

New York State Department of Environmental Conservation
D R A F T
Household Cleansing Product Information Disclosure Program

CERTIFICATION FORM

Authority for the New York State Department of Environmental Conservation's (DEC's) Household Cleansing Product Information Disclosure Program derives from Environmental Conservation Law (ECL) Article 35 and New York Code of Rules and Regulations (NYCRR) Part 659, which require that manufacturers of household cleansing products sold in New York State disclose information about their products in a form the Commissioner prescribes.

Detailed guidelines on the categories of information to be disclosed and where and how information should be posted are included in the attached Guidance Document. In brief, information to be disclosed should be posted on a manufacturer's web site in a manner that is obvious, noticeable and readily accessible, via the internet, to the public. In those cases where information is withheld from the public as Confidential Business Information, the nature and degree of the information withheld should be disclosed, but such information should not be submitted to the Department or posted on the web.

Manufacturers must submit this Cleansing Product Information Disclosure Certification Form to DEC. The certification must be signed by a senior management official certifying that the disclosed information is true, accurate, and complete to the best of their knowledge.

A. Manufacturer Information

Manufacturer Name

Street Address *City*

State/Province *Zip Code*

Telephone Number *Web Address (URL)*

Country (if not USA)

B. Manufacturer Representative

Name

Title

Email Address

Telephone Number

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C. Products Covered by this Disclosure

Product Name	Product ID	URL
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Attach additional pages, if necessary

D. Attachment Information

File Name

Purpose

- E. Certification** – This Section must be signed by a senior management official and submitted as part of the disclosure process. (“Senior management official” means a corporate officer or the individual responsible for the overall operation of a facility or an operational unit of a facility, such as a plant manager, superintendent, manager of environmental programs, or person of equivalent responsibility.)

I have personally examined and am familiar with the information disclosed under the New York State Department of Environmental Conservation’s Household Cleansing Product Disclosure Program, and I certify that, based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the disclosed information, it is true, accurate, and complete to the best of my knowledge and belief. I understand that a false statement in the disclosed information may be punishable as a criminal offense, in accordance with applicable New York State laws.

Print or Type Name of Senior Organization Official Certifying Disclosure under NYSDEC Requirements

Title

Signature (or e-signature)

Date

New York State Department of Environmental Conservation
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GUIDANCE DOCUMENT

Authority for the New York State Department of Environmental Conservation's Household Cleansing Product Information Disclosure Program derives from Environmental Conservation Law (ECL) Article 35 and New York Code of Rules and Regulations (NYCRR) Part 659.

NYCRR Part 659.6 requires that "manufacturers of household cleansing products distributed, sold, or offered for sale" in New York State shall furnish to the Commissioner of the Department of Environmental Conservation "such information regarding such products as the Commissioner may require, in such form as may be prescribed by the Commissioner." Information to be disclosed includes, but is not limited to, "a list naming each ingredient," "the content by weight of each ingredient," and "the nature and extent of investigations and research performed by or for the manufacturer concerning the effects on human health and the environment of such product[s] or such ingredients." The regulation allows for Confidential Business Information (CBI) to be withheld from disclosure.

After extensive discussions with stake-holders, DEC is utilizing this authority to request that manufactures disclose this information. This document provides detailed guidance regarding the form of disclosure and the information to be disclosed.

FORM OF DISCLOSURE

Information should be posted on the manufacturer's main website, domain name or uniform resource locator (URL) used to communicate with consumers. It may also be posted on a separate website, domain name or URL as long as such site is no more than one "click" away from the home page of the manufacturer's main website. In other words, the home page of the manufacturer's main website should contain a direct link to the separate website. The web page on which information is posted should be no more than four "clicks" away from the home page of the website on which it is posted.

The main web page used by the manufacturer to provide marketing information on a product should either contain the information disclosed under this program, or contain a direct link to the web page containing such disclosed information. Information disclosed under this program must not be restricted from indexing by search engines, such as Google and Bing.

Information should be posted in a form that is readily accessible to all users. Users must not be required to register or provide personally identifiable information in order to gain access. The information must be machine readable by automated systems,

including, but not limited to, web browsers, accessibility software to aid the disabled, automated scripts, and other software programs or applications. Access to the information must not be limited through the use of CAPTCHA or similar challenge-response test technologies, visual, auditory, or otherwise.

The posted information must conform to the most current version of the Web Content Accessibility Guidelines (WCAG) adopted by the Web Content Accessibility Guidelines Working Group of the World Wide Web Consortium. Version 2.0 of the WCAG has been adopted as a standard by the International Organization for Standardization (ISO) (ISO/IEC 40500:2012). WCAG Guideline 4.1, “Maximize compatibility with current and future user agents, including assistive technologies,” describes how to validate conformance with the Guidelines. Technologies that prevent data from being machine read or browsed are not acceptable.

All the information disclosed under this program should be posted on one web page, including but not limited to the manufacturer’s name and contact information. Marketing language may be posted on the same web page, but it may not be inserted within or between required information entries.

Products with different ingredient formulations, for example, different fragrance ingredients, should be listed as separate products. Products with identical ingredient formulations, but in different size packages, may be listed as one product.

All the information disclosed for a single product should be posted under an <H1> or <H2> hypertext markup language (HTML) heading that reads as follows: “Ingredients in [Product Brand Name].”¹ The information should be grouped into the following categories of information, and each category should be provided with <H2> or <H3> headings identical to each of the following phrases:

- “Product and Manufacturer Information”
- “Level of Disclosure”
- “Ingredients”
- “Chemicals of Concern”
- “Human Health and Environmental Effects”
- “Date of Disclosure”

¹ “HTML” stands for “hyper text markup language” and is used to describe web pages using HTML tags. Each HTML tag describes different document content.

INFORMATION TO BE DISCLOSED

1. Product and Manufacturer Information

The phrase “Product and Manufacturer Information” should be displayed as an <H2> or <H3> HTML heading. The following information should be disclosed and displayed under that heading:

- The product’s unique Universal Product Code (UPC).
- The product’s category, meaning the ‘brick’ level of the GS1 Global Product Classification (GPC) standard, which identifies products that serve a common purpose, are of similar form and material, and share the same set of category attributes.
- A description of the product, including its use and form (e.g. liquid, powder, foam, aerosol, etc.).
- Whether or not the product contains fragrance ingredients, including ingredients added to mask the scent of other ingredients (solvents, surfactants, etc.) in so-called “unscented” products.
- The complete name of the company that manufactures the final product. If this company is a subsidiary, include the name of the parent company.
- The name, title, email address, phone number and mailing address of the staff person responsible for preparation of the information required to be disclosed under the program.

Covered Products and Parties

Pursuant to ECL §35-0103 and 6 NYCRR §659.1, cleansing products covered by the program include but are not limited to “soaps and detergents containing a surfactant as a wetting or dirt emulsifying agent and used primarily for domestic or commercial cleaning purposes, including but not limited to the cleansing of fabrics, dishes, food utensils and household and commercial premises.” The program does not cover “foods, drugs and cosmetics, including personal care items such as toothpaste, shampoo and hand soap;” “products labeled, advertised, marketed and distributed for use primarily as pesticides, as defined in Article 33 of the Environmental Conservation Law;” or “cleansing products used primarily in industrial manufacturing, production and assembling processes.”

Commercial premises covered by the program include “premises used for the purpose of carrying on or exercising any trade, business, profession, vocation, or commercial or charitable activity, including but not limited to laundries, hospitals, and food or restaurant establishments.”

The Commissioner has determined, pursuant to 6 NYCRR Part 659, that for the purposes of this program, the following terms have the following meanings. “Manufacturer” includes any person, firm, association, partnership, limited liability company, or corporation which produces, prepares, formulates, or compounds a covered product, or whose brand name is affixed to such product. 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.

“Distributed, sold or offered for sale in New York State” includes products offered for sale at retail and wholesale or distributed for promotional purposes, including but not limited to products offered for sale via the phone, a catalog, or the internet from the manufacturer, its authorized distributors or representatives, or third parties. It does not include products offered for re-sale at second hand stores, thrift shops or garage sales.

2. Level of Disclosure

All ingredients intentionally added to a covered product should be disclosed, including those present in trace quantities, unless they are withheld as CBI. For intentionally added ingredients, “trace quantity” is defined in 6 NYCRR Part 659.1(b)(1)(ii) as “an incidental amount which is part of the household cleansing product formulation, and does not exceed one tenth of one percent (0.1%) of the contents of the product by weight.”

All ingredients present only as an unintentional consequence of manufacturing and present above trace quantities should be disclosed where the manufacturer knows or should reasonably know of such ingredients, impurities or contaminants, unless they are withheld as CBI. All ingredients present only as an unintentional consequence of manufacturing and present in trace quantities should be disclosed where the manufacturer knows or should reasonably know of such ingredients, impurities or contaminants and such ingredients have received a GreenScreen® for Safer Chemicals score of “Benchmark 1” or “Possible Benchmark 1” as discussed below under “Ingredients and Content by Weight,” or appear on one or more of the Priority Hazard Lists or meet one or more of the Hazard Characteristics specified below under “Presence on One or More Specified Lists of Chemicals of Concern.”

For ingredients present only as an unintentional consequence of manufacturing, “trace quantity” is defined by 6 NYCRR Part 659.1(b)(1)(i) as “an incidental amount which is not part of the household cleansing product formulation, is present only as an unintentional consequence of manufacturing, and does not exceed one half of one percent (0.5%) of the content of the product by weight.

The extent of disclosure provided for product ingredients should be indicated by checking off a box in the following format under the <H2> or <H3> heading “Level of Disclosure.” Check the highest level of disclosure that applies to each product.

Non-fragrance ingredients:

- Full Disclosure of All Ingredients.** All known ingredients are disclosed, including those not intentionally added and those present in trace quantities.

- ❑ **Full Disclosure of Intentionally Added Ingredients.** All intentionally added ingredients are disclosed, including those present in trace quantities. One or more ingredients not intentionally added are withheld as CBI, or ingredients not intentionally added and present in trace quantities are only disclosed if they appear on one or more lists of substances of concern identified by DEC.*
- ❑ **Partial Disclosure of Intentionally Added Ingredients.** One or more intentionally added ingredients are withheld as CBI.* All ingredients not intentionally added are disclosed, or one or more are withheld as CBI, or those present in trace quantities are only disclosed if they appear on one or more lists of substances of concern identified by DEC.*

Fragrance ingredients:

- ❑ **Full Disclosure of All Fragrances.** All fragrance ingredients are disclosed, including those present in trace quantities.
- ❑ **Partial Disclosure of Fragrances; Master List Provided.** One or more fragrance ingredients are withheld as CBI,* but a master list of all fragrance ingredients used by the manufacturer is provided which includes all ingredients withheld.
- ❑ **No Disclosure of Fragrances; Master List Provided.** All fragrance ingredients are withheld as CBI,* but a master list of all fragrance ingredients used by the manufacturer is provided which includes all ingredients withheld.
- ❑ **No Disclosure of Fragrances; No Master List Provided.** All fragrance ingredients are withheld as CBI,* and no master list of fragrance ingredients used by the manufacturer is provided.

*NOTE: Whether or not information about an ingredient is being withheld as CBI, the presence of an ingredient on one or more of the lists of chemicals of concern named below, or the meeting by an ingredient of one or more of the hazard characteristics listed below, under “Presence on a List of Chemicals of Concern,” should be disclosed.

3. Ingredients and Content by Weight

The following information should be disclosed for all ingredients unless such information is not available, not known, or withheld as CBI. All such information should be provided under the phrase “Ingredients” displayed as an <H2> or <H3> heading. Each phrase as it appears in quotes below should also be displayed as an <H2> or <H3> heading if such information is applicable to an ingredient. If information is not provided, the reason for it not being provided should be indicated as follows: “Not available,” “not known,” or “withheld as CBI.” Further discussion of each required element is provided below.

- “CA Index Name and CAS Registry Number”
- “Percentage of Content by Weight”
- “GreenScreen® benchmark”
- “Nano”
- “Role”

CA Index name and CAS Registry number

In all cases where an ingredient has a Chemical Abstracts Index Name (CA Index Name) and Chemical Abstracts Service Registry number (CASRN), those should be disclosed, unless they are being withheld as CBI. If a CA Index name and CAS Registry number are being withheld as CBI, or in the rare instance where they are not available, then the most specific chemical name that may be disclosed without revealing CBI, or that is available, should be disclosed, following the order and hierarchy of names provided below.

Whatever type of name is disclosed, it should be preceded by the phrase appearing in quotes below for that type of name as an <H2> or <H3> heading. Unless two or more names are needed to provide clarity, only one name, the most specific and descriptive available and not withheld, should be provided. Disclosure should be made pursuant to the following hierarchy of names:

1. "CA Index Name and CAS Registry Number." If multiple CASRNs are associated with an ingredient, list all.
2. Name based on International Nomenclature of Cosmetic Ingredients – "INCI Name."
3. Name based on International Union of Pure and Applied Chemistry nomenclature – "IUPAC Name."
4. Common chemical name, or genus and species for biobased ingredients – "Common Name" or "Genus and Species."
5. Names that describe the function of the chemical – "Functional Name" – (see discussion under "Role," below), as follows:
 - Ingredients for whom a more specific name is being withheld as CBI should each be listed separately using their functional name. For example, if ten fragrance ingredients are being withheld, the disclosure should list ten repetitions of the word "fragrance."
 - Where fragrance ingredients are being withheld, it is recommended that manufacturers disclose a master list of ingredients found in the fragrances used in their products. Where such a list is provided, the disclosure should state whether each ingredient whose more specific name is being withheld is included on the list.
 - Manufacturers should disclose whether a fragrance ingredient being withheld as CBI is included in the list of fragrance ingredients created by the International Fragrance Association (IFRA) and is available on IFRA's web site. A link to the website should also be provided.

Percentage of Content by Weight

Ingredients should be listed in descending order of quantity. The content by weight of each ingredient should be provided as a fixed percentage wherever possible, but a percentage range may be indicated in the alternative as follows:

- 50-100%,
- 10-50%,
- 1-10%,
- 0.1-1%, or
- below 0.1%.

GreenScreen® Benchmark

The GreenScreen® for Safer Chemicals (GreenScreen) is a method of comparative chemical hazard assessment. It was developed by and is a project of Clean Production Action. (See <http://greenscreenchemicals.org> for more information.)

Assessment using the GreenScreen method results in the assignment of one of five possible Benchmark levels that progressively classify chemicals from chemicals of high concern to preferred chemicals:

- Benchmark 1 or Possible Benchmark 1 (Avoid: chemical of high concern)
- Benchmark 2 (Use but search for safer substitutes)
- Benchmark 3 (Use but still opportunity for improvement)
- Benchmark 4 (Prefer: safer chemical)
- Benchmark U = (Unspecified)

If the GreenScreen Benchmark score for an ingredient is known by the manufacturer, it should be disclosed, whether or not the specific name or other information about the ingredient is being withheld as CBI. The entity which performed the GreenScreen assessment for the ingredient should also be disclosed.

Nano

A nanomaterial is a substance intentionally engineered to achieve size-dependent properties and functions with one or more external dimensions or an internal structure measuring less than 100 nanometers. For each ingredient that is a nanomaterial, a term describing the nanomaterial should be disclosed. For example, if the nanomaterial is carbon, the disclosure should use the term “nano” carbon.

Role

For each ingredient, a term describing its functional use or reason for inclusion in the product should be disclosed. Such terms include, but are not limited to, “surfactant,” “colorant,” “fragrance,” “preservative,” etc.

4. Presence on a List of Chemicals of Concern

If a product or an ingredient in a product is present on one or more of the lists of chemicals of concern named below, or a product or ingredient meets one or more of the hazard characteristics listed below, such information should be disclosed, whether or not the specific name or other information about the product or ingredient is being withheld as CBI. Such information should be preceded by the phrase “Chemicals of Concern” displayed as an <H2> or <H3> heading. Each list on which a product or ingredient appears, or each hazard characteristic which a product or ingredient meets, should be listed using the name highlighted in bold in the list below, and a link to the list should be provided.

- [**AOEC Asthmagen List**](#). A chemical designated as an asthma causing agent by the Association of Occupational and Environmental Clinics (AOEC).
- [**ATSDR Neurotoxicant List**](#). A chemical identified by the Agency for Toxic Substances and Disease Registry as a neurotoxicant and listed in their Toxic Substances Portal under “Health Effects of Toxic Substances and Carcinogens, Nervous System.”
- [**US EPA Chemical of Concern List**](#). A chemical for which the U.S. Environmental Protection Agency (EPA) has issued a Chemical of Concern Action Plan pursuant to the federal Toxic Substances Control Act (TSCA).
- [**US EPA PBT Toxin List**](#). A chemical listed as a priority persistent, bioaccumulative toxin (PBT) by EPA.
- [**US EPA Priority Chemicals List**](#). A chemical listed by EPA as a priority chemical under the National Partnership for Environmental Priorities program, also known as the Waste Minimization Priority Chemical List.
- [**US EPA Ozone Depleting List**](#). A chemical listed by EPA as a Class I, or Class II Ozone-Depleting Substance.
- [**EU Endocrine Disruptor List**](#). A chemical listed by the European Union as a Category 1 chemical on the priority list of chemicals developed by the EU Community Strategy for Endocrine Disruptors.
- [**EU Substances of Very High Concern List**](#). A chemical identified by the European Union as a Substance of Very High Concern as part of Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Annex XIV.
- [**IARC Carcinogen List**](#). A chemical classified as a Group 1, Group 2a or Group 2b carcinogenic agent by the International Agency for Research on Cancer, World Health Organization, in Monographs on the Evaluation of Carcinogenic Risks to Humans.

- **US NTP Carcinogen List**. A chemical listed as known, as reasonably anticipated to be, or as a possible human carcinogen by the U. S. Department of Health and Human Services National Toxicology Program.
- **CA Cancer, Reproductive Toxicity List**. A chemical listed as known to cause cancer or reproductive toxicity (including developmental, female and male toxicity) by the State of California Environmental Protection Agency under the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Code of Regulations, Title 22, Division 2, Subdivision 1, Chapter 3, Sections 1200 *et seq*, also known as Proposition 65).
- **GHS Skin Irritant**. A chemical or product classified according to the Globally Harmonized System for Classification and Labeling of Chemicals (GHS) Chapter 3.2, Skin Corrosion/Irritation, as a Category 1, 2 or 3 skin corrosive or skin irritant. A product should be classified as corrosive to the skin if it has a pH of 2 or less or a pH of 11.5 or greater, unless tested or proven otherwise.
- **GHS Eye Irritant**. A chemical or product classified according to GHS Chapter 3.3, Serious Eye Damage/Eye Irritation, as a Category 1 or 2 eye irritant. A product should be classified as capable of causing serious eye damage if it has a pH of 2 or less or a pH of 11.5 or greater, unless tested or proven otherwise.
- **GHS Respiratory or Skin Sensitizer**. A chemical or product classified according to GHS Chapter 3.4, Respiratory and Skin Sensitization, as Category 1A - High frequency of occurrence or sensitization rate in humans; or Category 1B – Low to moderate frequency of occurrence or sensitization rate in humans.
- **GHS Mutagen**. A chemical or product classified according to GHS Chapter 3.5, Germ Cell Mutagenicity, as Category 1A - Chemicals known to induce heritable mutations in the germ cells of humans; or Category 1B - Chemicals which should be regarded as if they induce heritable mutations in the germ cells of humans.
- **GHS Aquatic Toxin**. A chemical or product classified according to GHS Chapter 4.1, Hazardous to the Aquatic Environment, as a Category 1, 2 or 3 acute or chronic aquatic toxin with a median lethal concentration (LC₅₀) of less than 100 milligrams per liter.

5. Research on Human Health and the Environment

Manufacturers should post information on their web sites regarding the nature and extent of investigations and research performed by or for the manufacturer concerning the effects on human health and the environment of covered products or the chemical ingredients of such products. Such information should be disclosed under the phrase “Human Health and Environmental Effects” displayed as an <H2> or <H3> heading.

6. Date of Disclosure

Manufacturers should post all required information by [TBD-no less than six months following publication of the final guidance document]. All web entries and updates should be clearly dated under the phrase “Date of Disclosure” displayed as an <H2> or <H3> heading.

Manufacturers should update their disclosures each time the ingredients in a product are changed, or a new product is introduced to the market. Legacy data for discontinued products should be posted until the expiration date of the product.

All disclosed information should be reviewed, at a minimum, once every two years, including the presence of a product or ingredients on a Priority Hazard List, or whether a product or ingredient meets a Hazard Characteristic. Disclosures should then be updated as necessary.

DEC acknowledges that the Priority Hazard Lists and Hazard Characteristics referenced in these instructions will evolve over time, and DEC reserves the right to edit, add and subtract items from the list of Priority Hazard Lists and Hazard Characteristics provided above. Manufacturers should update their disclosures against new items on the two year anniversary of their last disclosure review.