

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

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

4 (b) TREATMENT OF NONCONFORMING PRODUCTS.—

5 (1) CONSUMER PRODUCTS.—A cleaning product
6 under the jurisdiction of the Commission that is not
7 in conformity with the labeling requirements of sub-
8 section (a), including a product the manufacturer of
9 which is not in compliance with the Internet website
10 listing requirement with respect to such product,
11 shall be treated as a substance defined in section
12 2(p) of the Federal Hazardous Substances Act (15
13 U.S.C. 1261(p)) for purposes of such Act.

14 (2) OTHER CLEANING PRODUCTS.—A cleaning
15 product under the jurisdiction of the Occupational
16 Safety and Health Administration that is not in con-
17 formity with the labeling requirements of subsection
18 (a), including a product the manufacturer of which
19 is not in compliance with the Internet website listing
20 requirement with respect to such product, shall be
21 treated as a product in violation of a rule promul-
22 gated under section 6 of the Occupational Safety
23 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
16 ingredients in an accessible, uniform, and legible
17 manner on both the label and Internet website of a
18 product as required by subsection (a); and

19 (2) to provide for the effective enforcement of
20 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.**

12 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

1 Safety and Health Administration with respect to
2 cleaning products and matters under the jurisdiction
3 of the Administration and the Commission with re-
4 spect to cleaning products and matters under the ju-
5 risdiction of the Commission.

6 (2) AIR CARE PRODUCT.—The term “air care
7 product” means a mixture of one or more chemicals
8 the purpose of which is to clean and freshen air or
9 to deodorize and neutralize unwanted odors in the
10 indoor air, including solid gels, air freshener spray,
11 an outlet or battery operated air freshener, a hang-
12 ing car air freshener, and a potpourri product.

13 (3) AUTOMOTIVE PRODUCT.—The term “auto-
14 motive product” means a chemically formulated con-
15 sumer product designed to maintain the appearance
16 of a motor vehicle, but does not include automotive
17 paint or a paint repair product.

18 (4) CLEANING PRODUCT.—The term “cleaning
19 product” means any chemically formulated product
20 used primarily for commercial, domestic, or institu-
21 tional cleaning purposes, including an air care prod-
22 uct, automotive product, disinfectant (except as pro-
23 vided in subparagraph (B)), and polish or floor
24 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

1 (D) any individual component of an ingre-
2 dient or of an incidental ingredient that the
3 Commission determines should be considered an
4 ingredient.

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

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

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

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

21 (8) POLISH OR FLOOR MAINTENANCE PROD-
22 UCT.—The term “polish or floor maintenance prod-
23 uct” means a chemically formulated consumer prod-
24 uct designed to polish, protect, or maintain fur-

1 niture, floors, metal, leather, or other surfaces, in-
2 cluding polish, wax, and restorer.

3 (9) SECRETARY OF LABOR.—The term “Sec-
4 retary of Labor” means the Secretary of Labor, act-
5 ing through the Assistant Secretary of Labor for Oc-
6 cupational Safety and Health.

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