

## Frequently Asked Questions about Safer Choice Ingredient Communication (November 2024)

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Below, we provide answers to questions frequently asked about the disclosure provisions, as well as examples of acceptable ingredient names. If you have other questions or need further clarification—including guidance on naming proprietary ingredients—please contact your third-party profiler or Safer Choice.

### **Are ingredients to be listed in order of concentration?**

Yes, ingredients present at over 1.0% (measured on a weight-weight percentage basis) should be listed in descending order, with the ingredient at the highest percentage in the formula listed first. Ingredients at or below 1.0% can be listed in any order.

### **Is water included where present?**

Yes, water should be included in the ingredient listing.

### **Are non-active raw material components included where present?**

Only active components (for example, ethanol but not its denaturant) are required to be included in the ingredient listing. Non-active components may be included if desired.

### **At what minimum concentration must an ingredient be disclosed?**

There is no minimum-concentration exclusion; all intentionally added ingredients must be listed, except for "incidental ingredients," like reagents and processing aids, which have no functional effect in the formulation and are present at insignificant levels. Incidental ingredients may be added to some product batches when needed (e.g., to adjust pH).

### **Are pH adjusters included where present?**

Yes, pH adjusters should be included in the ingredient listing and must meet Safer Choice criteria.

### **What if I only use a pH adjuster sometimes?**

Incidental ingredients – ingredients present at insignificant levels that have no technical or functional effect (e.g., reagents, processing aids, and impurities) – are not required to be disclosed on the product label when added to a formulation on a batch-by-batch basis. Instead, these incidental ingredients are required to be disclosed on a product's website disclosure, with a caveat that the ingredient may be present. Additionally, the product label should include language directing the consumer to the website ingredient disclosure.

## **What qualifies an ingredient as a trade secret?**

Ingredients can be claimed as trade secret based on the definition in the Uniform Trade Secrets Act (UTSA). The UTSA defines trade secret as "information, including a formula, pattern, compilation, program device, method, technique, or process, that: (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

Stated more simply, you might claim an ingredient trade secret if keeping it secret is key to preserving your economic interests in your product and you have taken reasonable steps to preserve its secrecy. Please note that Safer Choice encourages its formulator partners to be as forthcoming as possible in providing ingredient information, to enhance public awareness of the safer ingredients in Safer Choice products and to be responsive to strong consumer interest in more complete communication on chemicals in common use.

## **How do I describe my ingredients?**

Except for ingredients protected as trade secrets (as defined in the Uniform Trade Secrets Act), formulators must use the CAS Number, if available, and one or more of the following nomenclature systems to describe their ingredients:

- CAS name;
- the Household & Commercial Products Association (HCPA) Ingredient Dictionary name;
- International Nomenclature of Cosmetic Ingredients (INCI) name; or,
- International Union of Pure and Applied Chemistry (IUPAC) name.

## **Can I use a NJ Trade Secret Registry Number (Right to Know) Number in place of a CAS registry number?**

It is acceptable to use a NJ TSRN in place of a CAS RN as a basic identifier for a trade secret ingredient if it is accompanied by a generic chemical-descriptive name, for example, the EPA Premanufacture Notice generic name or the HCPA Dictionary name, in lieu of the specific chemical name. The name must be as specific as possible without revealing trade secret information.

## **What if my supplier does not provide a chemical descriptive name for a proprietary ingredient?**

If you've asked your supplier for a descriptive name, and none is available, it would be acceptable to use a basic identifier or trade name for that ingredient, as shown in the table, below.

### **What level of detail is required for fragrances?**

You have a number of options for fragrance disclosure. Scent ingredients may be listed as "Fragrance," on the label, but the formulator must indicate where detailed information can be found. For example, you may reference the International Fragrance Association (IFRA) materials list or a subset of the IFRA list (available at <https://ifrafragrance.org/>). Alternatively, if not a matter of trade secret, you may provide the ingredients in the fragrance or the palette of fragrance materials used in your products on your website. You may also list ingredients not used, which may provide important public health information, for example, the non-use of a potential asthmagen.

Fragrance ingredients that are dermal sensitizers and present above 0.01% (100 ppm) in a product must be disclosed on the product label regardless of the location of your product's full ingredient disclosure. Alternatively, you may demonstrate that the product does not cause a sensitization response through appropriate *in vivo* or *in vitro* testing and limit the amount of fragrance materials in the product to the level in the test sample.

### **What level of detail is required for preservatives?**

Preservatives in non-pesticidal products should be listed by a chemical-descriptive name. Pesticidal preservatives are subject to the US EPA Office of Pesticide Program regulations and guidance.

### **What if my product is subject to FDA regulatory requirements for ingredient disclosure?**

You have a number of options for CAS disclosure. You may list the ingredients according to the FDA regulatory requirements on your label and post the ingredients with CAS numbers on your website or add a toll-free phone number.

### **If my ingredients are derived from plants, can this information be included in the disclosure?**

If you have verified that your ingredients are naturally derived you may indicate as such following the chemical name. Please be aware, however, that the language and any claims you make on the label are subject to FTC regulations and must be legally defensible (see [FTC Guides for Environmental Marketing Claims](#)).

### **Is ingredient disclosure required for private label products?**

Yes, partners should ensure that their private label, licensee, and toll manufacture products have identical (as appropriate) ingredient disclosure.

## Where should I list my product's ingredients?

Listing ingredients on the product label optimizes consumer education and awareness. However, ingredients can also be disclosed on a company website or toll-free number instead of on a product label. Examples of appropriate text are:

“For product ingredients, please call 888-851-8230.”

“For ingredient information, please visit [www. company name. com/ ingredients](http://www.companyname.com/ingredients)”

If disclosure occurs via a toll-free number, it must be available to the public at all times.

## Examples of Proper Ingredient Disclosure

Ingredient	CAS #
Water	7732-18-5
Dipropylene glycol n-methyl ether	34590-94-8
Dodecanol ethoxylate	68131-39-5
Anionic surfactant blend (plant derived)	proprietary
Potassium carbonate	584-08-7
FD&C Blue #1	3844-45-9
Polymeric violet anthraquinone colorant	proprietary
Acrylic polymer	proprietary
Polyether siloxane	proprietary
Alanine, N,N-bis(carboxymethyl)-, trisodium salt	164462-16-2
Fragrance (ingredients may include those found at <a href="https://ifrafragrance.org/">https://ifrafragrance.org/</a> )	proprietary
2-Phenoxyethanol	122-99-6
Amylase (natural enzyme)	9000-92-4

Ingredients (CAS): water (7732-18-5), anionic surfactant blend (proprietary), FD&C Blue #1 (3844-45-9), Fragrance (proprietary, see <https://ifrafragrance.org/>).

## Other questions?

Please contact [saferchoice@epa.gov](mailto:saferchoice@epa.gov).