

DEC DRAFT PROPOSAL

HOUSEHOLD CLEANSING PRODUCT DISCLOSURE

The Cleansing Product Disclosure Program will cover the range of commercial and domestic cleaning products as defined in 6 NYCRR Part 659. Three general categories of information are addressed in the proposal: information regarding chemical ingredients whose specific chemical name *is not* considered to be confidential business information; information regarding chemical ingredients whose specific chemical name *is* considered to be confidential business information; and information regarding research performed by or for a manufacturer concerning effects on human health or the environment of a product or its chemical ingredients. DEC proposes to design an approach whereby the Department will hold neither confidential business information (CBI) nor human health and environmental effects research findings.

DEC proposes to request, in some form to be determined, the following information from manufacturers of household cleansing products as defined in 6 NYCRR Part 659.1:

- Name of the manufacturer
- Name of the product
- A listing of all intentionally added ingredients, excluding ingredients present in trace quantities as defined in 6 NYCRR Part 659.1 (except as noted below), and including the following information for each ingredient:
 - CAS Number and Name (where available).
 - Name based on International Nomenclature of Cosmetic Ingredients (where applicable).
 - Name based on International Union of Pure and Applied Chemistry nomenclature (where applicable).
 - Other applicable common chemical name.
 - The estimated content by weight of the ingredient in the product reported in one of the following ranges: 75-100%, 50-75%, 25-50%, 5-25%, or below 5%.
 - Whether such ingredient is an asthmagen, carcinogen, reproductive toxin, mutagen, persistent, bioaccumulative toxin, ozone-depleting compound or chemical of concern, as provided below:
 1. A chemical designated as an asthma causing agent by the Association of Occupational and Environmental Clinics (AOEC), which after review by AOEC have met the AOEC sensitization criteria (asthmagen).
 2. A chemical listed as a known, probable, reasonably anticipated or possible human carcinogen by the International Agency for Research on Cancer (IARC) (Groups 1, 2A and 2B); the National Toxicology Program (NTP) (Groups 1 and 2); the EPA Integrated Risk Information System (weight-of-evidence classifications A, B1, B2, C, carcinogenic, likely to be carcinogenic, and suggestive evidence of carcinogenicity or carcinogen potential), or the Occupational Safety and Health Administration (as carcinogens under 29 CFR 1910.1003(a)(1)) (known, probable, reasonably anticipated or possible human carcinogen).
 3. A chemical listed as a reproductive toxin (including developmental, female and male toxins) by the State of California under the Safe Drinking Water and Toxic

4. A chemical that meets the criteria for category 1, chemicals known to induce heritable mutations or to be regarded as if they induce heritable mutations in the germ cells of humans, under the Globally Harmonized System for Classification and Labeling of Chemicals (GHS) (mutagen).
 5. A chemical listed by the U.S. Environmental Protection Agency (EPA) as a priority chemical under the National Partnership for Environmental Priorities program, also known as the Waste Minimization Priority Persistent, Bioaccumulative and Toxic (PBT) List (persistent, bioaccumulative toxin).
 6. A chemical with an ozone-depletion potential greater than 0.01 (CFC 11=1) according to the EPA list of Class I and Class II Ozone-Depleting Substances (ozone-depleting compound).
 7. A chemical for which EPA has issued a Chemical Action Plan (CAP) pursuant to the federal Toxic Substances Control Act (TSCA) (chemical of concern).
- Whether the product is:
 - Corrosive to the skin or capable of causing serious eye damage as defined by the GHS. A product is considered corrosive to the skin or capable of causing serious eye damage if it has a pH of 2 or less or a pH of 11.5 or greater, unless tested or proven otherwise.
 - A skin sensitizer, as tested by the Local Lymph Node Assay (LLNA) or following EPA test guidelines for skin sensitization (Organization for Economic Co-operation and Development (OECD) Guideline 429, EPA Office of Prevention, Pesticides and Toxic Substances (OPPTS) 870.2600).
 - A listing of any intentionally added ingredient present in trace quantities that is an asthmagen, carcinogen, reproductive toxin, mutagen, persistent, bioaccumulative toxin, ozone-depleting compound or chemical of concern, as provided above.

Where needed to protect confidential business information (as defined in 6 NYCRR Parts 659.6(c) and 616) a manufacturer may, at a minimum, use a functional descriptor in lieu of a specific chemical name to identify an ingredient, but shall provide the following information for each such ingredient:

- The descriptor provided shall be as specific as possible without revealing confidential business information.
- Dyes and colorants shall be listed by a chemical-descriptive name.
- Scent ingredients may be listed as “fragrance”, but the manufacturer shall indicate whether such ingredient is included on the list, or a subset of the list, of fragrance materials authored by the International Fragrance Association (IFRA) and available on IFRA’s web site.
- Preservatives in non-pesticidal products shall be listed by a chemical-descriptive name. Pesticidal preservatives are subject to EPA Office of Pesticide Program regulations and guidance.
- The estimated content by weight of the ingredient in the product reported in one of the following ranges: 75-100%, 50-75%, 25-50%, 5-25%, or below 5%.

- Whether such specific chemical ingredient is an asthmagen, carcinogen, reproductive toxin, mutagen, persistent, bioaccumulative toxin, ozone-depleting compound or chemical of concern, as determined above.
- An overall estimate of the content by weight of all undisclosed ingredients in the product, reported in ranges as above.

As indicated in the list above, at this time DEC is not asking for manufactures to submit information that they consider to be Confidential Business Information to the Department. We are also not asking manufacturers to submit research findings regarding human health or environmental effects to the Department. However, we do propose to request that manufacturers post information on their websites regarding the nature and extent of investigations and research performed by or for the manufacturer concerning the effects on human health and the environment of their products or the chemical ingredients of such products.

Please note that nothing set forth herein limits the Department's rights to seek any of the information authorized by 6 NYCRR Section 659.6 at a later time. The Department does not expect to seek such additional information, but must reserve its rights to do so, due to unforeseen circumstances that may arise.