

UL WERCSmart Frequently Asked Questions:
**California Cosmetic Fragrance and Flavor Ingredient
Right to Know Act of 2020 (SB 312)**

- 1) What services does WERCSmart provide that assist suppliers and retailers in complying with California SB 312?

Beginning in May 2022, WERCSmart was enhanced to provide a report assessing whether a formulation record is sufficient or insufficient for generating the ingredient disclosures required by SB 312. This report, titled “California Safe Cosmetic Program Assessment,” is available for a supplier to request in the My Reports section of your WERCSmart dashboard. The report indicates whether a WERCSmart formulation is sufficient for full formulation screening or is insufficient because it could not be fully screened. It also indicates whether a formulation contains any registered third-party components or any generic or botanical ingredients that cannot be screened for reportable ingredients.

By Q4 2022, the report will be enhanced to include a list identifying any reportable ingredients in the formulation. If you have already reviewed your reports and need help interpreting the results, contact william.pease@ul.com with specific questions.

If a formulation is associated with a retailer private label brand, a retail recipient can also request that data summarizing the relevant assessments are included in their regulatory data feed from the WERCSmart system. The summary data retailers receive indicates whether a formulation is

- Sufficient (for Full Formulation Screening), No Reportable Ingredients
- Sufficient, Reportable Ingredients
- Insufficient (for Full Formulation Screening), Reportable Ingredients
- Insufficient, No Reportable Ingredients

Retailers are not provided with the identity of generic or botanical ingredients that could not be completely screened or of reportable ingredients.

At this point in time, Target is the only retail recipient receiving summary SB 312 results in its data feed.

- 2) How are suppliers expected to utilize the SB 312 reports?

Reports provide the data needed for suppliers to report products with specific fragrance and flavor ingredients to the [California Safe Cosmetics Reporting Portal](#), following instructions provided by the [California Safe Cosmetics Reporting Program](#). Reports also provide the data needed for suppliers to file reports needed to comply with the California Safe Cosmetics Act (SB 484), which since 2007 has required cosmetic manufacturers to disclose products that contain any ingredient listed on Proposition 65 to the same reporting portal.

While WERCSmart can help suppliers acquire the data that must be reported to the California Department of Health, it does not automatically file these reports with the state's portal. It is the responsibility of the supplier to make all required submissions to the state regulatory agency.

3) What does Sufficient/Insufficient mean in the context of SB 312 reports?

These are WERCSmart terms describing whether a registered formulation can be fully screened for reportable ingredients. There are two types of WERCSmart ingredients that cannot be fully screened:

- Generic ingredient names, like “fragrance” or “flavor.” While these are allowable INCI ingredient names in cosmetic products, they are generic names for formulation components that are typically provided to a manufacturer by third-party fragrance or flavor houses. The generic name contains no information about the chemical composition of the component – and the purpose of SB 312 is to provide consumers with information about any reportable ingredients in these components.
- Botanical generic names, like those used for many essential oils (e.g., lemon oil). While these are allowable INCI ingredient names, they are typically generic names for Naturally Complex Substances comprised of constituents. California's SB 312 [Reporting Guidance](#) requires that “Naturally occurring chemicals that are constituents of an intentionally added ingredient must be reported if they are on the Reportable Ingredients List. For example, beta-myrcene is in some essential oils and must be reported if so.”

When a WERCSmart formulation contains either generic ingredient names or botanical generic names, the assessment indicates the formulation is insufficient to support SB 312 reporting and the report identifies the unscreenable ingredients. If all ingredients in a WERCSmart formulation can be fully screened, the assessment indicates the formulation is sufficient to support SB 312 reporting.

If your formulation is marked “insufficient,” its WERCSmart record will not be sufficient to support your California reporting obligations. You will either need to replace generic ingredients in your formulation with registered third-party components from your fragrance or flavor suppliers, or to obtain a list of reportable ingredients separately from these suppliers to add to your submission to the state's reporting portal.

4) What ingredients are reportable under SB 312?

The California Safe Cosmetics Program publishes the list of ingredients subject to SB 312 reporting in its [Reportable Ingredient List \(Excel\)](#).¹

¹ WERCSmart screening for reportable ingredients is based on the UL ChemAdvisor version of this list (LOLI ID = 8530: U.S. - California - Cosmetic Fragrance and Flavor Ingredient Right to Know Act - Substances in Designated Lists)

Note that ALL reportable ingredients must be submitted to California – there is no exemption for ingredients considered proprietary or trade secret. Pursuant to California Health and Safety Code § 111792.6, a fragrance ingredient or flavor ingredient that is included in a designated list, or a fragrance allergen that requires disclosure does not constitute a trade secret.

5) Is my company required to report product ingredient information in California?

Effective January 1, 2022, your company is subject to the mandatory reporting requirements of the Cosmetic Fragrance and Flavor Ingredient Right to Know Act of 2020 if it meets the following criteria:

- The company's name appears on the label of a cosmetic product sold in California.
- The company's cosmetics contain fragrance or flavor ingredients, or fragrance allergens indicated on the [Reportable Ingredients List \(Excel\)](#).

6) What categories of products are reportable under SB 312?

California's reporting requirements apply to cosmetic products, defined in a way that aligns with FDA's definition of this category: "Cosmetic product" means an article for retail sale or professional use intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance.²

² WERCSmart's determination of whether a product is a "cosmetic product" that is in-scope for SB 3123 reporting utilizes a list of specific Recommended Uses within its larger category of Health & Beauty.