

In Case You Missed It

June 2017

New York Governor Andrew Cuomo announced on April 25 the beginning of the Household Cleaning Product Information Disclosure Program, which will require manufacturers of cleaning products to disclose information about their products on the manufacturer's website and to the New York Department of Environmental Conservation (DEC). The information required to be posted on the website includes:

- the list of ingredients,
- content by weight of each ingredient; and
- information about the manufacturer's research on the product's safety.

Although the regulation allows manufacturers to withhold information that is confidential business information (CBI), at present, it is unclear which CBI claims will be accepted. Under the amended TSCA, this type of state disclosure regulation is likely not preempted, but this regulation could serve as a good test case for determining the boundaries for preemption under the amended Act. In the meantime, manufacturers should be prepared to meet these new requirements if they sell products in New York. DEC issued guidance on the new requirements and is accepting comments on the guidance until June 14, 2017.

Separately, a bill recently introduced in the New York Assembly would require pet product manufactures to disclose "priority chemicals" that they intentionally add to non-food pet products sold in the state (AB 7739). Reportable pet products include toys, bedding, chew toys, personal care products, and apparel. The bill lists nine priority chemicals: lead, antimony, mercury, arsenic, cadmium and cobalt metal compounds, formaldehyde, benzene, and tris (1,3 dichloro-2

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propyl) phosphate. Pet product manufacturers and importers would be required to notify the DEC of the pet product name, the priority chemical it contains, and the product's intended purpose. A \$600.00 reporting fee would apply, per chemical. The proposed notice to retailers requires this same information, as well as chemical toxicity information. A ban on distributing or selling pet products with priority chemicals would take effect on January 1, 2020. AB 7739 was referred to the Assembly Committee on Environmental Conservation, but it is too early to tell if this bill will have any serious consideration or traction.