



Governor Brown Signs Cleaning Products Labeling Law

SAFER CONSUMER PRODUCTS, LEGISLATION, LEGISLATIVE, GOVERNOR, PRODUCT STEWARDSHIP, GREEN CHEMISTRY

By ROGER PEARSON, November 5, 2017

On October 15 California Governor Jerry Brown signed **SB 258**¹⁾ —The Cleaning Product Right-to-Know Act of 2017. The bill will require manufacturers of hundreds of cleaning products used in California to disclose the presence in the product of any of hundreds of different hazardous and toxic ingredients. The eventual passage of the bill was facilitated by an unusual coalition of environmental, health, and cleaning product manufacturers.

SB 258²⁾ defines a covered cleaning product as "a finished product that is an air care product, automotive product, general cleaning product, or a polish or floor maintenance product used primarily for janitorial, domestic, or institutional cleaning purposes." The law does not cover foods, drugs, or cosmetics, including personal care products, and products used in various industrial manufacturing processes.

The new legislation will require manufacturers of the covered products, including anyone who contracts for the manufacturer of a product, to disclose on the product's label the presence of any intentionally-added ingredient that is included on any of 23 authoritative lists of hazardous and toxic ingredients, such as Proposition 65, various European Union (EU) lists, and various U.S. EPA lists. The labeling requirement becomes effective as of January 1, 2021. The label must also include a toll-free phone number and the identity of the manufacturer's website. The manufacturer must post on its website the same list of ingredients with additional information about them, such as the purpose of the ingredient. These online disclosure requirements become effective as of January 1, 2020. The new law includes provisions allowing manufacturers to protect the disclosure of otherwise covered ingredients that meets the laws' definition of confidential business information

SB 258³⁾ was introduced and successfully carried by **Senator Ricardo Lara**⁴⁾ (D-Bell Gardens). It was initially opposed by most of the state's major business organizations, including the California Chamber of Commerce and the Consumer Specialty Products Association (CSPA), which represents numerous cleaning product manufacturers. However, by the time the bill was signed into law much of this business opposition had disappeared. In fact the passage of the bill in September was celebrated in a **press release by a coalition of strange bedfellows**⁵⁾ that includes the Natural Resources Defense Council, the Environmental Working Group, and the aforementioned CSPA. The press release said that the final bill was a "carefully crafted compromise... developed through intense NGO-industry stakeholder negotiations... made up of over 100 organizations and corporations."

Not all of the business opposition was defused by these negotiations. A final, much diminished list of opponents included the American Chemistry Council and the California Manufacturers and

Technology Association. The final votes on **SB 258**⁶⁾ included opposition from 13 members of the Senate and 15 members of the Assembly, most of them Republicans.

The adoption of **SB 258**⁷⁾ follows an **April directive by New York Governor Andrew Cuomo**⁸⁾ that would require similar labeling of cleaning products sold in that state. Final guidance implementing the Governor's directive is expected to be issued shortly.

A summary of both **SB 258**⁹⁾ and Governor Cuomo's directive has been released by the **law firm of Bergeson and Campbell**¹⁰⁾.

Resources for this article

1. SB 258

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB258

2. Senator Ricardo Lara

<http://sd33.senate.ca.gov/>

3. press release by a coalition of strange bedfellows

<https://prop65clearinghouse.com/documents/23939>

4. April directive by New York Governor Andrew Cuomo

<https://www.governor.ny.gov/news/governor-cuomo-announces-new-regulations-require-disclosure-chemicals-household-cleaning>

5. law firm of Bergeson and Campbell

<http://www.lawbc.com/regulatory-developments/entry/california-and-new-york-require-manufacturers-to-disclose-ingredients-in-cl>