

Ingredient Communication

Implementation Update

Jim Jones
EVP Strategic Alliances & Industry Relations
HCPA

SCHC
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Innovative Products For **Home. Work. Life.**

Topics



- Overview
- State Updates
- Retailer Utilization
- CBI
- Competing Regulations
 - FIFRA
 - Prop 65
- Compliance utilizing the HCPA Dictionary
- Gathering Concerns

CA Cleaning Products Right to Know Act - Who Must Disclose



- **Manufacturer** of Designated Product Sold in California
 - A person or entity who manufactures the designated product and whose name appears on the product label; OR
 - A person or entity who the product is manufactured for or distributed by, as identified on the product pursuant to the federal Fair Packaging and Labeling Act
- What Should **Manufacturers** Do?
 - Identify products subject to disclosure
 - Identify products NOT subject to disclosure
 - Based on product label descriptions, directions, etc.

CA Cleaning Product Right to Know Act - Products Subject to Disclosure



- “Chemically Formulated Consumer Product” sold in California
 - Household
 - Institutional
 - Commercial
 - Concentrates
 - Ready to use
 - NOT industrial use
- Designated Products
 - Air care product
 - Automotive product
 - General cleaning product
 - Polish or floor maintenance product
 - Used primarily for janitorial, domestic or institutional cleaning purposes

CA CPRKA - Implementation Dates



- January 1, 2020: Online disclosure requirements trigger
 - All intentionally added ingredients except for fragrance
 - Fragrance ingredients above 100 ppm
 - Non functional constituents above 100 ppm
- January 1, 2021: On-label disclosure requirements trigger
 - 2 options: 1) all intentionally added ingredients and NFCs above 100 ppm or 2) chemicals in formula on a “designated list”
- January 1, 2023: Intentionally added Prop. 65 ingredients must be listed on-label and online

NY Household Cleaning Product Ingredient Disclosure Program - Who Must Disclose



- **Manufacturer** of Designated Product Sold in New York
 - Any person, firm, association, partnership, limited liability company, or corporation which either produces, prepares, formulates, or compounds a covered product and whose name appears on the product label, or which distributes a covered product, and is identified on the product label as the person or entity for whom the product is manufactured pursuant to the federal Fair Packaging and Labeling Act.
 - In the case of a product imported into the United States, “manufacturer” includes the importer or first domestic distributor of the product if the entity who currently manufactures the product or whose brand name is affixed to the product does not have a presence in the United States.

NY HCPIIDP - Products Subject to Disclosure



Soaps and detergents containing a surfactant as a wetting or dirt emulsifying agent (GPC GSI Brick Codes)

10000531 Bleach (Non-FIFRA regulated)	10000743 Detergent Boosters/ Laundry Bleaches
10000746 Cleaners Other	10000741 Fabric Protectors
10000698 Cleaners Variety Pack	10000427 Laundry Color Care
10000442 Descalers	10000424 Laundry Detergents
10000406 Dish Cleaning/Care – Automatic	10000444 Laundry Dry Cleaning
10000636 Dish Cleaning/ Care – Hand	10000747 Laundry Other
10000445 Dish Care/ Protection	10000699 Laundry Variety Packs
10000423 Drain Treatments/ Pipe Unblockers	10000749 Surface Care Other
10006233 Food Treatments	10000701 Surface Care Variety Pack
10000443 Stain Removers	10000434 Surface Care/ Protection
10000405 Surface Cleaners	10000694 Cleaning/ Hygiene Products Variety Packs
10000426 Toilet Cleaning Products	

Type of Disclosure	Threshold
Intentionally Added Ingredients	<p>All 2019 Chemical of Concern – no threshold limit</p> <p>Other – no threshold limit</p>
Fragrance Ingredients	<p>Chemical of Concern – no threshold limit</p> <p>Other – No threshold limit; provided, however, that fragrance ingredients present below 100 ppm which are not chemicals of concern may, if withheld as CBI, be grouped together and disclosed as “fragrance ingredients” with a range of the number of ingredients withheld provided.</p>
Nonfunctional Ingredients – above trace	<p>Chemical of Concern – 5,000 ppm</p> <p>Other – 5,000 ppm</p>
Nonfunctional Ingredients – below trace	<p>2020 – Appendix D Chemicals: 100 ppm</p> <ul style="list-style-type: none"> • 1,4 dioxane: 350 ppt • PFOA and PFOS combined: 70 ppt <p>2023 – Appendix B Chemicals: Practical Quantitation Limit (PQL)</p> <p>Other: No disclosure required</p>
Nonfunctional contaminants – below trace	<p>2020 – Appendix D Chemicals: 100 ppm</p> <ul style="list-style-type: none"> • 1,4 dioxane: 350 ppt • PFOA and PFOS combined: 70 ppt <p>2023 - Appendix B Chemicals:</p> <p>Hierarchy of:</p> <ul style="list-style-type: none"> • NY MCLs for drinking water. • CA Prop 65 trigger level. • 50 ppb <p>Special exceptions:</p> <ul style="list-style-type: none"> • 1,4 dioxane: 350 ppt • PFOA and PFOS combined: 70 ppt <p>Other: No disclosure required</p>

NY HCPIDP - Implementation Dates



- October 1, 2019, unless independently owned and operated and employ 100 or less persons then July 1, 2020:
 - Intentionally added ingredients other than fragrance ingredients; and
 - Nonfunctional ingredients present above trace quantities.
- July 1, 2020:
 - Fragrance ingredients;
 - Nonfunctional byproducts present at or above 100 ppm, except for 1,4 dioxane, which should be reported at or above 350 ppt, and PFOA and PFOS, which should be reported at a combined level of at or above 70 ppt;
 - Nonfunctional contaminants present at or above 100 ppm, except for 1,4 dioxane, which should be reported at or above 350 ppt, and PFOA and PFOS, which should be reported at a combined level of at or above 70 ppt
- Manufacturers must post all required information for the following ingredients by January 1, 2023:
 - Nonfunctional byproducts which appear on one or more of the lists of chemicals of concern present at or above the practical quantitation limit; and
 - Nonfunctional contaminants which appear on one or more of the lists of chemicals of concern present at or above the thresholds described in Section V.A.3 of this Policy, “Confidential Business Information and Extent of Disclosure,” above.
- All other required information should be posted by October 1, 2019, with the following exceptions:
 - Information regarding investigations and research concerning effects on human health and the environment should be posted by July 1, 2020.
 - Information regarding Category 3 GHS Skin Irritants and GHS Aquatic Toxins should be posted by July 1, 2020.

CBI: California



- Manufacturers may claim CBI for any ingredient or combination of ingredients.
- Provided the ingredients are not on a designated list;
- Provided the ingredient(s) are on the TSCA Confidential Inventory list;
- Manufacturer deems the ingredient(s) confidential under the provisions of the Uniform Trade Secrets Act.
- Manufacturers must maintain on file justification for CBI claims and provide on request to Attorney General for audit.
- CBI name must be as specific as possible and only as generic as necessary to protect confidential identity.

CBI: New York

For purposes of this Policy, CBI, is any record(s) which would be exempt from disclosure as either a trade secret or confidential commercial information pursuant to 6 10 NYCRR 616.7. A manufacturer that withholds information as CBI should maintain the justification for withholding consistent with 6 NYCRR 616.7, and provide that justification upon request to DEC. DEC will follow the procedures set forth at 6 NYCRR 616.7 concerning the evaluation of trade secrets and confidential commercial information exemptions when evaluating CBI claims.

Note: NY does not follow the Uniform Trade Secrets Act.

NY CBI (6 NYCRR 616.7)



- (2) The following factors are among those the department may consider in making a determination to grant or continue an exception from disclosure under paragraph (d) of subdivision (2) of section 87 and paragraph (a)(1-a) of subdivision 5 of section 89 of the Public Officers Law:
- (i)(a) definition of a trade secret—a *trade secret* may consist of, but shall not necessarily be limited to, any formula, pattern, process, procedure, plan, compound, or device that is not published or divulged and which gives an advantage over competitors who do not know, use or have access to such data or information;
- (b) definition of confidential commercial information—*confidential commercial information* may consist of customer lists, revenue, expense, or income information, or other compilations of information that is not published or divulged and which if disclosed would likely cause substantial injury to the competitive position of the subject enterprise;
- (c) definition of critical infrastructure—*critical infrastructure* means systems, assets, places or things, whether physical or virtual, so vital to the State that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare or security of the State, its residents or its economy;
- (ii) the extent to which the information is known outside of the business of the person submitting the information;
- (iii) the extent to which it is known by the person's employees and others involved in his business;
- (iv) the extent of measures taken by the person to guard the secrecy of the information;
- (v) the value of the information to the person and to his competitors;
- (vi) the amount of effort or money expended by the person in developing the information; and
- (vii) the ease or difficulty with which the information could be properly acquired or duplicated by others.

Issue	California	New York
On Pack Disclosure	Disclosure required	Not required
Online Disclosure	Disclosure required	Disclosure required, lower levels for nonfunctional
CBI	Yes	Yes, pursuant to 6 10 NYCRR 616.7
Scope	a finished product that is an air care product, automotive product, general cleaning product, or a polish or floor maintenance product used primarily for commercial janitorial, domestic, or institutional cleaning purposes	Soaps and detergents containing a surfactant as a wetting or dirt emulsifying agent
Designated Lists	23 Authoritative Lists, CA-centric	32 Authoritative Lists, NY-centric
Nomenclature	Identical	Identical
Effective Dates	<p>Online disclosure requirements - January 1, 2020</p> <p>On pack disclosure requirements - January 1, 2021</p> <p>Prop 65 chemicals - January 1, 2023</p> <p>Unlimited sell through for product labels produced prior to effective date provided manufacturer meets specific date code requirements.</p>	<p>Intentionally added ingredients must be disclosed by October 1, 2019.</p> <p>Fragrance ingredients must be disclosed by Jan. 1, 2020.</p> <p>Non-functional constituents, PFOA and PFOS must be disclosed by Jan.1, 2020.</p> <p>Unintentionally added ingredients which appear on a hazard list must be disclosed by Jan. 1, 2023.</p> <p>Manufacturers should update this data each time the ingredients in a product are changed, a new product is introduced to the market, or a hazard list is updated. Changes should be made within six months of any change. Manufacturers should review the data once every two years when they submit their website to the department.</p>

Retailer Activities & Updates



- Wal-Mart
 - Allowance for CA CPRKA on-pack labeling requirements
 - Allowance for CA CPRKA List of Lists
- Target
 - Alignment of definitions
 - Alignment of 100 ppm fragrance disclosure (B2B) requirement

HCPA Product Ingredients Dictionary



- **Facilitate Ingredient Communication**
 - Maximize transparency
 - Clear, simple, precise terminology
 - Exact definitions and all synonyms
 - Maintain CBI and proprietary technology
- **Assist in Research and Development**
 - Find candidate ingredients and manufacturers for formulation
- **Assist in Regulatory Compliance**
 - VOC Status – VOC, Non-VOC, Exempted VOC, etc.
 - EPA Safer Choice and EPA FIFRA 25(b) Approval Status
 - Technical and Regulatory References
- **Ingredient Disclosure**
 - Preferred nomenclature for CA CPRKA and NY HCPIDP criteria
 - U.S. Environmental Protection Agency Safer Choice Standard
 - Walmart Policy on Sustainable Chemistry in Consumables

HCPA Dictionary Ingredients Information



- Ingredient Records
 - HCPA Name
 - All Other Technical and Trade Names
 - All CAS and EC/List Numbers
 - Technical Definition
 - Chemical Formula and Structure
 - VOC, EPA Safer Choice, FIFRA 25(b), REACH Status
 - Chemical Class & Ingredient Function in Products
 - Technical and Regulatory References
- Resources – Glossaries and Appendices

Examples of HCPA Names and Functions



HCPA Names	Chemical Names	Functions
propoxypropanol	1,2-Propylene Glycol 1-Propyl Ether 1-Propoxy-2-Propanol 1-Propoxypropan-2-ol 2-Propanol, 1-Propoxy- n-Propoxypropanol Propylene Glycol Monopropyl Ether Propylene Glycol Propyl Ether (INCI)	Solvent
lauramine oxide	Dodecyldimethylamine Oxide Lauryl Dimethyl Amine Oxide N,N-Dimethyl-1-Dodecanamine-N-Oxide Lauramine Oxide (INCI)	Surfactant - Cleaning Agent Surfactant - Foam Booster Surfactant - Hydrotrope Surfactant - Amphoteric
EDTA	3,6-Diazaoctanedioic Acid, 3,6-Bis(Carboxymethyl)- Acetic Acid, (Ethylenedinitrilo)Tetra- Edetic Acid Ethylene Diamine Tetra Acetic Acid Glycine, N,N'-1,2-Ethanediybis[N-(Carboxymethyl)- N,N'-1,2-Ethanediybis[N-(Carboxymethyl)Glycine] EDTA (INCI)	Chelating Agent Sequestrant

Statistics



- 1084 Unique Ingredients
- >4000 Unique Technical Names
- ~1100 Trade Names
- 473 Safer Choice Ingredients
- 55 CleanGredients

Future Directions



- Comarketing with CleanGredients
 - [Linked to CleanGredients record](#)
- Update based upon TSCA Active/Inactive Inventory
- List of Lists

Alkyl Polyglucoside

Alkyl Polyglucoside is a proprietary organic compound th

Save this Ingredient

Export

Trade Names

- > AG 6206 ([AKZO Nobel Surface Chemistry LLC](#))
[CleanGredients URL](#)

Trade Name Mixtures

- > EGM ([Vitech International](#))
[CleanGredients URL](#)



- Full Ingredient Information
- Save, export and organize Data
 - Corporate (up to 25 users)- \$995 per year
 - 25 ingredients per year
 - Small Business - \$195 per year
 - 5 ingredients per year

Thank You



Jim Jones

Executive Vice President

Strategic Alliances and Industry Relations

Household & Commercial Products Association

jjones@thehcpa.org