

115TH CONGRESS 1ST SESSION

H. R. 2728

To require labeling of ingredients of cleaning products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 25, 2017

Mr. Ruiz introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require labeling of ingredients of 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 "Cleaning Product La-
- 5 beling Act of 2017".
- 6 SEC. 2. CLEANING PRODUCTS LABELING REQUIREMENT.
- 7 (a) Labeling Requirement.—Beginning on the
- 8 date that is 1 year after the date on which the Commission
- 9 issues regulations under subsection (d), a cleaning product

1	manufactured for sale, offered for sale, distributed in com-
2	merce, or imported to the United States after such date
3	shall bear a label on the product's container or packaging
4	with, and the manufacturer of the product shall include
5	on the Internet website of the manufacturer (if the manu-
6	facturer maintains an Internet website), a complete and
7	accurate list of all the product's ingredients, including the
8	individual ingredients in dyes, fragrances, and preserva-
9	tives. Ingredients shall be listed in accordance with the
10	following:
11	(1) Ingredients shall be listed in descending
12	order of predominance in the product by weight,
13	other than ingredients that constitute less than 1
14	percent of the product, which may be listed at the
15	end in any order.
16	(2) The list of ingredients on the Internet
17	website of the product shall—
18	(A) include the CAS Registry Number of
19	each ingredient;
20	(B) include an explanation of each ingredi-
21	ent's purpose for being in the cleaning product;
22	and
23	(C) be available in English, Spanish, and
24	any other language the Commission or Adminis-
25	tration determines necessary to ensure that

users of the product in the United States are informed as to the complete list of the product's ingredients and their function.

- (b) Treatment of Nonconforming Products.—
- (1) Consumer products.—A cleaning product under the jurisdiction of the Commission that is not in conformity with the labeling requirements of subsection (a), including a product the manufacturer of which is not in compliance with the Internet website listing requirement with respect to such product, shall be treated as a substance defined in section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)) for purposes of such Act.
 - (2) OTHER CLEANING PRODUCTS.—A cleaning product under the jurisdiction of the Occupational Safety and Health Administration that is not in conformity with the labeling requirements of subsection (a), including a product the manufacturer of which is not in compliance with the Internet website listing requirement with respect to such product, shall be treated as a product in violation of a rule promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655).
- 24 (c) NO EFFECT ON EXISTING LABELING REQUIRE-25 MENTS.—Nothing in this Act shall be interpreted as hav-

- 1 ing any effect on any labeling requirements in effect before
- 2 the date of enactment of this Act as described in section
- 3 2(p) of the Federal Hazardous Substances Act (15 U.S.C.
- 4 1261(p)), section 3 of the Poison Prevention Packaging
- 5 Act of 1970 (15 U.S.C. 1472), or the Hazard Communica-
- 6 tion Standard of the Occupational Safety and Health Ad-
- 7 ministration.
- 8 (d) Rulemaking Authority of the Consumer
- 9 Product Safety Commission.—Not later than 1 year
- 10 after the date of the enactment of this Act, in consultation
- 11 with the Administrator of the Environmental Protection
- 12 Agency as necessary, the Commission shall issue regula-
- 13 tions for cleaning products under the jurisdiction of the
- 14 Commission—
- 15 (1) to ensure a standardized method of listing
- ingredients in an accessible, uniform, and legible
- manner on both the label and Internet website of a
- product as required by subsection (a); and
- 19 (2) to provide for the effective enforcement of
- this Act.
- 21 (e) Rulemaking Authority of the Occupa-
- 22 TIONAL SAFETY AND HEALTH ADMINISTRATION.—Not
- 23 later than 1 year after the date of the enactment of this
- 24 Act, in consultation with the Administrator of the Envi-
- 25 ronmental Protection Agency as necessary, the Secretary

- 1 of Labor shall issue regulations, including occupational
- 2 safety or health standards, for cleaning products under the
- 3 jurisdiction of the Administration—
- 4 (1) to ensure a standardized method of listing
- 5 ingredients in an accessible, uniform, and legible
- 6 manner on both the label and website of a product
- 7 as required by subsection (a); and
- 8 (2) to provide for the effective enforcement of
- 9 this Act.
- 10 (f) Preservation of Existing Agency Jurisdic-
- 11 TION.—Nothing in this Act shall be construed as having
- 12 any effect on which cleaning products fall within the juris-
- 13 diction of the Commission or the Occupational Safety and
- 14 Health Administration.

15 SEC. 3. PUBLIC RIGHT TO KNOW PETITION.

- 16 (a) Petition.—Any person may submit a petition to
- 17 the agency of jurisdiction alleging that a cleaning product
- 18 available in interstate commerce does not satisfy the label-
- 19 ing requirements of this Act, including a product the man-
- 20 ufacturer of which is not in compliance with the require-
- 21 ment to list the product's ingredients on its Internet
- 22 website.
- 23 (b) ACTION BY THE AGENCY OF JURISDICTION.—
- 24 The agency of jurisdiction shall notify a petitioner of the
- 25 receipt of a petition within 30 days after receipt of such

- 1 petition. The agency shall investigate the claims made by
- 2 the petition and make a determination as to the validity
- 3 of such claims within 180 days after acknowledging the
- 4 receipt of such petition. If the agency sustains the claim
- 5 or claims made by the petition, the agency shall initiate
- 6 the proper enforcement actions required by law.
- 7 (c) Regulations.—The agency of jurisdiction may
- 8 issue such regulations as it determines necessary to re-
- 9 quire that petitions include a reasonable evidentiary basis
- 10 for the claims made therein.

11 SEC. 4. RELATIONSHIP TO STATE LAWS.

- Nothing in this Act affects the right of a State or
- 13 political subdivision of a State to adopt or enforce any reg-
- 14 ulation, requirement, or standard of performance that is
- 15 different from, or in addition to, a regulation, require-
- 16 ment, liability, or standard of performance established
- 17 pursuant to this Act unless compliance with both this Act
- 18 and the State or political subdivision of a State regulation,
- 19 requirement, or standard of performance is impossible, in
- 20 which case the applicable provision of this Act shall con-
- 21 trol.

22 SEC. 5. DEFINITIONS.

- 23 In this Act:
- 24 (1) AGENCY OF JURISDICTION.—The term
- 25 "agency of jurisdiction" means the Occupational

- Safety and Health Administration with respect to cleaning products and matters under the jurisdiction of the Administration and the Commission with respect to cleaning products and matters under the jurisdiction of the Commission.
 - (2) AIR CARE PRODUCT.—The term "air care product" means a mixture of one or more chemicals the purpose of which is to clean and freshen air or to deodorize and neutralize unwanted odors in the indoor air, including solid gels, air freshener spray, an outlet or battery operated air freshener, a hanging car air freshener, and a potpourri product.
 - (3) AUTOMOTIVE PRODUCT.—The term "automotive product" means a chemically formulated consumer product designed to maintain the appearance of a motor vehicle, but does not include automotive paint or a paint repair product.
 - (4) CLEANING PRODUCT.—The term "cleaning product" means any chemically formulated product used primarily for commercial, domestic, or institutional cleaning purposes, including an air care product, automotive product, disinfectant (except as provided in subparagraph (B)), and polish or floor maintenance product. Such term shall not include—

1	(A) any drug or cosmetic, including per-
2	sonal care items such as toothpaste, shampoo
3	and hand soap; or
4	(B) a product labeled, advertised, mar-
5	keted, and distributed for use only as a pes-
6	ticide, as defined by section 2(u) of the Federal
7	Insecticide, Fungicide, and Rodenticide Act (7
8	U.S.C. 136(u)), including a disinfectant in-
9	tended for use solely on critical or semi-critical
10	devices as described by such section.
11	(5) Commission.—The term "Commission"
12	means the Consumer Product Safety Commission.
13	(6) Ingredient.—The term "ingredient"
14	means a chemical intentionally incorporated in a
15	cleaning product, including—
16	(A) a chemical intentionally added to the
17	product that provides a technical or functional
18	effect;
19	(B) the intentional breakdown product of a
20	chemical that has an effect on the cleaning
21	product;
22	(C) with respect to a fragrance or preserv-
23	ative, each individual component part of the
24	fragrance or preservative; and

dient or of an incidental ingredient that the Commission determines should be considered ingredient. Commission determines should be considered ingredient. (7) Incidental ingredient.—The term "incidental ingredient" means a chemical in a cleaning product, including— (A) any substance that is present by respondent to the considered in a cleaning product, including— (A) any substance that is present by respondent to the considered in a cleaning product, including been added to a cleaning product during processing for its technical or function effect;
Commission determines should be considered a ingredient. (7) Incidental ingredient.—The term "income dental ingredient" means a chemical in a cleaning product, including— (A) any substance that is present by respect to a cleaning product during processing for its technical or function effect;
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son of having been added to a cleaning production during processing for its technical or function effect;
during processing for its technical or function effect;
11 effect;
(D) a shawisal that has no tashwisal
(B) a chemical that has no technical
functional effect but is present by reason
having been incorporated into the cleaning
product as a component of an ingredient of a
other chemical; and
17 (C) any contaminant that may form via 1
actions over the shelf life of a cleaning produ
and that may be present at levels where dete
tion is technologically feasible.
21 (8) Polish or floor maintenance pro
22 UCT.—The term "polish or floor maintenance pro
uct" means a chemically formulated consumer pro

uct designed to polish, protect, or maintain fur-

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- niture, floors, metal, leather, or other surfaces, including polish, wax, and restorer.
- (9) SECRETARY OF LABOR.—The term "Secretary of Labor" means the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health.

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