



**Department of
Environmental
Conservation**

6 NYCRR Part 659 Amendments

Household Cleansing Product Information Disclosure

February 24, 2020

Agenda

- Welcome and Opening Remarks
- Presentations and Discussions of Specified Issues:
 - Nonfunctional Ingredients
 - Confidential Business Information
 - Temporary Formulation Changes and Other Updates
 - Updates to Definitions
- Discussion of Other Issues or Concerns Raised
- Wrap Up and Next Steps



Background - Authority

Environmental Conservation Law Article 35

- Enacted in 1972
- § 35-0107 authorizes DEC to promulgate regulations that require manufacturers of household cleansing products sold in the state to furnish information regarding such products in a form prescribed by DEC

New York Code of Rules and Regulations Part 659

Household Cleansing Products

- Promulgated in 1976
- §659.6 currently requires manufacturers of household cleansing products sold in the state to furnish such information regarding such products as DEC may require, in a form prescribed by DEC



659.6 Disclosure of information.

(a) Manufacturers of household cleansing products distributed, sold or offered for sale in this State shall furnish to the commissioner for public record such information regarding such products as the commissioner may require, in such form as may be prescribed by the commissioner. For each household cleansing product, such information shall include, but shall not be limited to:

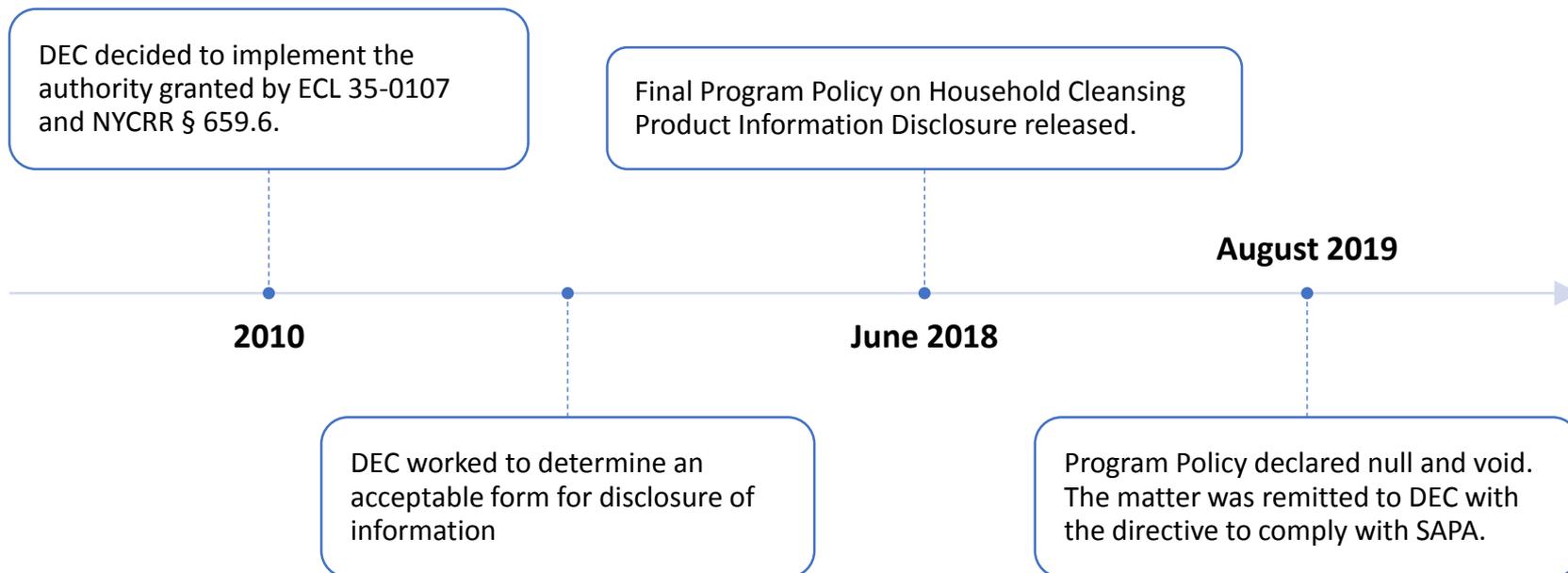
- (1) the amount of elemental phosphorus by weight as measured to the nearest one-tenth of one percent;
- (2) a list naming each ingredient which equals or exceeds five percent of the contents of the product by weight and specifying the content by weight of each ingredient to the nearest percent;
- (3) a list naming each ingredient which does not equal or exceed five percent of the contents of the product by weight, provided that ingredients which are present in trace quantities need not be included on such list unless the commissioner specifically requests any such ingredient to be listed and provided further that the commissioner may require the listing of one or more of such ingredients by weight to the nearest percent;
- (4) 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 or such ingredients; and
- (5) a statement that the product does not contain nitrilotriacetic acid (NTA) in excess of a trace quantity.

Ingredients shall be listed using the generic chemical name which conforms with generally accepted rules of chemical nomenclature.

(b) Such manufacturers shall furnish such information semiannually or at such other times as may be required by the commissioner.

(c) Such information shall be available to the public at the offices of the Department of Environmental Conservation in Albany, with the exception of those portions which the manufacturer determines, subject to the approval of the commissioner, would be, if disclosed, seriously prejudicial to the manufacturer's legitimate interest in trade secrets and economics of operation.

Background - Past Action



Best Management Practices

Form of Disclosure

- Information posted on manufacturer or third party website in a form that meets accessibility criteria
- Certification to the Department*

Information to be Disclosed

- All intentionally added ingredients, which includes fragrances
- Nonfunctional byproducts to PQL
- Nonfunctional contaminants to applicable threshold
- CBI may be withheld
- Other manufacturer and product information
- Extent of disclosure achieved
- Date of disclosure

For each ingredient, list: name, CASRN, any applicable COC lists, function, nanoscale status

Best Management Practices (cont'd)

Human Health and Environmental Effects Studies

- TSCA
- REACH
- Others publicly available
- SDS
- GHS classifications

Updates

- Baseline every two years (certification and webpage)
- Within six months of a change to the COC lists (webpage)
- Within two months of a new product entering market (certification and webpage)
- Within two months of a webpage link change (certification)
- Information about discontinued products remains posted for two years (webpage)



Agenda

- Welcome and Opening Remarks
- Presentations and Discussions of Specified Issues:
 - Nonfunctional Ingredients
 - Confidential Business Information
 - Temporary Formulation Changes and Other Updates
 - Updates to Definitions
- Discussion of Other Issues or Concerns Raised
- Wrap Up and Next Steps



Disclosure of Nonfunctional Ingredients

Discussion of Nonfunctional Ingredients

Best management practices recommend:

Scope

All chemicals on a chemical of concern lists

Thresholds

Byproduct:

- Practical quantification limit

Contaminant:

1. NY drinking water MCL
 - a. 1,4-dioxane above 350 ppt
 - b. PFOA and PFOS combined above 70 ppt
2. CA Prop 65 trigger level
3. 50 ppb



Confidential Business Information



Discussion of CBI

Best management practices recommend:

- Standard for CBI: Section 87 of Public Officer's Law and 6 NYCRR 616.7
- Provide justification to DEC
- If specific ingredient name is withheld, the generic name as provided in TSCA Confidential Inventory or other generic name should be provided.
- Fragrances can be withheld in groups.
- Presence of an ingredient on a COC list is not subject to CBI.
- Suppliers may independently claim CBI.



Break

Reconvene in 15 minutes

Temporary Formulation Changes and Other Updates



Discussion of Updates

Best management practices recommendation:

Webpage

Ingredient	Update
New product	De facto 2 months
Ingredients Permanent Temporary	Immediately Not covered
COC identification	w/in 6 months of list change
UPC	Not covered
Legacy Information Permanent Temporary	For 2 years from discontinuation Not covered
Regular update	Every 2 years

Certification

Ingredient	Update
New product	w/in 2 months
Webpage link	w/in 2 months
Contact	Not covered
Regular Update	Every 2 years



Definitions

Discussion of Definitions

Best management practices:

“Manufacturer” includes 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.



Break

Reconvene in 10 minutes

Discussion of Other Concerns

Next Steps



1. Drafting of express terms



2. Release draft express terms



3. Finalization or amendments

Thank You

- Emily Dominiak
Project Lead
- John Vana
Program Director
- Lisa Wilkinson
Program Counsel

Inquires:

productdisclosure@dec.ny.gov

518-402-8706

Website:

dec.ny.gov/chemical/109021.html



Department of
Environmental
Conservation