

Comments from CTFAS on the proposed rule to restrict formaldehyde and formaldehyde-releasers intentionally used in cosmetic products by the Department of Ecology in the state of Washington, USA.

The Cosmetic, Toiletry & Fragrance Association of Singapore (CTFAS) would like to submit the following comments on Washington State Department of Ecology's ("Ecology") WAC-173-339-10 to WAC-173-339-110, released February 6, 2025.

CTFAS was established in October 1991 and serves as a representative body for companies involved in the beauty and personal care industries in Singapore. CTFAS is dedicated to promoting and supporting the interests of these industries by advocating for fair regulations, facilitating industry growth, and ensuring consumer safety. Our members are impacted by the proposed regulation, and we have some comments for the Department of Ecology's consideration.

Formaldehyde-releasers (FRs) have important technical functions in cosmetic and personal care products. Other than functioning as preservatives, these ingredients may also be used as anti-static/straightening agents and pH adjusters. It is important to note that FRs are not equivalent to formaldehyde. FRs do not present the same CMR toxicity concerns associated with formaldehyde. **It is important to highlight to the Department of Ecology that formaldehyde occurs naturally in some foods (e.g. fruits, vegetables, fish, meat) and is naturally formed endogenously in mammals, including humans, by oxidative metabolism.** In addition, non-occupational exposure to formaldehyde from combustion processes, like emissions from motor vehicles and incinerators, can also occur. Formaldehyde may be released from building materials, carpets, paints and varnishes, during the cooking of some foods, and during its use as a disinfectant. It is also released in tobacco smoke.

Our key comments:

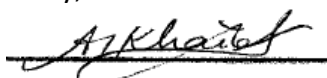
- 1) The proposed rule defines "intentionally added" as "a chemical that serves an intended function in the final product, the manufacturing of the product, or an ingredient in the final product." This definition of "intentionally added" is too broad and lacks clarity, which may cause further confusion with the finished product manufacturers as it does not account for incidental or trace contaminants of formaldehyde or FRs, which may be an inevitable part of the manufacturing process. The proposed definition does not align with any preexisting definition. We urge the Department of Ecology to align with existing definitions of "intentionally added" that address incidental or trace contaminants, which can be found in other regulations of other regulatory bodies such as the European Union and the US Food and Drug Administration. In order not to impose an onerous burden on the industry, which would be difficult to comply and potentially lead to uncertainty in compliance obligations, it is recommended that the Department of Ecology revise the definition of "intentionally added" to exclude incidental or trace contaminants that have no function in the finished product.
- 2) The proposed compliance section of the bill allows for the Department of Ecology to infer that formaldehyde or FRs were intentionally added to a product based on a positive sample

test or “other methods.” The industry is concerned that the inferences from a positive test do not account for the advanced testing methods that can detect even the smallest amount of formaldehyde down to ppm levels. In addition, due to the ubiquitous nature of formaldehyde and formaldehyde formation, it is possible that sometimes the testing methods themselves cause cross-contamination leading to a positive test. Lastly, the text in the proposed rule concerning “other relevant information” is extremely broad and vague. The industry would like to request for additional clarification on that point.

- 3) CTFAS would like to request that the Department of Ecology clarify whether packaging is included in the “final product.” This is because certain packaging e.g., plastic packaging, may be another source of potential formaldehyde contamination. Some water-based products such as lotions and creams in plastic tubes coated with melamine- or carbamide-formaldehyde resin may absorb formaldehyde and both substances will release formaldehyde over time.

CTFAS sincerely hopes the industry’s concerns would be addressed by the Department of Ecology. Should any additional information be required, please do not hesitate to contact us at admin@ctfas.org .

Sincerely,



Alain Khaiat, PhD.

Chairman

The Cosmetic, Toiletry and Fragrance Association of Singapore