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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

To establish programs in the executive branch to permit the labeling of certain products that do not contain any carcinogens as “Carcinogen-Free”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DEUTCH introduced the following bill; which was referred to the Committee on _____

A BILL

To establish programs in the executive branch to permit the labeling of certain products that do not contain any carcinogens as “Carcinogen-Free”, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Carcinogen-Free Label
5 Act of 2012”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Approximately 1.5 million Americans, in-
2 cluding children, are diagnosed with cancer annually.

3 (2) Over 500,000 Americans die from cancer
4 every year.

5 (3) Less than 5 percent of all cancers are
6 caused by genetic factors.

7 (4) Cancer is the top cause of disease-related
8 death for American children and adolescents.

9 (5) Children are more vulnerable to environ-
10 mental carcinogens than adults.

11 (6) Reducing exposure to carcinogens reduces
12 risk of cancer.

13 (7) The average consumer currently lacks the
14 ability to easily identify products that do not contain
15 carcinogens.

16 (8) Consumers benefit from additional informa-
17 tion about the potential health impact of products
18 they use.

19 (9) When comparing products to purchase for
20 their families, many consumers use potential health
21 impact as a determining factor.

22 (10) The 2008–2009 Annual Report of the
23 President’s Cancer Panel urges action to prevent en-
24 vironmental and occupational exposure to carcino-
25 gens.

1 (b) PURPOSE.—The purpose of this Act is to enable
2 consumers to reduce their exposure to carcinogens by al-
3 lowing manufacturers to affix a Carcinogen-Free label to
4 products that do not contain known or probable carcino-
5 gens through a voluntary process that does not require
6 public disclosure of trade secrets.

7 **SEC. 3. CARCINOGEN-FREE LABELS.**

8 (a) IN GENERAL.—The head of each Federal depart-
9 ment or agency that regulates a covered product shall es-
10 tablish in that department or agency a program to permit
11 the labeling of covered products that do not contain any
12 carcinogens as “Carcinogen-Free”.

13 (b) DEVELOPMENT OF LABEL.—The heads of each
14 Federal department or agency that regulates a covered
15 product shall coordinate to develop an easily recognizable
16 label to be affixed to a covered product to signify that the
17 product has been approved for labeling as “Carcinogen-
18 Free”. Such label shall include the following notice: “This
19 product does not contain known or likely carcinogens that
20 increase your risk of cancer.”.

21 (c) PREMARKET APPROVAL OF LABEL.—

22 (1) IN GENERAL.—It shall be unlawful to intro-
23 duce or offer for introduction into interstate com-
24 merce a covered product affixed with a “Carcinogen-
25 Free” label described under subsection (b)—

1 (A) if the head of each Federal department
2 or agency that regulates the product has not
3 approved an application submitted under para-
4 graph (2) for the labeling of the product as
5 “Carcinogen-Free”; or

6 (B) if the product contains any substance
7 that is not listed in such application.

8 (2) APPLICATION.—Any person may submit an
9 application for the labeling of a covered product as
10 “Carcinogen-Free”. Such application shall include a
11 list of all the substances contained within the prod-
12 uct, and shall be accompanied by a sample of the
13 product.

14 (3) CRITERIA FOR APPROVAL.—The head of
15 each Federal department or agency to which an ap-
16 plication is submitted under paragraph (2) shall ap-
17 prove the application if such head determines that—

18 (A) the application accurately lists all sub-
19 stances contained in the product;

20 (B) the product does not contain any car-
21 cinogens;

22 (C) the product does not contain any sub-
23 stances that display carcinogenicity upon deg-
24 radation, upon interactions with other sub-
25 stances contained within the product or exposed

1 to the product, during storage or transpor-
2 tation, or during intended use of the product,
3 as determined by such head based on previous
4 findings made by such department or agency;
5 and

6 (D) the applicant has demonstrated a plan
7 to comply with guidance issued under sub-
8 section (e) relating to manufacture, storage,
9 and transportation.

10 (4) CONFIDENTIALITY OF INFORMATION.—Any
11 information provided to the head of a Federal de-
12 partment or agency under paragraph (2)—

13 (A) shall be kept confidential by such de-
14 partment or agency, and shall be treated as
15 trade secrets or confidential information for
16 purposes of section 552(b)(4) of title 5, United
17 States Code, and section 1905 of title 18,
18 United States Code;

19 (B) may not be used for any purpose other
20 than approval of an application under this sub-
21 section; and

22 (C) may not be made public except with
23 the prior written consent of the applicant.

24 Submission of an application under paragraph (2)
25 does not constitute disclosure of trade secrets by the

1 applicant or public disclosure for the determination
2 of patentability, and any information contained in
3 an application may not be used as prior art to a
4 claimed invention.

5 (5) LABEL INTEGRITY.—The head of each
6 agency to which applications are submitted under
7 paragraph (2) shall—

8 (A) conduct random testing of covered
9 products for which applications are submitted
10 for approval under such paragraph to ensure
11 that the applications accurately list all the sub-
12 stances contained in such products;

13 (B) conduct random audits of facilities in
14 which such covered products are manufactured;
15 and

16 (C) take reasonable measures to ensure
17 compliance with agency guidance issued under
18 subsection (e) relating to manufacture, storage,
19 and transportation of such covered products.

20 (6) FEES.—The head of each Federal depart-
21 ment or agency may charge a reasonable fee for the
22 submission and approval of an application under
23 paragraph (2). The amount of such fee shall be the
24 amount necessary to result in an estimated total rev-
25 enue from all such fees received by the department

1 or agency that is equal to the estimated total cost
2 of the program established by the department or
3 agency under subparagraph (a).

4 (d) PENALTY FOR VIOLATIONS.—In addition to any
5 other penalty authorized by law, any person who know-
6 ingly violates subparagraph (A) or (B) of subsection (c)(1)
7 shall be subject to a civil penalty of not more than
8 \$100,000.

9 (e) GUIDANCE TO PREVENT INDIRECT INTRODUC-
10 TION OF CARCINOGENS.—The head of each Federal de-
11 partment or agency that regulates a covered product shall
12 issue guidance to prevent the introduction of carcinogens
13 into such covered product during the manufacture, stor-
14 age, and transportation of such covered product.

15 (f) NATIONAL LIST.—The head of each Federal de-
16 partment or agency that regulates a covered product shall
17 each post on the public website of that department or
18 agency a list of all covered products regulated by that de-
19 partment or agency that have been approved for labeling
20 as “Carcinogen-Free”.

21 (g) DEFINITIONS.—In this section:

22 (1) CARCINOGEN.—The term “carcinogen”
23 means any of the following:

24 (A) A substance listed in the National
25 Toxicology Program Report on Carcinogens as

1 known to be a human carcinogen or reasonably
2 anticipated to be a human carcinogen.

3 (B) A substance described in the Environ-
4 mental Protection Agency Integrated Risk In-
5 formation System as carcinogenic to humans or
6 likely to be carcinogenic to humans.

7 (2) COVERED PRODUCT.—The term “covered
8 product” means any product offered for sale that—

9 (A) is regulated by the Food and Drug Ad-
10 ministration, the Environmental Protection
11 Agency, the Department of Agriculture, or the
12 Consumer Product Safety Commission; and

13 (B) is intended for individual or residential
14 use.