

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To authorize the Safer Choice Program within the Environmental Protection Agency, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. COONS introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To authorize the Safer Choice Program within the Environmental Protection Agency, 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 “Safer Choice Program  
5 Authorization Act of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

- 8 (1) to promote the development and use of  
9 safer chemical products, the Environmental Protec-  
10 tion Agency has carried out—

1 (A) the Design for the Environment pro-  
2 gram for more than 30 years preceding the date  
3 of enactment of this Act; and

4 (B) the Safer Choice program for more  
5 than 10 years preceding the date of enactment  
6 of this Act;

7 (2) the programs described in paragraph (1)  
8 (referred to in this section as the “programs”) are  
9 voluntary, market-based initiatives that provide con-  
10 sumers, businesses, and institutional purchasers with  
11 clear and reliable information to inform product se-  
12 lection;

13 (3) the programs have supported United States  
14 innovation by providing a predictable framework for  
15 manufacturers, including small and medium-sized  
16 businesses, to develop products that meet high  
17 standards for safety and performance;

18 (4) the programs have enabled companies to  
19 differentiate their products in the marketplace and  
20 respond to growing consumer demand for safer  
21 products;

22 (5) the credibility of the Safer Choice and De-  
23 sign for the Environment labels under the programs  
24 depends on rigorous, science-based evaluation of

1 chemical ingredients, including comprehensive and  
2 transparent review processes;

3 (6) qualified third-party profilers play an im-  
4 portant role in supporting efficient, consistent, and  
5 science-based product evaluations under the pro-  
6 grams, particularly in cases involving complex supply  
7 chains and confidential business information;

8 (7) the Environmental Protection Agency has  
9 established expertise, infrastructure, and relation-  
10 ships necessary to effectively administer the pro-  
11 grams, including the protection of sensitive propri-  
12 etary information; and

13 (8) authorizing and strengthening the Safer  
14 Choice program under this Act will—

15 (A) provide greater certainty, trans-  
16 parency, and continuity for participants in the  
17 programs, while preserving the voluntary, non-  
18 regulatory nature of the programs; and

19 (B) support United States competitiveness,  
20 consumer choice, and continued innovation in  
21 safer chemistry.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) AGENCY.—The term “Agency” means the  
5           Environmental Protection Agency.

6           (3) DESIGN FOR THE ENVIRONMENT LABEL.—  
7           The term “Design for the Environment label”  
8           means the label authorized under section 7(b)(2).

9           (4) DESIGN FOR THE ENVIRONMENT STAND-  
10          ARD.—The term “Design for the Environment  
11          Standard” means the criteria, specifications, and  
12          methodologies used by the Agency for the Design for  
13          the Environment program, as in effect on the date  
14          of enactment of this Act, and as updated in accord-  
15          ance with section 4(d).

16          (5) PROGRAM.—The term “Program” means  
17          the Safer Choice Program established under section  
18          4(a).

19          (6) QUALIFIED THIRD-PARTY PROFILER.—The  
20          term “qualified third-party profiler” means an entity  
21          that meets criteria established by the Administrator  
22          under section 5(b) to conduct technical evaluations  
23          in support of determinations under the Program.

24          (7) SAFER CHEMICAL INGREDIENTS LIST.—The  
25          term “Safer Chemical Ingredients List” means the

1 list maintained by the Agency to identify chemical  
2 ingredients that may be used in products that meet  
3 the Safer Choice Standard.

4 (8) SAFER CHOICE LABEL.—The term “Safer  
5 Choice label” means the label authorized under sec-  
6 tion 7(b)(1).

7 (9) SAFER CHOICE STANDARD.—The term  
8 “Safer Choice Standard” means the criteria, speci-  
9 fications, and methodologies used by the Agency  
10 under the Safer Choice Program, as in effect on the  
11 date of enactment of this Act, and as updated in ac-  
12 cordance with section 4(d).

13 **SEC. 4. ESTABLISHMENT OF THE SAFER CHOICE PROGRAM.**

14 (a) ESTABLISHMENT.—The Administrator shall  
15 carry out a voluntary Safer Choice Program within the  
16 Agency to identify and promote products that, as deter-  
17 mined by the Administrator, meet the Safer Choice Stand-  
18 ard or the Design for the Environment Standard, as appli-  
19 cable.

20 (b) PURPOSE.—The purpose of the Program is to ad-  
21 vance pollution prevention by encouraging the design,  
22 manufacture, selection, and use of products formulated  
23 with chemical ingredients that are safer for human health  
24 and the environment, while maintaining product perform-  
25 ance.

1 (c) RELATIONSHIP TO EXISTING PROGRAMS.—The  
2 Administrator shall carry out the Program in a manner  
3 consistent with, and to the extent practicable leveraging,  
4 the Agency’s existing Safer Choice and Design for the En-  
5 vironment activities in effect on the date of enactment of  
6 this Act.

7 (d) UPDATES TO STANDARDS.—The Administrator  
8 may revise the Safer Choice Standard and the Design for  
9 the Environment Standard to account for advances in sci-  
10 entific understanding, regulatory developments, and inno-  
11 vation in safer chemistry, after providing public notice and  
12 an opportunity for comment.

13 **SEC. 5. PROGRAM ADMINISTRATION.**

14 (a) IN GENERAL.—In carrying out the Program, the  
15 Administrator shall—

16 (1) establish, publish, and maintain procedures  
17 for submission and review of products for certifi-  
18 cation under the Program;

19 (2) make determinations regarding whether a  
20 product meets the Safer Choice Standard or the De-  
21 sign for the Environment Standard, as applicable;

22 (3) establish requirements and guidance for the  
23 use, display, and marketing of the Safer Choice label  
24 and the Design for the Environment label;

1           (4) provide technical assistance, as appropriate,  
2           to manufacturers and other applicants seeking par-  
3           ticipation in the Program;

4           (5) consult with interested stakeholders, includ-  
5           ing manufacturers, retailers, environmental and pub-  
6           lic health organizations, and scientific experts, to  
7           support continuous improvement of criteria and  
8           methodologies used under the Program;

9           (6) conduct public outreach and education re-  
10          garding the availability and benefits of products  
11          being certified under the Program;

12          (7) convene not less frequently than annually a  
13          public stakeholder meeting regarding the scope, im-  
14          plementation, and planned improvements of the Pro-  
15          gram;

16          (8) recognize, as appropriate, outstanding lead-  
17          ership and achievement by Program partners and  
18          stakeholders, including through a Partner of the  
19          Year Awards program; and

20          (9) periodically review and update Program  
21          procedures and guidance to ensure transparency, ef-  
22          ficiency, and scientific integrity.

23          (b) USE OF QUALIFIED THIRD-PARTY PROFILERS.—

24                 (1) IN GENERAL.—The Administrator shall es-  
25                 tablish criteria and processes for the qualification

1 and oversight of qualified third-party profilers to  
2 support technical evaluations of products and ingre-  
3 dients for purposes of the Program.

4 (2) DETERMINATIONS.—

5 (A) IN GENERAL.—A determination under  
6 the Program shall be made by the Adminis-  
7 trator.

8 (B) USE OF QUALIFIED THIRD-PARTY  
9 PROFILERS.—The Administrator may rely on  
10 information, analyses, or recommendations from  
11 a qualified third-party profiler in making a de-  
12 termination described in subparagraph (A).

13 (3) MINIMUM REQUIREMENTS.—A qualified  
14 third-party profiler shall—

15 (A) be independent of, and not have any fi-  
16 nancial conflict of interest with, the manufac-  
17 turer or formulator of any product under review  
18 by the qualified third-party profiler;

19 (B) not receive compensation contingent on  
20 the outcome of a review; and

21 (C) maintain and implement policies to  
22 identify, disclose, and mitigate potential con-  
23 flicts of interest, subject to oversight by the Ad-  
24 ministrator.

1 (c) INTERAGENCY COORDINATION.—In carrying out  
2 the Program, the Administrator shall, as appropriate, co-  
3 ordinate with other relevant Federal agencies, including  
4 the Food and Drug Administration and the Consumer  
5 Product Safety Commission—

6 (1) to promote consistency in guidance and re-  
7 view of chemical ingredients across product cat-  
8 egories;

9 (2) to minimize duplication of effort and clarify  
10 expectations for manufacturers and other Program  
11 participants; and

12 (3) to support the safe development, marketing,  
13 and voluntary adoption of consumer products that  
14 meet the Safer Choice Standard or the Design for  
15 the Environment Standard.

16 **SEC. 6. SAFER CHOICE CRITERIA.**

17 (a) CHEMICAL SAFETY CRITERIA.—In evaluating  
18 whether a product meets the Safer Choice Standard or  
19 the Design for the Environment Standard, as applicable,  
20 the Administrator shall use a science-based approach that  
21 considers, as appropriate—

22 (1) human health hazards, including carcino-  
23 genicity, reproductive and developmental toxicity,  
24 neurotoxicity, and endocrine activity;

1           (2) environmental hazards, including persist-  
2           ence, bioaccumulation, and aquatic toxicity;

3           (3) product performance considerations to en-  
4           sure efficacy for the intended use;

5           (4) packaging sustainability and responsible  
6           end-of-life management, as practicable; and

7           (5) transparency and ingredient disclosure re-  
8           quirements consistent with Program policies.

9           (b) PRODUCT CATEGORIES.—

10           (1) SAFER CHOICE PRODUCT CATEGORIES.—

11           Subject to the Safer Choice Standard and Program  
12           policies, eligible product categories under the Safer  
13           Choice Standard shall include—

14                   (A) all categories recognized by the Envi-  
15                   ronmental Protection Agency under the Safer  
16                   Choice Standard as of the date of enactment of  
17                   this Act;

18                   (B) other consumer, cleaning, and institu-  
19                   tional products, as applicable; and

20                   (C) such additional categories as the Ad-  
21                   ministrator determines to be appropriate for in-  
22                   clusion under the Safer Choice Standard, con-  
23                   sistent with the purpose and policies of the Pro-  
24                   gram.

1           (2) DESIGN FOR THE ENVIRONMENT PRODUCT  
2           CATEGORIES.—Subject to the Design for the Envi-  
3           ronment Standard and Program policies, eligible  
4           product categories under the Design for the Envi-  
5           ronment Standard may include—

6                   (A) antimicrobial pesticide products reg-  
7                   istered under the Federal Insecticide, Fun-  
8                   gicide, and Rodenticide Act (7 U.S.C. 136 et  
9                   seq.); and

10                   (B) other categories determined appro-  
11                   priate by the Administrator.

12           (c) SAFER CHEMICAL INGREDIENTS LIST DETER-  
13           MINATIONS.—The Administrator shall maintain, and as  
14           appropriate, update the Safer Chemical Ingredients List  
15           in accordance with the Safer Choice Standard, including  
16           procedures for adding or removing chemical ingredients.

17           (d) FULL INGREDIENT DISCLOSURE REQUIRE-  
18           MENT.—

19                   (1) IN GENERAL.—As a condition of certifi-  
20                   cation of a product under the Program, the Admin-  
21                   istrator shall require the submission and review of  
22                   sufficient ingredient information for the product, in-  
23                   cluding information describing all intentionally  
24                   added ingredients, ingredients contained in those in-  
25                   gredients, and relevant residuals present above a

1 threshold determined by the Administrator, to en-  
2 able a comprehensive evaluation of the human health  
3 and environmental impacts of the product, including  
4 through the use of qualified third-party profilers.

5 (2) REQUIREMENTS.—Any requirement for the  
6 submission of information under paragraph (1) shall  
7 be—

8 (A) subject to appropriate protections for  
9 confidential business information; and

10 (B) consistent with applicable law and  
11 Agency requirements.

12 **SEC. 7. LABELING; UNAUTHORIZED USE.**

13 (a) VOLUNTARY PARTICIPATION.—Participation in  
14 the Program shall be voluntary.

15 (b) AUTHORIZATION TO USE LABELS.—The Admin-  
16 istrator may authorize a person, subject to the terms and  
17 conditions established by the Administrator, to use—

18 (1) the Safer Choice label for a product deter-  
19 mined by the Administrator to meet the Safer  
20 Choice Standard; or

21 (2) the Design for the Environment label for a  
22 product determined by the Administrator to meet  
23 the Design for the Environment Standard.

24 (c) PROTECTION OF LABELS.—

25 (1) IN GENERAL.—

1 (A) AGENCY MARKS.—The Safer Choice  
2 label and the Design for the Environment label  
3 are marks of the Agency.

4 (B) PROHIBITION.—No person may use,  
5 display, reproduce, or represent the labels de-  
6 scribed in subparagraph (A) in a manner that  
7 is false, misleading, or not authorized by the  
8 Administrator.

9 (2) ENFORCEMENT.—

10 (A) IN GENERAL.—The Administrator may  
11 take appropriate actions to address a violation  
12 of paragraph (1), including—

13 (i) notifying the person of the viola-  
14 tion and requesting corrective action;

15 (ii) terminating or suspending author-  
16 ization under subsection (b); and

17 (iii) referring matters to the Attorney  
18 General for civil action.

19 (B) EFFECT.—Nothing in subparagraph  
20 (A) limits any authority or remedy available  
21 under other law.

22 **SEC. 8. REPORTING AND TRANSPARENCY.**

23 (a) ANNUAL REPORT.—Not later than 1 year after  
24 the date of enactment of this Act, and annually thereafter,  
25 the Administrator shall submit to Congress and make pub-

1 licly available a report describing the implementation of  
2 the Program, including—

3           (1) the number of products certified under the  
4           Program, including the number of products newly  
5           approved, renewed, suspended, or removed during  
6           the preceding year;

7           (2) a summary of significant updates to stand-  
8           ards, criteria, procedures, or guidance;

9           (3) outreach, technical assistance, and stake-  
10          holder engagement activities; and

11          (4) any recommendations of the Administrator  
12          to improve the effectiveness or efficiency of the Pro-  
13          gram.

14          (b) PUBLIC DATABASE.—The Administrator shall  
15          maintain a publicly accessible database of products au-  
16          thorized to use the Safer Choice label or the Design for  
17          the Environment label, as applicable.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19          There is authorized to be appropriated to the Admin-  
20          istrator to carry out this Act \$6,000,000 for each of fiscal  
21          years 2028 through 2034.

22 **SEC. 10. EFFECTIVE DATE; SEVERABILITY.**

23          (a) EFFECTIVE DATE.—This Act shall take effect on  
24          the date of enactment of this Act.

1           (b) SEVERABILITY.—If any provision of this Act, or  
2 the application of a provision of this Act to any person  
3 or circumstance, is held to be invalid, the remainder of  
4 this Act, and the application of the provisions of this Act  
5 to any other person or circumstance, shall not be affected.