



american cleaning institute®

16 January 2024

Michal Freedhoff  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
US Environmental Protection Agency

(via Federal eRulemaking Portal: <http://www.regulations.gov>)

**RE: EPA-HQ-OPPT-2023-0520-0001: Modifications to the Safer Choice Standard and Potential Implementation of a Safer Choice Cleaning Service Certification Program**

**Dear Assistant Administrator Freedhoff:**

The American Cleaning Institute® (ACI)<sup>1</sup> is pleased to provide the following comments regarding the US Environmental Protection Agency's (EPA's) modifications to the Safer Choice Standards.<sup>2</sup>

ACI's member companies represent manufacturers, formulators, and distributors of cleaning products in the United States who will be impacted by updates to the Safer Choice standards. ACI and its members are dedicated to improving human health and quality of life through supporting the advancement of sustainable cleaning products and safe practices. ACI's mission is to support the sustainability of the cleaning product industries through research, education, outreach, and science-based advocacy. With this being the first proposed update since 2015 and the 4th revision since the original 2009 standards, ACI understands the importance of updating the standards to continue to help consumers, businesses and purchasers find products that perform and contain ingredients that are safer for human health and the environment.

ACI supports necessary updates to Safer Choice standards to ensure the Safer Choice Program is remains current with the state of scientific and technological innovation. ACI agrees with the inclusion of the voluntary submission of information to encourage leadership and innovation in sustainable energy use and reduce carbon-based energy consumption. ACI also supports the use of Non-Animal Testing Methods (NAMs) whenever possible.

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<sup>1</sup> ACI represents the \$60 billion U.S. cleaning product supply chain. ACI members include the manufacturers and formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and chemical distributors. ACI serves the growth and innovation of the U.S. cleaning products industry by advancing the health and quality of life of people and protecting our planet. ACI achieves this through a continuous commitment to sound science and being a credible voice for the cleaning products industry.

<sup>2</sup> [Safer Choice Standard and Criteria | US EPA](#)

While ACI supports the submission of voluntary information to the Safer Choice Program standards, ACI believes that some proposals require further explanation. Furthermore, exemptions to some of EPA's proposed updates, or implementing them on a voluntary basis rather than a requirement are recommended. The standard updates that ACI is most concerned about include: Entering and Exiting a Product Class, Primary Packaging, additional animal testing for surfactants class and restrictions to enzyme uses.

### **Entering and Exiting a Product Class**

ACI welcomes entering product classes if a product meets the requirements stated by Safer Choice. ACI requests that the Safer Choice Program provide an explanation when a decision is made that an ingredient must exit a product class. Although this may be a rare occasion, the justification for the exit - and the requirement that the Safer Choice logo be removed from products - should be clear to all. EPA states in the Preamble, "newly available information about a class of products may indicate the products pose unanticipated serious adverse health or environmental effects."<sup>3</sup> This statement is very broad and therefore what qualifies as "newly available information" to effectively exit a product class is unclear and in need of clarification. If EPA proposes to require that ingredient exit a class, a comment period to allow the American public the chance to submit any additional information to inform this decision should be mandatory.

EPA is also proposing that product manufacturers would be expected to make the necessary label revisions to meet compliance within a year. The recall and/or relabeling of products in a year's time could be a burdensome, impractical, and costly endeavor. Safer Choice should consider extending the amount of time needed to comply depending on the circumstance of product class exiting. Additional exemptions should exist to permit products to remain in a class. For example, if there are no alternatives to a substance, an exemption should be provided so that the chemical ingredients that are known to be the safest ingredients available are not removed from the Safer Choice Ingredient List.

### **Primary Packaging**

ACI has committed to 100% of packaging to be recyclable or reusable by 2025 and understands that focusing sustainability efforts on packaging promotes the goal of reducing carbon-based energy consumption. ACI has exceeded 15% recycled content in many of our applications. ACI members are either leading sustainability initiatives within the cleaning industry, or on route to advancing initiatives that reduce energy and resource consumption.

ACI supports the use of sustainable packaging, however we understand that there are complexities to incorporating post-consumer recycled (PCR) content for all components of a product. Certain products, such as sprays, will make it very difficult to meet PCR requirements due to the use of trigger heads that may require virgin plastic to meet performance and robustness. There are also studies that show the migration of contaminants, and this must be taken into account when considering requirements.<sup>4</sup>

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<sup>3</sup> [Preamble – Proposed Revisions to EPA's Safer Choice Standard](#)

<sup>4</sup> [Cecon V., Da Silva P, Curtzwiler G., Vorst K., 2021, The challenges in recycling post-consumer polyolefins for food contact applications: A review, Science Direct, Volume 167](#)

ACI supports the ability for partners to request an exemption to these criteria due to complexities mentioned earlier. It would be very beneficial to partners if EPA provides more detail regarding the rationale and supporting documentation needed to receive a primary packaging exemption.

With the Federal Trade Commissions' "Green Guides" currently under review, the definition of terms like recyclability, recycled content, post-consumer recycled content are also subject to change.<sup>5</sup> ACI recommends that EPA revisit any packaging standard after the FTC releases their updated Green Guides, so that terms will be clearly defined and consistent with federal commercial definitions to avoid any regulatory confusion.

### **Surfactants**

The surfactants ingredient class is very important for ACI and our membership. ACI and its members are ongoing submitters of surfactant ingredients as candidates to join the Safer Choice Ingredient List.<sup>6</sup> Requesting additional "aquatic toxicity data for at least one trophic level for the chemical under evaluation" should be maintained under TSCA's Existing Chemicals program instead of Safer Choice. ACI recommends that the request for additional aquatic toxicity data be required on a case-by-case basis and maintain the current standard surfactant criteria.<sup>7</sup>

ACI also finds this data requirement update perplexing. EPA is requesting animal testing while simultaneously calling for more non-animal testing methods (NAMs). Requiring additional aquatic toxicity data is also challenging to potential Safer Choice partners because many of these studies are longer than the 1-year time allotment the Safer Choice Program will allow for partners to meet compliance to avoid exiting a product class.

### **Enzymes**

ACI recommends that EPA clarifies language under the enzymes standard. Under section 5.10, clarification is needed as the proposed language is ambiguous and could lead to misunderstandings. Specifically, the use of "not in a product designed for indoor use" can lead the reader to assume that enzymes cannot be used for any indoor products, potentially including laundry and dish applications that are currently certified by Safer Choice. To address this issue and make the requirements more easily understood, we recommend the following changes to the language:

"Enzymes are allowed in contained household uses where there is minimal risk of airborne residues such as existing criteria for laundry and dish cleaning applications. Enzymes are not allowed in spray-applied unless a consumer risk assessment is performed with data to support safe use. Enzymes are also not allowed in a product designed for indoor use in a non-contained application where residues may become airborne (e.g., carpet shampoo) unless a consumer risk assessment is performed with data to support safe use."<sup>8</sup>

Section 5.5.1. references skin sensitizers for fragrances, which is not applicable for enzymes and the section is incorrectly referenced. We disagree with the requirement to list enzymes present at 0.01% or higher on the product label, as proposed in Section 5.10. and consumer goods

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<sup>5</sup> [Green Guides | Federal Trade Commission \(ftc.gov\)](https://www.ftc.gov/guides)

<sup>6</sup> [Safer Chemical Ingredients List | US EPA](https://www.epa.gov/safer-choice)

<sup>7</sup> [Safer Choice Criteria for Surfactants | US EPA](https://www.epa.gov/safer-choice)

<sup>8</sup> American Cleaning Institute. (2019). Guidance for the Risk Assessment of Enzyme-Containing Consumer Products.

companies should follow consumer labeling practices. As a result of the incorrect categorization, we recommend that the labeling requirement be removed "...and must be listed on the product label (as per Section 5.5.1), if present at greater than 0.01% (100 ppm)".

Another concern regarding the section on EPA's approach to exiting categories based on incoming health and environmental data. As an example, enzymes are respiratory sensitizers and have a long history of safe use<sup>9</sup> in enzyme manufacturing and consumer products. Products should not be excluded based on incoming health and environmental data in cases where alternatives are not available. The use of the yellow triangle should be maintained for this purpose. ACI suggests EPA should not remove categories without an equivalent alternative.

### **Microorganisms-based products**

ACI recommends that EPA provide further guidance on what microorganisms will be accepted under the Safer Choice program and what tailored evaluation criteria ingredients and products will undergo to be deemed acceptable.

ACI would appreciate the opportunity to discuss our mentioned concerns in further detail and looks forward to assisting the Safer Choice and DfE programs expansion. ACI will continue to offer our support where needed to advance the use of safer products and ingredients across the cleaning industry.

Sincerely,

*Darius Stanton*

Darius Stanton, ACI Director of Regulatory Science and Innovation

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<sup>9</sup> Basketter D, Berg N, Broekhuizen C, Fieldsend M, Kirkwood S, Kluin C, Mathieu S, Rodriguez C. Enzymes in cleaning products: an overview of toxicological properties and risk assessment/management. *Regul Toxicol Pharmacol.* 2012 Oct;64(1):117-23. doi: 10.1016/j.yrtph.2012.06.016. Epub 2012 Jun 26. PMID: 22743221.