetic product or in an ingredient in the cosmetic product.
- WAC 173-339-110: Formaldehyde and formaldehyde releasers
  - Revised the restriction on formaldehyde in bullet (2)(a)(ii) to clarify that the restriction also applies to the addition of a chemical selected to release formaldehyde to the product or ingredient over time or under conditions of product use.
  - Revised the list of formaldehyde releasers in Table 1. We removed three formaldehyde releasers.
  - Revised bullet (1)(c)(ii)(C) to clarify that credible evidence may include information, data, or sources.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Stacey Callaway

Address:  
Department of Ecology  
Hazardous Waste and Toxics Reduction Program  
PO Box 47600, Olympia, WA 98504-7600

Phone: 360-584-5661

Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: [ToxicFreeCosmetics@ecy.wa.gov](mailto:ToxicFreeCosmetics@ecy.wa.gov)

Web site: <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-339>

Other: <https://apps.ecology.wa.gov/publications/SummaryPages/2504045.html>

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	<u>0</u>	Amended	_____	Repealed	_____
Federal rules or standards:	New	<u>0</u>	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>8</u>	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	_____	Repealed	_____
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**The number of sections adopted on the agency's own initiative:**

New	<u>0</u>	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

Negotiated rule making:	New	<u>0</u>	Amended	_____	Repealed	_____
Pilot rule making:	New	<u>0</u>	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>0</u>	Amended	_____	Repealed	_____

**Date Adopted:** August 28, 2025

**Name:** Casey D Sixkiller

**Title:** Director

**Signature:**

