IC2 Product Testing Workgroup Meeting Notes | February 25, 2026 at 3pm ET/ 12pm PT
Participants (23): Mikalah Bailey, Karna Holquist, Kimberly Grieves, Jennifer Harfmann, Nicole Orabona, Andre Algazi, Conor Shea, Kelleigh Wasser, Michael Zahn, Robert Brushia, Amy Gilson, Stephanie Frisch, Sara Sekerak, Amy Salamone, Justin Waltz, Maria Chiu, Ivan Titaley, Sarah Briggs, Jennifer Branyan, Hannah McNeight, Lyndsey Smith, Jen Jackson, and Mui Koltunov

Roundtable

Using laboratory test data for compliance and enforcement

Has your organization used laboratory data, either generated by your own organization or by a contract lab, to assess compliance with or enforce a chemical restriction in products? What were your QA/QC criteria to ensure your data was defensible? Did you develop and validate new test methods or use established ones?

Sample collection, handling, and transportation.

What practices and protocols do your organization follow to ensure samples that samples arrive safely at your lab and that analysis provides accurate, defensible data? Examples could be holding times, refrigeration/freezing, trip blanks, chain of custody forms, etc. How do your practices and protocols vary by chemical analyte and sample matrix? What challenges have you encountered?

CA DTSC

- At DTSC they are currently looking into legacy products and when a product was put into commerce.
- They test with their environmental chemistry lab
- Chain of custody procedure every step of the way
- Trying to determine what their compliance and enforcement goals are
- Looking into a sell-through period/date regulation. After that date products should be under compliance. There is a precedent for that process.
- If a sample is non-compliant after that date, they would follow up with the manufacturer. Sometimes tracking those communications can take a lot of investment. Looking into solutions currently.
- Some products have longer shelf life than others, another challenge
- Enforcement challenges with out-of-state manufacturers. Looking into building better relationships with retailers to help apply pressure.
- Supply chain contamination can happen sometimes in which brands are not aware until state testing.
- DTSC relies on product definition compliance
- Looking at is a way to classify or categorize violations and develop a process for dealing with violations of differing degrees of seriousness.

WA ECY

- ECY also has a sell-through period, some of them are written in state law. for example, cosmetics have them in state law for certain formaldehyde releasers or lead.
- Intentionally added doesn't have a sell-through period.
- The restriction covers existing stock.
- Not heavy on enforcement but have done a handful of formal notices.
- Complaint unit is relatively small. Working on restructuring for where they can implement more authority for manufacturer compliance.
- ECY lab testing informed a $700k Amazon criminal lawsuit for third-party sellers selling school products with lead and cadmium. Now third-parties sellers must report to Amazon for jewelry and school products.
- Ecology tested these products for four years. During this time, their data did not go live as they were under litigation hold. They suggest that states AG's should contact the WA AG's at the consumer protections office for more info.

NYSDEC

- NYSDEC's approach with using lab data for compliance and enforcement varies based on the particular program. Typically, they purchase and test products and if its above their threshold they will contact the company
- Finding the right contact is challenging, especially for third party sellers online where they have to contact the seller and the platform.
- Working with this process currently for 1-4 dioxane

MPCA

- Program letter for compliance and education
- For the enforcement process, labs data with the methods listed are sent to the company with the ask to pull the products from the shelf/website
- Sometimes the company will take it down and then re-upload the product as PFAS-free, which is challenging

CA OEHHA

- For Prop 65, they maintain a chemical list.
- Under Prop 65, businesses have to warn consumers, but don't have to report back to OEHHA. That is done by the AGs office and product testers. Though they are looking into doing testing work.
- Prop 65 acts as a warning, not a ban. Acts more as an incentive for removal of manufactures, like a quiet compliance.

Program Updates

- CA is working with Clearya and a community advocacy group to gather data regarding what is on shelves, based on some info that products especially high in 1,4D may be marketed more to Latinx communities, specifically 1,4D in shampoos and dish detergents.
- NY is looking into 1,4D as well for marketing towards Latinx communities, specifically Spanish language products. Restriction on the sale or offering for sale for sellers and third-party sellers.

Chat Resources

- https://www.gs1.org/standards/gpc/how-gpc-works
- We have not had any question about Ecology's data. We use validated methods, from accredited labs and then validate each data set using the EPA National Functional Guidelines. Data from our program has been used in several criminal cases:
    - AG Ferguson: Amazon must remove toxic school supplies, kid's jewelry from marketplace nationwide | …
    - Dollar Tree to reform children's products testing nationwide, pay nearly $200K, after AG Ferguson i…
- How a Right-to-Know Law Shifts Industry away from Chemicals of ... |
- In case they're helpful, here are some links to WA Ecology's guidelines for project plans. Our Product Studies Unit follows these to generate compliance data.
    - Quality Management Plan
    - Guidelines for Preparing Quality Assurance Project Plans
    - Guidelines for Verification and Validation of Chemical Data
    - Here is a link to publications for the work we've done/are doing: Published Product Study Quality Assurance Project Plans, Data Reports, and SOPs