

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Fair Packaging and Labeling Act to establish a Federal standard relating to ingredient disclosure in cleaning products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BUCSHON introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Fair Packaging and Labeling Act to establish a Federal standard relating to ingredient disclosure in cleaning products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the [“_____ Act of
5 2023”.]

1 **SEC. 2. CLEANING PRODUCT LABELING INFORMATION**
2 **STANDARD.**

3 The Fair Packaging and Labeling Act (15 U.S.C.
4 1451 et seq.) is amended—

5 (1) in section 12 (15 U.S.C. 1461)—

6 (A) by striking “now or hereafter provide”
7 and inserting the following: “now or hereafter—
8 “(1) provide”;

9 (B) in paragraph (1), as so designated, by
10 striking the period at the end and inserting “;
11 or”;

12 (C) by adding at the end the following:

13 “(2) impose mandatory ingredient disclosure re-
14 quirements with respect to cleaning products if those
15 cleaning products are subject to the requirements of
16 section 14 of this Act or regulations promulgated
17 pursuant thereto.”; and

18 (2) by adding at the end the following:

19 **“SEC. 14. FEDERAL STANDARD FOR MANDATORY INGRE-**
20 **DIENT DISCLOSURE IN CLEANING PROD-**
21 **UCTS.**

22 “(a) **DEFINITIONS.**—In this section:

23 “(1) **AIR CARE PRODUCT.**—The term ‘air care
24 product’ means a chemically formulated product that
25 is labeled to indicate that the purpose of the product

1 is to enhance or condition the indoor environment by
2 eliminating unpleasant odors or freshening the air.

3 “(2) AUTOMOTIVE PRODUCT.—The term ‘auto-
4 motive product’—

5 “(A) means a chemically formulated prod-
6 uct that is labeled to indicate that the purpose
7 of the product is to maintain the appearance of
8 a motor vehicle, including a product that is
9 used to wash, wax, polish, clean, or treat the
10 exterior or interior surfaces of a motor vehicle;
11 and

12 “(B) does not include—

13 “(i) automotive paint; or

14 “(ii) a paint repair product.

15 “(3) CLEANING PRODUCT.—

16 “(A) IN GENERAL.—The term ‘cleaning
17 product’ means a chemically formulated product
18 that is an air care product, an automotive prod-
19 uct, a general cleaning product, or a polish used
20 primarily for janitorial, domestic, or institu-
21 tional cleaning purposes without further proc-
22 essing; and

23 “(B) does not include—

1 “(i) a food, drug, or cosmetic, includ-
2 ing any personal care item, such as tooth-
3 paste, shampoo, or hand soap;

4 “(ii) an industrial product specifically
5 manufactured for, and exclusively used
6 in—

7 “(I) oil and gas production;

8 “(II) steel production;

9 “(III) heavy industry manufac-
10 turing;

11 “(IV) industrial water treatment;

12 “(V) industrial textile mainte-
13 nance and processing (other than in-
14 dustrial laundering);

15 “(VI) food and beverage proc-
16 essing and packaging; or

17 “(VII) any other industrial man-
18 ufacturing processes;

19 “(iii) a trial sample of a product de-
20 scribed in subparagraph (A) that—

21 “(I) is not packaged for sale, re-
22 sale, or retail; and

23 “(II) includes a statement on the
24 package of the product indicating that

1 the product is not for sale or resale;

2 or

3 “(iv) a tool that is used as part of the
4 cleaning process, such as a sponge, toilet
5 brush, or microfiber cloth.

6 “(C) RULE OF CONSTRUCTION.—For the
7 purposes of subparagraph (A), the dilution of a
8 product described in that subparagraph by a
9 user of the product may not be construed to be
10 further processing with respect to the product.

11 “(5) COLORANT.—The term ‘colorant’ means
12 an ingredient that is added to a cleaning product for
13 the specific purpose of imparting color to, or altering
14 the color of, the product.

15 “(6) CONFIDENTIAL BUSINESS INFORMA-
16 TION.—The term ‘confidential business informa-
17 tion’—

18 “(A) means any intentionally added ingre-
19 dient, or combination of ingredients, with re-
20 spect to which—

21 “(i) a claim for protection against dis-
22 closure has been asserted under section
23 8(b)(4)(B) or 14 of the Toxic Substances
24 Control Act (15 U.S.C. 2607(b)(4)(B);
25 2613) and in accordance with rules pro-

1 mulgated under either such section, as ap-
2 plicable;

3 “(ii) a claim for protection against
4 disclosure has been submitted under sec-
5 tion 10(a) of the Federal Insecticide, Fun-
6 gicide, and Rodenticide Act (7 U.S.C.
7 136h(a)) and the product that contains the
8 ingredient, or combination of ingredients,
9 for which that claim is submitted is reg-
10 istered under section 3 of that Act (7
11 U.S.C. 136a);

12 “(iii) a manufacturer, or a supplier of
13 a manufacturer, has obtained relief under
14 paragraph (3) of section 1836(b) of title
15 18, United States Code, in a civil action
16 brought under that section; or

17 “(iv) a civil action brought under sec-
18 tion 1836(b) of title 18, United States
19 Code, is pending in a district court of the
20 United States; and

21 “(B) does not include any intentionally
22 added ingredient which—

23 “(i) is a fragrance allergen if the fra-
24 grance allergen is present in a product at

1 a concentration that is greater than or
2 equal to 0.01 percent;

3 “(ii) is a substance or combination of
4 substances included on a designated list;

5 “(iii) is a substance which the Com-
6 mission has identified by regulation issued
7 pursuant to section 14(k) to require disclo-
8 sure.

9 “(7) DESIGNATED LIST.—The term ‘designated
10 list’ means a list of substances to be compiled by the
11 Commission following a rulemaking undertaken in
12 accordance with paragraph (k) of section 14 and
13 which will be commenced following consultation with
14 the Administrator of the Environmental Protection
15 Agency. The Administrator shall be requested to col-
16 late and review and to supply recommendations con-
17 cerning existing lists of substances known to be haz-
18 ardous to consumers when present in consumer-use
19 products. The lists to be considered and reviewed by
20 the Administrator should be those already compiled
21 or maintained by the EPA, the Consumer Product
22 Safety Commission, the Food and Drug Administra-
23 tion and other Federal agencies deemed by the Ad-
24 ministrator to have relevant expertise.

1 “(8) ELECTRONICALLY READABLE FORMAT.—

2 The term ‘electronically readable format’ means,
3 with respect to a format for providing required in-
4 formation on a readily accessible company website,
5 that the format—

6 “(A) is machine-readable by automated
7 systems, including—

8 “(i) web browsers;

9 “(ii) accessibility software to aid the
10 disabled;

11 “(iii) automated scripts; and

12 “(iv) other software programs or ap-
13 plications;

14 “(B) is not restricted from access by—

15 “(i) a search engine; or

16 “(ii) a requirement for—

17 “(I) registration;

18 “(II) the provision of personally
19 identifiable information; or

20 “(III) the use of CAPTCHA or
21 similar challenge response test tech-
22 nologies, without regard to whether
23 the challenge is—

24 “(aa) visual;

25 “(bb) auditory; or

1 “(cc) otherwise; and

2 “(C) conforms to the most current version
3 of the Web Content Accessibility Guidelines
4 adopted by the Accessibility Guidelines Working
5 Group of the World Wide Web Consortium, in-
6 cluding any amendments to those Guidelines
7 that are made after the date of enactment of
8 this section.

9 “(9) FRAGRANCE.—The term ‘fragrance’ means
10 any intentionally added substance, or any complex
11 mixture of aroma chemicals, natural essential oils,
12 and any other functional ingredient, the sole purpose
13 of which is—

14 “(A) to impart an odor or scent; or

15 “(B) to counteract an odor.

16 “(10) FRAGRANCE ALLERGEN.—The term ‘fra-
17 grance allergen’ means a fragrance allergen included
18 on Annex III of the EU Cosmetics Regulation No.
19 1223/2009 as required to be labeled by the EU De-
20 tergents Regulation No. 648/2004 on January 1,
21 2018 or subsequent updates to those regulations.

22 “(11) GENERAL CLEANING PRODUCT.—The
23 term ‘general cleaning product’ means a soap, deter-
24 gent, or other chemically formulated product that is

1 labeled to indicate that the purpose of the product
2 is to clean, disinfect, or otherwise care for—

3 “(A) fabric, dishes, or other wares; and

4 “(B) surfaces including—

5 “(i) floors, furniture, countertops,
6 showers, and baths; and

7 “(ii) other hard surfaces, such as
8 stovetops, microwaves, and other appli-
9 ances.

10 “(12) INTENTIONALLY ADDED INGREDIENT.—

11 The term ‘intentionally added ingredient’—

12 “(A) means a chemical that—

13 “(i) a manufacturer has intentionally
14 added to a cleaning product; and

15 “(ii) has a functional or technical ef-
16 fect in the product; and

17 “(B) includes—

18 “(i) the components of an ingredient
19 that is a fragrance or a colorant; and

20 “(ii) an intentional breakdown prod-
21 uct of an added chemical that also has a
22 functional or technical effect in the prod-
23 uct.

24 “(13) INVENTORY.—The term ‘Inventory’ has
25 the meaning given the term in section 720.3 of title

1 40, Code of Federal Regulations, or any successor
2 regulation.

3 “(14) MANUFACTURER.—The term ‘manufac-
4 turer’ means a person or entity—

5 “(A)(i) that manufactures a cleaning prod-
6 uct; and

7 “(ii) the name of which appears on
8 the product label with respect to the clean-
9 ing product; or

10 “(B) for which a cleaning product is man-
11 ufactured, or by which a cleaning product is
12 distributed, as identified on the product label
13 with respect to the cleaning product under the
14 requirements of this Act.

15 “(15) PESTICIDE.—The term ‘pesticide’ has the
16 meaning given the term in section 2(u) of the Fed-
17 eral Insecticide, Fungicide, and Rodenticide Act (7
18 U.S.C. 136(u)).

19 “(16) POLISH.—The term ‘polish’ means a
20 chemically formulated product, such as polish, wax,
21 or a restorer, that is labeled to indicate that the pur-
22 pose of the product is to polish, protect, buff, condi-
23 tion, temporarily seal, or maintain furniture, floors,
24 metal, leather, or other surfaces.

1 “(17) PRODUCT LABEL.—The term ‘product
2 label’ is any written, printed, or graphic matter af-
3 fixed to a product that is subject to this section 14
4 or its immediate container or wrapper.

5 “(18) SAFETY DATA SHEET.—The term ‘safety
6 data sheet’ has the meaning given the term in sec-
7 tion 1910.1200 of title 29, Code of Federal Regula-
8 tions, or any successor regulation.

9 “(b) MANDATED INGREDIENT DISCLOSURE.—

10 “(1) IN GENERAL.—

11 “(A) REQUIREMENT.—Except as provided
12 in subparagraph (B), a manufacturer of a
13 cleaning product shall disclose on the product
14 label of the cleaning product—

15 “(i) a list of each intentionally added
16 ingredient that is present in the cleaning
17 product, unless the ingredient is confiden-
18 tial business information, in which case the
19 manufacturer shall provide the information
20 required under subsection (c);

21 “(ii) the manufacturer’s toll-free tele-
22 phone number and Internet website ad-
23 dress;

24 “(iii) if the cleaning product contains
25 any fragrance allergen—

1 “(I) a list of each fragrance aller-
2 gen that is present in the cleaning
3 product at a concentration that is
4 equal to or greater than 0.01 percent;
5 or

6 “(II) when a fragrance allergen
7 is present at or greater than 0.01 per-
8 cent, a statement that reads ‘Contains
9 fragrance allergen(s)’;

10 “(iv) if the manufacturer omits an in-
11 tentionally added ingredient under clause
12 (i), or includes a statement described in
13 clause (iii)(II), a statement that reads ‘For
14 more ingredient information visit’ followed
15 by the information required under clause
16 (v); and

17 “(v) the toll-free telephone number
18 and the publicly available website address
19 through which an individual can obtain the
20 information required under subsection(c).

21 “(B) EXCEPTION.—

22 “(i) Notwithstanding subparagraph
23 (A), fragrance ingredients or colorants may
24 be listed on the product label as ‘fra-
25 grances’ or ‘colorants’, respectively.

1 “(ii) The requirement under subpara-
2 graph (A) shall not apply with respect to
3 a product that is a pesticide.

4 “(2) DISCLOSURE SEQUENCE.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), for the purposes of the re-
7 quirements under paragraph (1)(A) and sub-
8 section (c) with respect to a cleaning product,
9 the manufacturer of the cleaning product shall
10 list any intentionally added ingredient that is
11 present in the cleaning product in descending
12 order of predominance by weight in the prod-
13 uct.

14 “(B) EXCEPTION.—With respect to any in-
15 gredient that is present in a cleaning product at
16 a concentration that is less than 1 percent, for
17 the purposes of the requirements under para-
18 graph (1)(A) and subsection (c) with respect to
19 the cleaning product, the manufacturer with re-
20 spect to the product may list that ingredient—

21 “(i) after listing all of the ingredients
22 that are present in the cleaning product at
23 a concentration that is greater than or
24 equal to 1 percent; and

1 “(ii) among the ingredients that are
2 present in the cleaning product at a con-
3 centration that is less than 1 percent,
4 without regard to the order of predomi-
5 nance by weight.

6 “(3) FRAGRANCE CONCENTRATION DETERMINA-
7 TION.—For purposes of the requirements under
8 paragraph (1)(A) and subsection (c) with respect to
9 a cleaning product, the manufacturer of the cleaning
10 product shall determine the total concentration of
11 each fragrance allergen that is present in the clean-
12 ing product by adding the contributions of the fra-
13 grance allergen in each ingredient in the product, in-
14 cluding the presence of the fragrance allergen in any
15 fragrance or essential oil that is present in the prod-
16 uct.

17 “(4) NOMENCLATURE SYSTEMS.—

18 “(A) IN GENERAL.—An intentionally
19 added ingredient or fragrance ingredient that a
20 manufacturer is required to list under this sub-
21 section and post under subsection (c), except
22 for an ingredient for which the use of a generic
23 name is permitted under subsection (d), shall,
24 subject to subparagraph (B), be listed or posted
25 using the following nomenclature systems:

1 “(i) Household and Commercial Prod-
2 ucts Association Consumer Products Ingre-
3 dients Dictionary.

4 “(ii) International Nomenclature of
5 Cosmetic Ingredients.

6 “(iii) International Union of Pure and
7 Applied Chemistry nomenclature.

8 “(iv) Chemical Abstracts Index name.

9 “(v) Common Chemical name.

10 “(B) CLARIFICATION.—For the purposes
11 of subparagraph (A), a manufacturer shall—

12 “(i) if a name is available in a system
13 described in clause (i) or clause (ii) of that
14 subparagraph, use the name from either
15 such system; and

16 “(ii) if a name is not available in ei-
17 ther system described in clause (i) or (ii)
18 of that subparagraph, select a name from
19 the first available system listed in clause
20 (iii), (iv), or (v) of that subparagraph.

21 “(c) POSTING ON MANUFACTURER WEBSITE.—

22 “(1) IN GENERAL.—

23 “(A) REQUIRED INFORMATION.—The man-
24 ufacturer of a cleaning product shall post on a
25 publicly available website of the manufacturer,

1 in an electronically readable format and with
2 respect to the cleaning product—

3 “(i) the information required under
4 clauses (i), (ii), and (iii) of subsection
5 (b)(1)(A) with respect to the cleaning
6 product;

7 “(ii) a list of all fragrance ingredients
8 present at a concentration at or above
9 0.01, unless it is confidential business in-
10 formation;

11 “(iii) the functional purpose served by
12 each intentionally added ingredient that is
13 listed under subsection (b)(1)(A)(i); and

14 “(iv) a link to the safety data sheet
15 for the product.

16 “(B) LANGUAGES.—The information post-
17 ed under subparagraph (A)—

18 “(i) shall be posted in English; and

19 “(ii) may be posted in any of the
20 other 10 most commonly spoken languages
21 in the United States.

22 “(2) WEBSITE EASE OF ACCESS.—With respect
23 to any information that the manufacturer of a clean-
24 ing product is required to post with respect to the

1 cleaning product under paragraph (1), the manufac-
2 turer shall post the information not more than—

3 “(A) 5 clicks away from the website ad-
4 dress that is printed on the product label under
5 subsection (b)(1)(A)(v); and

6 “(B) 4 clicks away from a website that is
7 specific to—

8 “(i) the product; or

9 “(ii) the class of products to which
10 the product belongs.

11 “(3) FRAGRANCE INGREDIENTS AND
12 COLORANTS.—With respect to the requirement
13 under paragraph (b)(1)(A) and (c)(1)(A)(ii), for an
14 intentionally added ingredient that is a fragrance in-
15 gredient or a colorant, a manufacturer may list the
16 functional purpose of that intentionally added ingre-
17 dient as ‘fragrance ingredient’ or ‘colorant’, as appli-
18 cable.

19 “(4) CAS NUMBER.—

20 “(A) IN GENERAL.—With respect to each
21 intentionally added ingredient described in sub-
22 section (b)(1)(A)(i) that a manufacturer is re-
23 quired to post under paragraph (1)(A)(i), the
24 manufacturer shall, subject to subparagraph

1 (B), include the Chemical Abstracts Service
2 number with respect to that ingredient.

3 “(B) UNAVAILABILITY.—For the purposes
4 of subparagraph (A), if a Chemical Abstracts
5 Service number with respect to an intentionally
6 added ingredient is not available, or if the in-
7 tentionally added ingredient is confidential busi-
8 ness information, a manufacturer shall, when
9 posting the information required under para-
10 graph (1)(A)(i), use the phrase ‘not available’
11 or ‘withheld’, respectively, with respect to the
12 ingredient.

13 “(5) SAFETY DATA SHEETS.—A manufacturer
14 that is required under this subsection to disclose in-
15 formation with respect to a cleaning product may
16 make that disclosure in a safety data sheet with re-
17 spect to that product if—

18 “(A) the manufacturer posts the safety
19 data sheet on a publicly available website of the
20 manufacturer; and

21 “(B) the safety data sheet meets the re-
22 quirements of this subsection, including that
23 the safety data sheet is in an electronically
24 readable format.

1 “(d) PROTECTION OF CONFIDENTIAL BUSINESS IN-
2 FORMATION.—

3 “(1) IN GENERAL.—Subject to the require-
4 ments of this subsection, a manufacturer of a clean-
5 ing product may choose not to disclose under sub-
6 section (b)(1)(A)(i) any intentionally added ingre-
7 dient, including any colorant or fragrance ingredient,
8 or combination of intentionally added ingredients,
9 that is confidential business information.

10 “(2) INFORMATION REQUIRED.—

11 “(A) IN GENERAL.—With respect to a
12 manufacturer that withholds disclosure of an
13 intentionally added ingredient as confidential
14 business information under paragraph (1), the
15 manufacturer shall, for the purposes of sub-
16 section (b)(1)(A)(i), and subject to subpara-
17 graph (B) and paragraph (3), use the generic
18 chemical name by which the intentionally added
19 ingredient, or combination of intentionally
20 added ingredients, as applicable, is listed in the
21 Inventory.

22 “(B) NOT LISTED IN CONFIDENTIAL IN-
23 VENTORY.—For the purposes of subparagraph
24 (A), if a manufacturer has obtained relief under
25 paragraph (3) of section 1836(b) of title 18,

1 United States Code, in a civil action brought
2 under that section with respect to an inten-
3 tionally added ingredient, including an ingre-
4 dient that is a fragrance, or a combination of
5 intentionally added ingredients, the manufac-
6 turer shall—

7 “(i) maintain justification for pro-
8 tecting confidential business information
9 consistent with the requirements of such
10 section 1836(b); and

11 “(ii) if the ingredient, or combination
12 of ingredients, as applicable, is not in-
13 cluded in the confidential portion of the In-
14 ventory—

15 “(I) use a name for the inten-
16 tionally added ingredient, or combina-
17 tion of intentionally added ingredi-
18 ents, as applicable, that is only as ge-
19 neric as necessary to protect the con-
20 fidential identity of the intentionally
21 added ingredient or combination of in-
22 gredients; and

23 “(II) in developing a generic
24 name under subclause (I), use the ge-
25 neric name framework provided by—

1 “(aa) guidance of the Envi-
2 ronmental Protection Agency re-
3 lating to the confidential portion
4 of the Inventory;

5 “(bb) the European Chemi-
6 cals Agency guidance for alter-
7 native chemical names;

8 “(cc) the New Jersey Trade
9 Secret Registry Number system;
10 or

11 “(dd) the Canadian Haz-
12 ardous Materials Information Re-
13 view Act Registry Number sys-
14 tem.

15 “(3) REQUIREMENTS OF SUPPLIERS.—With re-
16 spect to any supplier of a manufacturer that, under
17 paragraph (1), chooses not to disclose an inten-
18 tionally added ingredient, including a fragrance in-
19 gredient, or a combination of intentionally added in-
20 gredients, as confidential business information—

21 “(A) the supplier shall comply with the re-
22 quirements under paragraph (2); and

23 “(B) the manufacturer shall use the ge-
24 neric name developed by the supplier under
25 subparagraph (A).

1 “(e) PRE-EXISTING PRODUCTS.—

2 “(1) IN GENERAL.—A cleaning product that is
3 manufactured before the effective date of this sec-
4 tion, and that would otherwise be subject to the re-
5 quirements of this section, shall be considered to be
6 in compliance with the requirements of this section
7 if the product displays—

8 “(A) the day, month, and year in which
9 the product is manufactured; or

10 “(B) a code that contains the day, month,
11 and year in which the product is manufactured
12 if the manufacturer with respect to the product
13 posts a statement on the website of the manu-
14 facturer—

15 “(i) that provides a toll-free telephone
16 number through which a consumer may
17 obtain information with respect to the date
18 on which the product was manufactured;
19 or

20 “(ii) regarding how a consumer may
21 determine the date on which the product
22 was manufactured based on that code.

23 “(2) RULE OF CONSTRUCTION.—Nothing in
24 this subsection may be construed to prohibit a clean-
25 ing product from being distributed before the effec-

1 tive date of this section with labeling that complies
2 with the requirements of this section.

3 “(f) ENFORCEMENT.—For the purposes of the en-
4 forcement of this section under section 7(b), a cleaning
5 product shall be considered to be in compliance with the
6 requirements of this section when a cleaning product is
7 in compliance with the requirements of chapter 13 of part
8 3 of division 104 of the California Health and Safety Code
9 (Cal. Health & Safety Code section 108950 et seq.); com-
10 monly known as ‘the Cleaning Product Right to Know Act
11 of 2017’).

12 “(g) RELATIONSHIP TO OTHER LAWS.—Nothing in
13 this section may be construed to repeal, invalidate, amend,
14 or supersede—

15 “(1) the Federal Trade Commission Act (15
16 U.S.C. 41 et seq.) or any regulations promulgated
17 under that Act;

18 “(2) the Federal Food, Drug, and Cosmetic Act
19 (21 U.S.C. 301 et seq.) or any regulations promul-
20 gated under that Act;

21 “(3) the Federal Hazardous Substances Act (15
22 U.S.C. 1261 et seq.) or any regulations promulgated
23 under that Act;

24 “(4) the Federal Insecticide, Fungicide, and
25 Rodenticide Act (7 U.S.C. 136 et seq.);

1 “(5) the Defend Trade Secrets Act of 2016
2 (Public Law 114–153; 130 Stat. 376), the amend-
3 ments made by that Act, or any regulations promul-
4 gated under—

5 “(A) that Act; or

6 “(B) the amendments made by that Act;

7 “(6) the Occupational Safety and Health Act of
8 1970 (29 U.S.C. 651 et seq.) or any regulations pro-
9 mulgated under that Act; or

10 “(7) the Toxic Substances Control Act (15
11 U.S.C. 2601 et seq.) or any regulations promulgated
12 under that Act.

13 “(h) FEDERAL PREEMPTION.—Notwithstanding sec-
14 tion 12(2), nothing in this section, or any regulation, rule,
15 or requirement promulgated under this section, may be
16 construed to preempt or otherwise affect any remedy es-
17 tablished under State or Federal common law with respect
18 to the mandatory disclosure of cleaning product ingredi-
19 ents.

20 “(i) COMPLIANCE WITH FEDERAL HAZARD COMMU-
21 NICATIONS STANDARD.—An employer that is required to
22 maintain safety data sheets, and to ensure that those safe-
23 ty data sheets are readily accessible, under section
24 1910.1200 of title 29, Code of Federal Regulations, or any
25 successor regulation, shall, in the same manner and to the

1 same persons as required under that section, make readily
2 available the information required under subsection (c).

3 “(j) RULES OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to—

5 “(1) require a manufacturer with respect to a
6 cleaning product to—

7 “(A) disclose—

8 “(i) the weight or amount of an inten-
9 tionally added ingredient, including any
10 colorant or fragrance ingredient, in the
11 cleaning product; or

12 “(ii) how the product is manufac-
13 tured; or

14 “(B) list in any particular order an inten-
15 tionally added ingredient if the ingredient is
16 present in the product at a concentration that
17 is less than 1 percent; or

18 “(2) preclude the manufacturer with respect to
19 a cleaning product from including or delivering sup-
20 plemental or clarifying information on a product
21 label or website with respect to the product, its in-
22 gredients, and the functional purpose of any ingre-
23 dient, including through the use of technologies,
24 such as electronic or digital links, if that information
25 is—

1 “(A) consistent with, and does not con-
2 tradict, information that is required under this
3 Act; and

4 “(B) in compliance with section 5 of the
5 Federal Trade Commission Act (15 U.S.C. 45).

6 “(k) AUTHORITY TO ISSUE REGULATIONS.—The
7 Commission may, for purposes of carrying out section 2
8 of this Act, promulgate regulations.

9 “(1) Such regulations may include—

10 “(A) a rule to define the term ‘designated
11 list’ for purposes of subparagraph (a)(7) of sec-
12 tion 14; and

13 “(B) rulemakings to identify additional in-
14 gredients that must be disclosed in accordance
15 with paragraphs (b) and (c) of section 14 when
16 such substance may be unintentionally present
17 as an impurity or manufacturing byproduct in
18 a cleaning product.

19 “(2) Prior to developing regulations for pur-
20 poses of paragraph (k) above, or when considering
21 amending such regulation, the Commission will re-
22 quest recommendations from the Administrator of
23 the Environmental Protection Agency concerning
24 which ingredients, or lists of substances, if inten-
25 tionally added, or unintentionally, present in a clean-

1 ing product would be likely to be present a risk to
2 human health on the basis of multiple publicly-avail-
3 able peer-reviewed studies which demonstrate the
4 substance causes adverse effects in tests that are
5 commonly used in laboratory studies.

6 “(A) Such consultations will become part
7 of the rulemaking record;

8 “(B) There will be an opportunity for pub-
9 lic comment on EPA’s recommendations.

10 “(l) EFFECTIVE DATE.—This section shall take ef-
11 fect on January 1, [_____].”.