

# Cleaning Product Right to Know Act Becomes Law in California

Companies that manufacture and distribute certain finished cleaning products sold in California should be aware of California's Cleaning Product Right to Know Act (the Act), passed in October 2017, which changes the requirements for product labels and corresponding websites. Such companies have until **January 1, 2020** to update online information for each product and until **January 1, 2021** to update product labels.

## What Does California's Cleaning Product Right to Know Act Require?

The Act applies to certain finished cleaning products, including air care products, automotive products, general cleaning products, and polishes or floor maintenance products used primarily for janitorial, domestic or institutional cleaning purposes.

The following information must be disclosed on cleaning **product websites** by January 1, 2020:

- Intentionally added ingredients, listed in descending order of predominance by weight.
- Nonfunctional constituents present in the product at a concentration of 0.01% or greater.
- The Chemical Abstracts Service (CAS) number for any intentionally added ingredient or nonfunctional constituent listed shall be listed with each; if the CAS number is not available or an ingredient is confidential business information, the CAS number must be cited as "not available" or "withheld," respectively.
- The functional purpose served by each intentionally added ingredient.
- Links for designated lists grouped together in a single location.
- Links to the product's hazard communication safety data sheet.
- For fragrance ingredients, additional information must be disclosed.

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The following information must be disclosed on cleaning **product labels** by January 1, 2021:

- Intentionally added ingredients (either with a functional or technical effect) contained in the final product that are included on any of the 22 designated lists defined in section (g) of the Act.
- Intentionally added ingredients which are not confidential business information.
  - To protect such information, a company may cite a generic chemical name.
- The company's toll-free telephone number and web site address.
- If a product label's list of intentionally added ingredients is incomplete, the company must include a statement that reads "For more ingredient information, visit WEBSITE."

## What Happens if a Company Does Not Comply?

If a product does not comply with the Act, it cannot be sold in California. Under the state's Unfair Competition Law, lawsuits could be filed seeking civil penalties of up to \$2,500 per violation.

## What Should Affected Companies Do Now?

Companies should determine if any of their ingredients in their products appear on a designated list.

If a designated list changes once the Act goes into effect, a company will have 6 months to update its online information and 18 months to update its product labels.

All products manufactured *before* the compliance deadline but sold *after* the deadline must prominently display the date of manufacture (day, month and year), or a code indicating the date of manufacture. As such, Reinhart recommends that companies that sell products in California move the products into compliance well ahead of the deadline to avoid any potential dispute regarding non-compliant products manufactured before but sold after the compliance deadline.



## Does the Cleaning Product Right to Know Act Affect Businesses Outside of California?

Although the Act may currently be the most comprehensive set of disclosure requirements in the nation, other states are pursuing similar initiatives. New York passed a regulation earlier this year in its Household Cleansing Product Information Disclosure Program that requires companies to identify on their websites their products' ingredients (including weight) and impurities. Similar legislation is pending in Maryland, Minnesota and Oregon.

If you have any questions or would like more information on how the Act or similar regulations could affect your business, please contact your Reinhart attorney or any member of the Reinhart [Product Liability](#) or [Commercial and Competition Law Group](#).

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