

114TH CONGRESS
2D SESSION

H. R. 5205

To require ingredient labeling of certain consumer cleaning products, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2016

Mr. ISRAEL introduced the following bill; which was referred to the Committee
on Energy and Commerce

A BILL

To require ingredient labeling of certain consumer 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
5 Right to Know Act of 2016”.

6 **SEC. 2. CLEANING PRODUCTS LABELING REQUIREMENT.**

7 (a) LABELING REQUIREMENT.—Beginning 1 year
8 after the date of enactment of this Act, a cleaning product
9 manufactured for sale, offered for sale, distributed in com-
10 merce, or imported to the United States after such date

1 shall bear a label on the product's container or packaging
2 with, and the manufacturer of the product shall include
3 on the website of the manufacturer (if the manufacturer
4 maintains a website), a complete and accurate list of all
5 the product's ingredients, including the individual ingredi-
6 ents in dyes, fragrances, and preservatives. Ingredients
7 shall be listed in accordance with the following:

8 (1) Ingredients shall be listed in descending
9 order of predominance in the product by weight,
10 other than ingredients that constitute less than 1
11 percent of the product, which may be listed at the
12 end in any order.

13 (2) The list of ingredients on the website of the
14 product shall—

15 (A) include the CAS Registry Number of
16 each ingredient;

17 (B) include an explanation of each ingredi-
18 ent's purpose for being in the cleaning product;
19 and

20 (C) be available in English, Spanish, and
21 any other language the Commission determines
22 necessary to ensure that users of the product in
23 the United States are informed as to the com-
24 plete list of the product's ingredients and their
25 function.

1 (b) TREATMENT UNDER THE FHSA.—A cleaning
2 product that is not in conformity with the labeling require-
3 ments of subsection (a), including a product the manufac-
4 turer of which is not in compliance with the website listing
5 requirement with respect to such product, shall be treated
6 as a substance defined in section 2(p) of the Federal Haz-
7 ardous Substances Act (15 U.S.C. 1261(p)) for purposes
8 of such Act.

9 (c) NO EFFECT ON EXISTING LABELING REQUIRE-
10 MENTS.—Nothing in this Act shall be interpreted as hav-
11 ing any effect on any labeling requirements in effect before
12 the date of enactment of this Act as described in section
13 2(p) of the Federal Hazardous Substances Act (15 U.S.C.
14 1261(p)) or the Hazard Communication Standard of the
15 Occupational Safety and Health Administration.

16 (d) RULEMAKING AUTHORITY.—Not later than 1
17 year after the date of the enactment of this Act, in con-
18 sultation with the Administrator of the Environmental
19 Protection Agency as necessary, the Commission shall
20 issue regulations—

21 (1) to ensure a standardized method of listing
22 ingredients in an accessible, uniform, and legible
23 manner on both the label and website of a product
24 as required by subsection (a); and

1 (2) to provide for the effective enforcement of
2 this Act.

3 **SEC. 3. PUBLIC RIGHT TO KNOW PETITION.**

4 (a) PETITION.—Any person may submit a petition to
5 the Commission alleging that a cleaning product available
6 in interstate commerce does not satisfy the labeling re-
7 quirements of this Act, including a product the manufac-
8 turer of which is not in compliance with the requirement
9 to list the product’s ingredients on its website.

10 (b) ACTION BY THE COMMISSION.—The Commission
11 shall notify a petitioner of the receipt of a petition within
12 30 days after receipt of such petition. The Commission
13 shall investigate the claims made by the petition and make
14 a determination as to the validity of such claims within
15 180 days after acknowledging the receipt of such petition.
16 If the Commission sustains the claim or claims made by
17 the petition, the Commission shall initiate the proper en-
18 forcement actions required by law.

19 (c) REGULATIONS.—The Commission may issue such
20 regulations as it determines necessary to require that peti-
21 tions include a reasonable evidentiary basis for the claims
22 made therein.

23 **SEC. 4. PREEMPTION.**

24 Nothing in this Act affects the right of a State or
25 political subdivision of a State to adopt or enforce any reg-

1 ulation, requirement, or standard of performance that is
2 different from, or in addition to, a regulation, require-
3 ment, liability, or standard of performance established
4 pursuant to this Act unless compliance with both this Act
5 and the State or political subdivision of a State regulation,
6 requirement, or standard of performance is impossible, in
7 which case the applicable provision of this Act shall con-
8 trol.

9 **SEC. 5. DEFINITIONS.**

10 In this Act:

11 (1) AIR CARE PRODUCT.—The term “air care
12 product” means a chemically formulated consumer
13 product designed to clean and freshen air or to de-
14 odorize and neutralize unwanted odors in the indoor
15 air, including solid gels, air freshener spray, an out-
16 let or battery operated air freshener, a hanging car
17 air freshener, and a potpourri product.

18 (2) AUTOMOTIVE PRODUCT.—The term “auto-
19 motive product” means a chemically formulated con-
20 sumer product designed to maintain the appearance
21 of a motor vehicle, but does not include automotive
22 paint or a paint repair product.

23 (3) CLEANING PRODUCT.—The term “cleaning
24 product” means any product used primarily for com-
25 mercial, domestic, or institutional cleaning purposes,

1 including an air care product, automotive product,
2 disinfectant (except as provided in subparagraph
3 (B)), and polish or floor maintenance product. Such
4 term shall not include—

5 (A) any drug or cosmetics, including per-
6 sonal care items such as toothpaste, shampoo,
7 and hand soap; or

8 (B) a product labeled, advertised, mar-
9 keted, and distributed for use only as a pes-
10 ticide, as defined by section 2(u) of the Federal
11 Insecticide, Fungicide, and Rodenticide Act (7
12 U.S.C. 136(u)), including a disinfectant in-
13 tended for use solely on critical or semi-critical
14 devices as described by such section.

15 (4) COMMISSION.—The term “Commission”
16 means the Consumer Product Safety Commission.

17 (5) INGREDIENT.—The term “ingredient”
18 means a chemical intentionally incorporated in a
19 cleaning product, including—

20 (A) a chemical intentionally added to the
21 product that provides a technical or functional
22 effect;

23 (B) the intentional breakdown product of a
24 chemical that has an effect on the cleaning
25 product;

1 (C) with respect to a fragrance or preserv-
2 ative, each individual component part of the
3 fragrance or preservative; and

4 (D) any individual component of an ingre-
5 dient or of an incidental ingredient that the
6 Commission determines should be considered an
7 ingredient.

8 (6) INCIDENTAL INGREDIENT.—The term “inci-
9 dental ingredient” means a chemical in a cleaning
10 product, including—

11 (A) any substance that is present by rea-
12 son of having been added to a cleaning product
13 during processing for its technical or functional
14 effect;

15 (B) a chemical that has no technical or
16 functional effect but is present by reason of
17 having been incorporated into the cleaning
18 product as a component of an ingredient of an-
19 other chemical; and

20 (C) any contaminant that may form via re-
21 actions over the shelf life of a cleaning product
22 and that may be present at levels where detec-
23 tion is technologically feasible.

24 (7) POLISH OR FLOOR MAINTENANCE PROD-
25 UCT.—The term “polish or floor maintenance prod-

1 uct’’ means a chemically formulated consumer prod-
2 uct designed to polish, protect, or maintain fur-
3 niture, floors, metal, leather, or other surfaces, in-
4 cluding polish, wax, and restorer.

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