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SB-258 Cleaning Product Right to Know Act of 2017. (2017-2018)

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Senate Bill No. 258

CHAPTER 830

An act to add Chapter 13 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, and to add Section 6398.5 to the Labor Code, relating to consumer product safety.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 258, Lara. Cleaning Product Right to Know Act of 2017.

Existing law regulates the existence of, and disclosure of, specified chemicals and components in consumer products, including phthalates and bisphenol A.

This bill would require a manufacturer of a designated product, as defined, that is sold in the state to disclose on the product label and on the product's Internet Web site information related to chemicals contained in the designated product, as specified. The bill would authorize a manufacturer to protect certain chemicals from disclosure by use of a generic name, as specified. The bill would prohibit the sale in the state of a designated product that does not satisfy these requirements.

Existing law, the Hazardous Substances Information and Training Act, ensures the transmission of necessary information to employees regarding the properties and potential hazards of hazardous substances in the workplace. A serious and knowing or negligent violation of the act by an employer and every officer, management official, or supervisor having direction, management, control, or custody of any employment, place of employment, or of any other employee is a crime. Existing law requires the Occupational Safety and Health Standards Board to adopt a standard setting forth an employer's duties toward its employees consistent with specified guidelines, including, among other things, that the employer shall make safety data sheets on substances in the workplace available to employees, collective bargaining representatives, or employee physicians.

This bill would require an employer that is required to make a safety data sheet readily accessible to an employee pursuant to that standard to make readily accessible in the same manner, for designated products in the workplace, certain information included in the online disclosures described above relating to chemicals contained in those products. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program. The bill would provide that its provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 13 (commencing with Section 108950) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 13. Cleaning Product Right to Know Act of 2017

108950. (a) It is the intent of the Legislature to provide consumers and workers with ingredient information about designated products that encourages informed purchasing decisions and reduces public health impacts from exposure to potentially harmful chemicals in designated products by requiring product manufacturers to provide a specific list of the chemicals used in their products, and requiring specified employers to provide that information to their employees.

(b) This chapter shall be known, and may be cited, as the Cleaning Product Right to Know Act of 2017.

108952. For purposes of this chapter, the following definitions shall apply:

(a) "Air care product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to enhance or condition the indoor environment by eliminating unpleasant odors or freshening the air.

(b) "Automotive product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to maintain the appearance of a motor vehicle, as defined in Section 670 of the Vehicle Code, including products for washing, waxing, polishing, cleaning, or treating the exterior or interior surfaces of motor vehicles. "Automotive product" does not include automotive paint or paint repair products.

(c) "Chemically formulated consumer product" means a product, excluding home appliances, that is manufactured from chemicals to be used by household, institutional, or commercial consumers without further processing for specific purposes. For the purposes of this subdivision, dilution by the user is not considered further processing.

(d) "Colorant" means ingredients that, alone or in combination with other ingredients, are added to a product for the specific purpose of imparting or altering the color of a product.

(e) "Confidential business information" means any intentionally added ingredient or combination of ingredients for which a claim has been approved by the federal Environmental Protection Agency for inclusion on the Toxic Substances Control Act (TSCA) Confidential Inventory, or for which the manufacturer or its supplier claim protection under the Uniform Trade Secrets Act (Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code) as required by Section 108955. Confidential business information shall not include any of the following:

(1) An intentionally added ingredient or combination of ingredients that is on a designated list, as defined in subdivision (g).

(2) A nonfunctional constituent, as defined in subdivision (m).

(3) A fragrance allergen included on Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004, or subsequent updates to those regulations, when present in the product at a concentration at or above 0.01 percent (100 ppm).

(f) "Designated product" means 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. "Designated product" shall not mean any of the following:

(1) Foods, drugs, and cosmetics, including personal care items such as toothpaste, shampoo, and hand soap.

(2) Industrial products specifically manufactured for, and exclusively used in the following:

(A) Oil and gas production.

(B) Steel production.

(C) Heavy industry manufacturing.

(D) Industrial water treatment.

(E) Industrial textile maintenance and processing other than industrial laundering.

(F) Food and beverage processing and packaging.

(G) Other industrial manufacturing processes.

(3) A trial sample of a designated product that is not packaged for individual sale, resale, or retail and includes a statement indicating that the product is not for sale or resale.

(g) "Designated list" means any of the following, including subsequent revisions when adopted by the authoritative body:

(1) Chemicals known to the State of California to cause cancer or reproductive toxicity that are listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5 of Division 20)).

(2) Chemicals classified by the European Union as carcinogens, mutagens, or reproductive toxicants pursuant to Category 1A or 1B in Annex VI to Regulation (EC) 1272/2008.

(3) Chemicals included in the European Union Candidate List of Substances of Very High Concern in accordance with Article 59 of Regulation (EC) 1907/2006 on the basis of Article 57(f) for endocrine disrupting properties.

(4) Chemicals for which a reference dose or reference concentration has been developed based on neurotoxicity in the federal Environmental Protection Agency's Integrated Risk Information System.

(5) Chemicals that are identified as carcinogenic to humans, likely to be carcinogenic to humans, or as Group A, B1, or B2 carcinogens in the federal Environmental Protection Agency's Integrated Risk Information System.

(6) Chemicals included in the European Chemicals Agency Candidate List of Substances of Very High Concern in accordance with Article 59 of Regulation (EC) 1907/2006 on the basis of Article 57(d), Article 57(e), or Article 57(f) of Regulation (EC) 1907/2006 for persistent, bioaccumulative and toxic, or very persistent and very bioaccumulative properties.

(7) Chemicals that are identified as persistent, bioaccumulative, and inherently toxic to the environment by the Canadian Environmental Protection Act Environmental Registry Domestic Substances List.

(8) Chemicals classified by the European Union in Annex VI to Regulation (EC) 1272/2008 as respiratory sensitizer category 1.

(9) Group 1, 2A, or 2B carcinogens identified by the International Agency for Research on Cancer.

(10) Neurotoxicants that are identified in the federal Agency for Toxic Substances and Disease Registry's Toxic Substances Portal, Health Effects of Toxic Substances and Carcinogens, Nervous System.

(11) Persistent bioaccumulative and toxic priority chemicals that are identified by the federal Environmental Protection Agency National Waste Minimization Program.

(12) Reproductive or developmental toxicants identified in Monographs on the Potential Human Reproductive and Developmental Effects published by the federal National Toxicology Program, Office of Health Assessment and Translation.

(13) Chemicals identified by the federal Environmental Protection Agency's Toxics Release Inventory as Persistent, Bioaccumulative and Toxic Chemicals that are subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. Sec. 11001, et seq.).

(14) The Washington Department of Ecology's Persistent, Bioaccumulative, Toxic (PBT) Chemicals identified in Chapter 173-333 of Title 173 of the Washington Administrative Code.

(15) Chemicals that are identified as known to be, or reasonably anticipated to be, human carcinogens by the 13th Report on Carcinogens prepared by the federal National Toxicology Program. Subsequent revisions to this list shall not be incorporated.

(16) Chemicals for which notification levels, as defined in Section 116455, have been established by the State Department of Public Health or the State Water Resources Control Board.

(17) Chemicals for which primary maximum contaminant levels have been established and adopted under Section 64431 or 64444 of Title 22 of the California Code of Regulations.

(18) Chemicals identified as toxic air contaminants under Section 93000 or 93001 of Title 17 of the California Code of Regulations.

(19) Chemicals that are identified as priority pollutants in the California water quality control plans pursuant to subdivision (c) of Section 303 of the federal Clean Water Act and in Section 131.38 of Title 40 of the Code of Federal Regulations, or identified as pollutants by the state or the federal Environmental Protection Agency for one or more water bodies in the state under subdivision (d) of Section 303 of the federal Clean Water Act and Section 130.7 of Title 40 of the Code of Federal Regulations.

(20) Chemicals that are identified with noncancer endpoints and listed with an inhalation or oral reference exposure level by the Office of Environmental Health Hazard Assessment pursuant to paragraph (2) of subdivision (b) of Section 44360.

(21) Chemicals identified as priority chemicals by the California Environmental Contaminant Biomonitoring Program pursuant to Section 105449.

(22) Chemicals that are identified on Part A of the list of Chemicals for Priority Action prepared by the Oslo and Paris Conventions for the Protection of the Marine Environment of the North-East Atlantic.

(h) "Electronically readable format" means that the information provided is all of the following:

(1) 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.

(2) Not restricted from access by search engines.

(3) Not restricted from access by a requirement for registration, the provision of personally identifiable information, or the use of CAPTCHA or similar challenge response test technologies, whether visual, auditory, or otherwise.

(4) Conforms 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.

(i) "Fragrance ingredient" means any intentionally added substance or complex mixture of aroma chemicals, natural essential oils, and other functional ingredient or ingredients for which the sole purpose is to impart an odor or scent, or to counteract an odor.

(j) "General cleaning product" means a soap, detergent, or other chemically formulated consumer product labeled to indicate that the purpose of the product is to clean, disinfect, or otherwise care for fabric, dishes, or other wares; surfaces including, but not limited to, floors, furniture, countertops, showers, and baths; or other hard surfaces, such as stovetops, microwaves, and other appliances.

(k) "Intentionally added ingredient" means a chemical that a manufacturer has intentionally added to a designated product and that has a functional or technical effect in the designated product, including, but not limited to, the components of intentionally added fragrance ingredients and colorants and intentional breakdown products of an added chemical that also have a functional or technical effect in the designated product.

(l) "Manufacturer" means either of the following:

(1) A person or entity who manufactures the designated product and whose name appears on the product label.

(2) A person or entity who the product is manufactured for or distributed by, as identified on the product label pursuant to the federal Fair Packaging and Labeling Act.

(m) "Nonfunctional constituent" means one of the following substances, that is an incidental component of an intentionally added ingredient, a breakdown product of an intentionally added ingredient, or a byproduct of the manufacturing process that has no functional or technical effect on the designated product:

(1) 1,4 dioxane.

(2) 1,1 dichloroethane.

(3) Acrylic acid.

(4) Benzene.

(5) Benzidine.

(6) 1,3 butadiene.

(7) Carbon tetrachloride.

(8) Chloroform.

(9) Ethylene oxide.

(10) Nitilotriacetic acid.

(11) Butyl benzyl phthalate.

(12) Butyl decyl phthalate.

(13) Di(2-ethylhexyl) phthalate.

- (14) Diethyl phthalate.
- (15) Diisobutyl phthalate.
- (16) Di(n-octyl) phthalate.
- (17) Diisononyl phthalate.
- (18) Dioctyl phthalate.
- (19) Butylparaben.
- (20) Ethylparaben.
- (21) Isobutylparaben.
- (22) Methylparaben.
- (23) Propylparaben.
- (24) Formaldehyde.
- (25) 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride.
- (26) DMDM hydantoin.
- (27) Diazolidinyl urea.
- (28) Glyoxal.
- (29) Imidazolidinyl urea.
- (30) Polyoxymethylene urea.
- (31) Sodium hydroxymethylglycinate.
- (32) 2-Bromo-2-nitropropane-1,3-diol.
- (33) N-Nitrosodimethylamine.
- (34) N-Nitosodiethylamine.

(n) "Polish or floor maintenance product" means a chemically formulated consumer product, such as polish, wax, or a restorer, labeled to indicate that the purpose of the product is to polish, protect, buff, condition, temporarily seal, or maintain furniture, floors, metal, leather, or other surfaces.

(o) "Product label" means a display of written, printed, or graphic material that is affixed to a product or its immediate container or wrapper.

108954. (a) A manufacturer of a designated product sold in the state shall disclose on the product label the information specified by either paragraph (1) or (2):

(1) (A) A list of each intentionally added ingredient contained in the product that is included on a designated list.

(B) A list of each fragrance allergen included on Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004 on January 1, 2018, when present in the product at a concentration at or above 0.01 percent (100 ppm). The manufacturer shall determine the total concentration of each fragrance allergen by adding contributions of the fragrance allergen from all fragrance ingredients and other ingredients in the designated product, including its presence in essential oils.

(C) Notwithstanding subparagraph (A), an intentionally added ingredient that is known to the State of California to cause cancer or reproductive toxicity and is included on a designated list pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) shall not be required to be listed on the designated product label until January 1, 2023.

(2) (A) A list of all intentionally added ingredients contained in the designated product, unless it is confidential business information.

(B) A statement that reads "Contains fragrance allergen(s)" shall be included on the product label when a fragrance allergen included on Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004, or subsequent updates to those regulations, is present in the product at a concentration at or above 0.01 percent (100 ppm). The manufacturer shall determine the total concentration of each fragrance allergen by adding contributions of the fragrance allergen from all fragrance ingredients and other ingredients in the designated product, including its presence in essential oils.

(C) Notwithstanding subparagraph (A), fragrance ingredients or colorants may be listed on the product label as "fragrances" or "colorants," respectively.

(D) Notwithstanding subparagraph (A), an intentionally added ingredient that is known to the State of California to cause cancer or reproductive toxicity and is included on a designated list pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) shall not be required to be listed on the designated product label until January 1, 2023.

(b) (1) A manufacturer of a designated product sold in the state shall disclose the manufacturer's toll-free telephone number and Internet Web site address on the designated product label.

(2) If a designated product label does not include a full list of intentionally added ingredients, it shall include all of the following:

(A) A statement that reads: "For more ingredient information visit"

(B) An address for an Internet Web site that provides all of the information required by Section 108954.5.

(C) A toll-free phone number.

(c) This section shall not apply to a product that is a pesticide as defined in Section 12753 of the Food and Agricultural Code.

(d) This section shall not be construed to preclude a manufacturer from using technologies, such as electronic or digital link, in addition to the disclosures required to be printed on a designated product label, to communicate the information required by this section.

108954.5. (a) The manufacturer of a designated product sold in the state shall post on its Internet Web site, in an electronically readable format, the following information related to the designated product:

(1) (A) A list of each intentionally added ingredient contained in the product, except for the following:

(i) Fragrance ingredients subject to subdivision (b).

(ii) Intentionally added ingredients that are confidential business information.

(B) Notwithstanding subparagraph (A), an ingredient that is known to the State of California to cause cancer or reproductive toxicity pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) shall not be required to be listed until January 1, 2023.

(C) Intentionally added ingredients listed pursuant to this paragraph shall be listed in descending order of predominance by weight in the product, except that ingredients present at a weight below one percent may be listed following the other ingredients without respect to the order of predominance by weight.

(2) (A) A list of all nonfunctional constituents present in the designated product at a concentration at or above 0.01 percent (100 ppm).

(B) Notwithstanding subparagraph (A), a nonfunctional constituent that is known to the State of California to cause cancer or reproductive toxicity pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20), and triggers a product warning pursuant to that act, shall be included on the list of nonfunctional constituents.

(C) Notwithstanding subparagraphs (A) and (B), 1, 4 dioxane shall be listed if it is present in the finished designated product at a concentration at or above 0.001 percent (10 ppm).

(3) The Chemical Abstracts Service (CAS) number for any intentionally added ingredient or nonfunctional constituent listed pursuant to this section shall be listed with the name of the intentionally added ingredient or nonfunctional constituent. If a CAS number is not available or if the intentionally added ingredient is confidential business information, the phrase "not available" or "withheld," respectively, shall be used in place of the CAS number.

(4) The functional purpose served by each intentionally added ingredient listed pursuant to this section. For fragrance ingredients or colorants, the manufacturer may list the function as a "fragrance ingredient" or "colorant."

(5) Electronic links for designated lists shall be grouped together in a single location for any intentionally added ingredient or nonfunctional constituent that is included on a designated list and any fragrance allergen included on Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004, or subsequent updates to those regulations.

(6) A link to the hazard communication safety data sheet for the designated product.

(7) If a product is required to include an Internet Web site address pursuant to paragraph (1) of subdivision (b) of Section 108954, the information required to be provided by this section shall be posted no more than five clicks from the Uniform Resource Locator (URL) printed on the designated product label and no more than four clicks from a product-specific Internet Web site. If a URL is not required to be included on the designated product label, as provided in subdivision (d), the information required by this section shall be posted no more than five clicks from the manufacturer's Internet Web site and no more than four clicks from a product-specific Internet Web site.

(b) In addition to the information required by subdivision (a), the manufacturer of a designated product sold in the state shall post on its Internet Web site, in an electronically readable format, all of the following information related to fragrance ingredients or allergens contained in the designated product:

(1) A list of all fragrance ingredients that are included on a designated list.

(2) A list of all fragrance allergens included on Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004, or subsequent updates to those regulations, when present in the product at a concentration at or above 0.01 percent (100 ppm). The manufacturer shall determine the total concentration of each fragrance allergen by adding contributions of the fragrance allergen from all fragrance ingredients and other ingredients in the designated product, including its presence in essential oils.

(3) Notwithstanding paragraph (1), a fragrance ingredient that is known to the State of California to cause cancer or reproductive toxicity and is included on a designated list pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) shall not be required to be listed until January 1, 2023.

(4) A list of all fragrance ingredients, other than those described in paragraphs (1) to (3), inclusive, that are present in the designated product at a concentration at or above 0.01 percent (100 ppm), unless it is confidential business information.

(c) A manufacturer of a designated product regulated under the federal Occupational Safety and Health Act of 1970 shall make the information described in paragraphs (1) to (4), inclusive, of subdivision (a) and in subdivision (b) available in an easily printable format. A manufacturer may satisfy this requirement by including this information on the product safety data sheet or in a separate printable list.

(d) A manufacturer of a designated product regulated pursuant to Section 12753 of the Food and Agricultural Code as a pesticide is not required to include a reference to an Internet Web site on the designated product label.

108955. (a) To protect confidential business information, this chapter shall not be construed to require a manufacturer to disclose the weight or amount of an intentionally added ingredient, including a fragrance ingredient, or nonfunctional constituent or to disclose how a product is manufactured, and shall not be construed to require intentionally added ingredients or nonfunctional constituents present in a designated product at a concentration below one percent to be listed in any particular order.

(b) (1) A manufacturer may protect and is not required to disclose any intentionally added ingredient, including any fragrance ingredient, or combination of intentionally added ingredients that meet the definition of confidential business information as specified in subdivision (e) of Section 108950.

(2) (A) A manufacturer that protects an intentionally added ingredient, including a fragrance ingredient, or combination of intentionally added ingredients as confidential business information by declining to disclose the specific name of the chemical or chemicals being protected shall use the generic name for the intentionally added ingredient or combination of intentionally added ingredients as provided in the federal Toxic Substances Control Act (TSCA) Confidential Inventory.

(B) If the intentionally added ingredient or combination of intentionally added ingredients is not included in the TSCA Confidential Inventory, but the manufacturer claims protection for those ingredients or combination of ingredients as confidential business information under the Uniform Trade Secrets Act (Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code), the manufacturer shall use a name for the intentionally added ingredient or combination of intentionally added ingredients that is only as generic as necessary to protect the confidential identity of the intentionally

added ingredient or combination of intentionally added ingredients. In developing the generic name, the manufacturer shall use the generic name framework provided by the federal Environmental Protection Agency guidance for the TSCA Confidential Inventory, the European Chemicals Agency guidance for alternative chemical names, the New Jersey Trade Secret Registry Number system, or the Canadian Hazardous Materials Information Review Act Registry Number system, if applicable.

(c) A manufacturer that protects an intentionally added ingredient, including a fragrance ingredient, or combination of intentionally added ingredients pursuant to the Uniform Trade Secrets Act (Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code) shall maintain justification for protecting confidential business information consistent with the requirements of the act and provide that justification on request for audit by the Attorney General.

(d) A supplier to a manufacturer that protects an intentionally added ingredient, including a fragrance ingredient, or combination of intentionally added ingredients as confidential business information shall follow the guidelines specified in subdivisions (b) and (c) and the manufacturer shall use the generic name provided by the supplier.

108955.5. An intentionally added ingredient, fragrance ingredient, or nonfunctional constituent listed or posted pursuant to this chapter, other than an ingredient for which use of a generic name is permitted by Section 108955, shall be listed or posted pursuant to the following nomenclature systems, in the order in which they are listed. If a name is available in either of the first listed systems, that name shall be used. If a name is not available in those systems, then a name from the next listed system shall be used, and so forth.

(a) Consumer Specialty Products Association Consumer Product Ingredients Dictionary (CSPA Dictionary) or International Nomenclature of Cosmetic Ingredients (INCI).

(b) International Union of Pure and Applied Chemistry nomenclature (IUPAC).

(c) Chemical Abstracts Index name.

(d) Common Chemical Name.

108956. (a) The online disclosure requirements described in Section 108954.5 shall apply to a designated product sold in the state on or after January 1, 2020.

(b) The product label disclosure requirements described in Section 108954 shall apply to a designated product sold in the state on or after January 1, 2021.

(c) A manufacturer may label a designated product manufactured before January 1, 2021, in accordance with this chapter.

(d) A designated product manufactured prior to the dates specified in subdivisions (a), (b), and (c), shall be deemed in compliance with the requirements of this chapter if the designated product displays either of the following on the designated product:

(1) The day, month, and year of manufacture of the product.

(2) A code indicating the date described in paragraph (1).

(e) A manufacturer that is required to make a revision to information disclosed online pursuant to Section 108954.5 due to a change in a designated trait list or in Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004 shall make the revision no later than six months after the adoption of the revised list by its authoritative body, unless a later effective date for changes is imposed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) or Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004.

(f) A manufacturer that is required to make a revision to information disclosed on a product label pursuant to Section 108954 due to a change in a designated trait list or in Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004 shall make the revision no later than 18 months after the adoption of the revised list by its authoritative body, unless a later effective date for changes is imposed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) or Annex III of the EU Cosmetics Regulation No. 1223/2009 as required to be labeled by the EU Detergents Regulation No. 648/2004.

(g) A manufacturer shall make any revision required as a result of a change in the chemical naming protocols set out in Section 108955.5 when it revises its label pursuant to subdivision (f) of this section.

(h) A designated product manufactured prior to the expiration of the time periods described in subdivision (e) or (f) shall be deemed in compliance with this chapter if the designated product displays either of the following on the designated product:

(1) The day, month, and year of manufacture of the product.

(2) A code indicating the date described in paragraph (1).

(i) If a manufacturer uses a code to indicate the date on the product, the manufacturer shall provide a statement on the manufacturer's Internet Web site that indicates that the information on the date of manufacture of a designated product may be obtained by calling a toll-free phone number and shall provide the toll-free phone number, or post on the manufacturer's Internet Web site how to determine the date from the code on the designated product.

108958. A designated product shall not be sold in the state unless the designated product and the manufacturer of the designated product comply with this chapter.

108960. Nothing in this chapter shall be construed to restrict the authority of the Department of Toxic Substances Control to take action on any cleaning product pursuant to its authority under Chapter 6.5 (commencing with Section 25251) of Division 20 and consistent with this act.

SEC. 2. Section 6398.5 is added to the Labor Code, to read:

6398.5. An employer that is required to maintain safety data sheets and ensure that those safety data sheets are readily accessible in accordance with this chapter and Section 5194 of Title 8 of the California Code of Regulations shall, in the same manner and to the same persons, make readily available the printable information described in subdivision (c) of Section 108954.5 of the Health and Safety Code for designated products, as defined in subdivision (f) of Section 108952 of the Health and Safety Code, in the workplace.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.