

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 1901 (Berman) – As Amended March 16, 2026

SUBJECT: Children's diapers: intentionally added ingredients: disclosure

SUMMARY: Requires, by January 1, 2028, manufacturers of children's diapers to list on their web page all intentionally added ingredients in children's diapers; and requires, by January 1, 2029, packages of children's diapers to include a list of all intentionally added ingredients in the diapers. Specifically, **this bill**:

Definitions:

- 1) Defines "children's diaper" as an absorbent garment or product that is designed, manufactured, processed, fabricated, packaged, or marketed to be worn by children, including infants and toddlers, and to absorb or contain urine and fecal waste, including, but not limited to, a disposable brief, protective underwear, liner, booster, insert, or underpad.
- 2) Clarifies that "children's diaper" includes any of a diaper's components, including, but not limited to, wetness indicators, absorbent linings or fillings, outer shells, adhesive tabs, dyes, or fragrance.
- 3) Defines "intentionally added ingredients" as a chemical, or chemicals, that a manufacturer has intentionally added to children's diapers and that have a functional or technical effect in the product, including a component of an intentionally added chemical, or an intentional breakdown product of an added chemical, that also has a functional or technical effect in children's diapers.

Online disclosure:

- 4) Requires a manufacturer of any children's diapers sold, distributed, or manufactured in the state to, on or before January 1, 2028, display on a web page on its internet website, and on the product details page on the internet website where the children's diapers are sold, a list of all of the children's diaper's intentionally added ingredients.
- 5) Requires the web page and the list to be displayed and organized in an easily and publicly identifiable manner.
- 6) Requires the list to include all of the following information for each intentionally added ingredient in the children's diaper:
 - a) Chemical or raw material name;
 - b) The Chemical Abstract Service (CAS) number; and,
 - c) All specific functions or purposes for use in the children's diapers.

Disclosure on packaging:

- 7) Requires that all children's diapers sold, distributed, or manufactured in the state to, on or before January 1, 2029, include on the outermost package in an easily and publicly identifiable manner a list of all of the intentionally added ingredients in the children's diaper, and an internet website address for a web page that provides all of the information required above.

Enforcement:

- 8) Authorizes the Department of Toxic Substances Control (DTSC), the Attorney General, a city attorney, county counsel, or district attorney to enforce the provisions of this bill.
- 9) Provides that a person who violates the provisions of this bill shall be liable for an administrative or civil penalty not to exceed \$5,000 for the first violation and not to exceed \$10,000 for each subsequent violation.
- 10) Provides that penalties may be assessed for each violation or, for continuing violations, for each day that a violation continues.
- 11) Provides that a prevailing party shall be entitled to an award of reasonable attorney's fees and costs.
- 12) Provides that the provisions of this bill do not impair or impede any other rights, causes of action, claims, or defenses available under any other law, and that the remedies provided in this subdivision are cumulative with any other remedies available under any other law.
- 13) Authorizes DTSC to adopt regulations to implement, enforce, interpret, or make specific the provisions of this bill.
- 14) Provides that, upon appropriation by the Legislature, funds in the Toxic Substances Control Account may be used by DTSC to implement the provisions of this bill and requires that moneys from penalties collected pursuant to the provisions of this bill be deposited in the Toxic Substances Control Account.

Prohibition on sales:

- 15) Prohibits a person from selling, distributing, or manufacturing children's diapers in the state that do not comply with the requirements of this bill.

EXISTING LAW:

Under the Cleaning Product Right to Know Act of 2017:

- 1) Defines "confidential business information" as any intentionally added ingredient or combination of ingredients for which a claim has been approved by the federal Environmental Protection Agency (US EPA) for inclusion on the Toxic Substances Control Act (TSCA) Confidential Inventory, or for which the manufacturer or its supplier claim protection under the Uniform Trade Secrets Act. Prohibits confidential business information from including any of the following:

- a) An intentionally added ingredient or combination of ingredients that is on a designated list, as specified and defined;
 - b) A nonfunctional constituent, as defined; or,
 - c) A fragrance allergen included in European Union Cosmetics Regulation, as specified, when present in the product at a concentration at or above 100 parts per million (ppm). (Health and Safety Code (HSC) § 108952 (e))
- 2) Requires a manufacturer of specified cleaning products (ie. air care product, automotive product, general cleaning product, or a polish or floor maintenance product used primarily for janitorial, domestic, or institutional cleaning purposes) sold in the state to disclose on the product label specified information, including:
- a) A list of each intentionally added ingredient contained in the product that is included on a designated list, as specified, and a list of specified fragrance allergens when present in the product at a concentration at or above 100 ppm; or,
 - b) A list of all intentionally added ingredients contained in the designated product, unless it is confidential business information, as defined and specified. (HSC § 108954(a))
- 3) Requires the manufacturer of specified cleaning products sold in the state to post on its internet website, in an electronically readable format, a list of each intentionally added ingredients contained in the product, as specified. (HSC § 108954.5)

Under the Sherman Food, Drug and Cosmetic Laws, relating to cosmetics ingredients disclosure:

- 1) Requires a manufacturer of a cosmetic product sold in the state to disclose the following information to the Division of Environmental and Occupational Disease Control within the State Department of Public Health:
- a) A list of each fragrance ingredient or flavor ingredient that is included on a designated list, as defined, and present in the cosmetic product.
 - b) A list of each fragrance allergen included in EU Cosmetics Regulation, as specified, that is present in a rinse-off cosmetic product at a concentration at or above 100 ppm or in a leave-on cosmetic product at a concentration at or above 10 parts per million. (HSC § 111792.6 (b)(1))

Under the Sherman Food, Drug and Cosmetic Laws, relating to menstrual products ingredients disclosure:

- 1) Defines "ingredient" as a fragrance ingredient or other intentionally added substance or combination of substances present in the menstrual product, unless the intentionally added substance or combination of substances is confidential business information, as defined, in which case the manufacturer may identify the ingredient by its common name to protect its confidential identity. (HSC § 111822(d))
- 2) Requires a package or box containing menstrual products to have printed on the label a plain and conspicuous list, as specified, of all ingredients, as defined, in the product. (HSC § 111822.2(a))

- 3) Requires a manufacturer of a menstrual product to post, as specified, on an internet website, in an electronically readable format, the ingredient information that is required to be disclosed on a package or box containing menstrual products. (HSC § 111822.2(b))

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, "As a new dad, I have a new appreciation for how important it is for parents to make informed decisions when it comes to the health and wellness of their children. We all want the best for our children, but the lack of transparency around diaper ingredients prevents us from knowing what 'the best' is when buying the one thing that is touching our baby's skin every minute of their lives for years.

Recent testing shows many diapers are made with ingredients linked to health and environmental concerns. These include phthalates, which are linked to hormone disruption, and bleaching agents, which can cause skin and respiratory irritation. Volatile organic compounds are often used in diapers and can include hazardous air pollutants, which are associated with respiratory and other health harms. In addition, certain wetness indicators and colorful designs may contain harmful compounds, heavy metals, or dyes that can cause allergic contact dermatitis.

AB 1901 would require manufacturers of children's diapers sold, distributed, or manufactured in California to clearly label all ingredients on both the product's packaging and online. This will give parents greater transparency into what chemicals are in their children's diapers so that they can make informed decisions that are the right choice for their family."

Diaper use in the United States: According to the 2025 *Environmental Science & Technology* article, "Volatile Organic Compounds in Disposable Diapers and Baby Wipes in the US: A Survey of Products and Health Risks," in the United States, people use 27.4 billion disposable diapers each year at a cost that exceeds \$9 billion annually. The article states that the average child will use approximately 7,000 disposable diapers before they are toilet trained. Diapers are used by young children before they are toilet trained, by a subset of children who continue to use them after being toilet trained, and by seniors and others suffering from incontinence, which includes over 20 million women in the United States alone.

Components of diapers: In its March 13, 2026, article, "Does an 'Eco-Friendly' Diaper Really Exist?," *Consumer Reports* explains that a typical disposable child's diaper is comprised of many components, including the following:

- 1) Top sheet: This innermost layer lies directly against a wearer's skin. Typical materials in the top sheet include cotton and plastic materials such as polyethylene and polypropylene.
- 2) Acquisition layer: Moving inward from the top sheet, the acquisition layer temporarily holds waste until it can be dispersed into the core absorbent layer. Typical materials in the acquisition layer include plastic materials such as polyester, polypropylene, and polyethylene.

- 3) Core absorbent layer: The diaper core holds and generally locks in liquid, keeping the surface and wearer's skin dry. Typical materials in the core absorbent layer include super absorbent polymers, cellulose, wood pulp, and fluff pulp.
- 4) Back sheet: The outermost layer of the diaper, also called the outer cover, provides a waterproof barrier to help prevent leaks. Typical materials of back sheets include plastic materials such as polypropylene, polyethylene, and polyurethane, and calcium carbonate.
- 5) Waist closure system: Waist closure systems provide structure to keep the diaper securely fastened. Typical materials include elastics and plastic materials such as polypropylene, polyethylene, and polyurethane.
- 6) Leg cuffs: Leg cuffs prevent leakage and keep the diaper secure. Typical materials include elastics and plastic materials such as polypropylene, polyethylene, and polyurethane.
- 7) Adhesives: Adhesives bind the layers and components of diapers together. Manufacturers typically do not disclose information on adhesives used in diapers; however, some companies list materials such as polyolefin-based adhesives, hydrocarbon resins, synthetic rubber, or styrene-based adhesives.
- 8) Inks or pigments: Inks and pigments enhance the whiteness of diaper materials or create designs on diapers. Manufacturers typically do not disclose information on inks and pigments used in diapers; however, some companies list ingredients such as Pigment Blue 15, Pigment Red 57, Pigment Violet 23, titanium dioxide, or D&C Black No. 2.
- 9) Wetness indicators: Some diapers have wetness indicators that alert caregivers to moisture in the diaper by changing colors. Manufacturers typically do not disclose information on wetness indicators in diapers; however, two diaper companies evaluated by *Consumer Reports* list bromocresol green, a pH-sensitive dye.
- 10) Fragrances: Fragrances are used to mask odors in diapers. Manufacturers typically do not disclose information on fragrances in diapers due to trade secret interests.
- 11) Lotions or ointments: Lotions or ointments are used in some diapers to condition wearer's skin. Typical materials include petrolatum, mineral oil, stearyl alcohol, aloe extract, and other plant extracts.

Exposure due to chemicals in diapers: The 2025 *Environmental Science & Technology* article describes that diapers are in constant and immediate contact with skin. Young children and older adults, both of whom have thin and sensitive skin that is highly vulnerable to chemical exposure, wear the vast majority of diapers. For healthy individuals, the skin forms a strong protective barrier; however, repeated exposure to urine, feces, and excessive moisture may weaken the skin barrier. Additionally, some diaper users have growing, damaged, or deteriorated skin, conditions that can increase the risk of dermal complications such as diaper dermatitis. Diapers also contact external genitalia and tissues, such as the vulva, that have high chemical permeability.

Materials commonly found in diapers and their related health concerns: Many components of diapers may include concerning chemicals. A few of these are plastics, wetness indicators, and fragrances.

1) *Plastics:* The 2026 *Consumer Reports* article notes that the bulk of the material in most disposable diapers is simply plastic that goes by different names. Plastic materials commonly listed on diaper labels include: polypropylene; polyethylene; polyester/polyethylene terephthalate; polylactic acid; elastane; spandex; polyolefin; sodium polyacrylate; sodium acrylate; polyacrylic acid; and, super absorbent polymers. All of these plastics, except polylactic acid, are petroleum-derived, nonrenewable materials. *Consumer Reports* notes that, "There are also potential health considerations from some plastics. Chemicals called phthalates are used in the manufacturing of many plastics to make them more flexible. They've been detected in diapers and may be absorbed through the skin via diapers. Exposure to phthalates has been associated with endocrine disruption, which can result in an increased risk of numerous serious health problems."

The article, "Infants' Dermal Exposure to Phthalates from Disposable Baby Diapers and Its Association with DNA Oxidative Damage," published in the journal *Toxics* in 2025, states that "Phthalates are widely used plasticizers that can leach from consumer products and pose potential health risks, particularly to infants whose developing systems are vulnerable to environmental toxicants." Researchers that conducted the study on phthalate exposure from diapers presented in the article said, "These findings suggest that dermal absorption from diapers is a significant exposure pathway for infants. Given that both the amount of exposure and the contribution of dermal uptake are higher in younger infants, further attention is warranted to understand the potential effects of transdermal phthalate exposure on infant growth and development."

The *Consumer Reports* article states that plastics are also a source of volatile organic compounds (VOCs), which are linked to many health concerns. The article notes that in some diapers, researchers have measured toluene and xylene, which are associated with skin and health problems, as well as other VOCs.

The study profiled in the 2025 *Environmental Science & Technology* article additionally found VOCs in diapers. In this study, researchers analyzed 31 disposable hygiene products in the US market and found that, "Baby diapers contained several known or suspected carcinogens, including benzene and 1,4-dioxane, and the lifetime cancer risk from some diapers approached 1 per million under a worst-case scenario. Store-brand products had higher levels of VOCs than generic brands, and products labeled "organic" or "for sensitive skin" did not necessarily have lower levels. Our results show that toxic VOCs were found in all tested disposable diapers and wipes at trace levels, and risks from using some diapers in high use exposure scenarios are high enough to warrant additional attention and possibly corrective measures. We recommend eliminating and monitoring toxic ingredients and disclosing all chemicals that may be in these products."

2) *Wetness indicators:* According to the Environmental Working Group (EWG), "Most wetness indicators include dye or a pH indicator within a carrier matrix. When urine contacts the dye or pH strip, the color is either intensified or altered, indicating that it is time for a diaper change. Although the exact composition may vary, many of the carrier matrixes used in wetness

indicators are composed of harmful chemicals, including quaternary ammonium compounds, or quats, and halogenated organic compounds.

Quats have been associated with several health concerns, including reproductive and developmental problems, dermal irritation and respiratory effects, including asthma. Halogenated organic compounds are persistent and pose a risk to environmental health."

3) *Fragrances*: According to an article in the journal *Environmental Health Perspectives*, "Scented Products Emit a Bouquet of VOCs," which was published in 2011, "a single fragrance in a product can contain a mixture of hundreds of chemicals, some of which (e.g., limonene, a citrus scent) react with ozone in ambient air to form dangerous secondary pollutants, including formaldehyde." EWG posits that fragrances can contain phthalates and synthetic musks, which are classes of endocrine-disrupting chemicals; essential oils, some of which are potent sensitizing chemicals; and, a number of other ingredients that haven't been adequately assessed for safety.

Current disclosure requirements: According to EWG, the Consumer Product Safety Commission, the agency that regulates the diaper industry, does not require diaper manufacturers to test their products or materials for a variety of chemicals to ensure safety. It also does not require manufacturers to disclose their products' ingredients, making it increasingly difficult for consumers to find safer options. EWG notes that the agency requires that baby diapers be tested for lead.

This bill: This bill requires, by January 1, 2028, manufacturers to list on their web page all intentionally added ingredients in children's diapers; and requires, by January 1, 2029, packages of children's diapers to include a list of all intentionally added ingredients of the diapers.

Manufacturers are already disclosing ingredients: According to EWG, some diaper manufacturers are already choosing to provide consumers with complete transparency regarding their diapers. They point out that, to date, 23 diaper products produced by 3 manufacturers have been "verified" by the EWG Verified program, which means that the product meets EWG's strictest criteria for transparency and health. In order to become EWG Verified, products must avoid EWG's ingredients of concern and provide full transparency through a program whose standards and criteria are created by EWG's team of scientists, formulators, and toxicologists. EWG states that EWG Verified diapers are free from chemicals, materials and byproducts linked to health harms; low-emitting in volatile organic compounds; free from added fragrances and lotions; and, made with transparency, with all ingredients and materials publicly disclosed.

Recent similar legislative action in other states: In the 2023- 2024 legislative session, New York state enacted legislation (New York Senate Bill S.2279C) to require a plain and conspicuous printed list of all ingredients listed in order of predominance on diapers sold in the state and to impose a civil penalty of one percent of the manufacturer's total annual in-state sales, not to exceed one thousand dollars per package or box, on the manufacturer for violations of the requirements of the bill. This bill went into effect in December 2025.

This bill-- enforcement: To ensure compliance with the disclosure requirements delineated in this bill, AB 1901 authorizes DTSC to adopt regulations to implement, enforce, interpret, or make specific the provisions of this bill. It also authorizes DTSC, the Attorney General, a city attorney, county counsel, or district attorney to enforce the disclosure requirements in the bill, and makes a person who violates the provisions of this bill liable for an administrative or civil

penalty not to exceed \$5,000 for the first violation and not to exceed \$10,000 for each subsequent violation.

The enforcement provisions in AB 1901 are similar to those found in HSC § 108940, which were established by SB 1266 (Limon, Chapter 790, Statutes of 2024) for violations of statute prohibiting the use of bisphenol chemicals in children's feeding and teething products.

Consumer right to know: This bill does not prohibit the use of any ingredients in diapers, but does require that manufacturers disclose diaper ingredients on the package of diapers and online. In order to make informed decisions, especially about purchasing and using products that are in direct contact with their children's bodies for years, consumers need to know product ingredients. As the Centers for Disease Control (CDC) states, "Because their bodies are still growing, children are at greater risk if they are exposed to environmental contaminants." Consumer right to know policies help ensure consumer safety, health, and value while fostering market transparency and accountability.

Arguments in support: A coalition of environmental, children's health, and consumer protection organizations write in support,

"...With our collective expertise in children's health, environmental health, and consumer safety, we urge the California Legislature to support this proposal. In so doing, California will address the lack of transparency in the children's diaper marketplace and empower parents and caregivers to make informed choices for their children's health.

...Many diaper companies do not disclose all their products' ingredients, leaving caregivers unable to make informed decisions about products that continuously touch their baby's skin. This lack of information is a problem because mounting research suggests that children's diapers can contain harmful substances, like hormone-disrupting phthalates and volatile organic compounds (VOCs). Despite these risks, children's diaper manufacturers are not required to disclose which ingredients they use.

...Babies and toddlers are especially vulnerable to harmful chemicals because their bodies and skin are still developing, and their smaller size can result in proportionately higher exposures relative to body weight, making the risks more concerning. Additionally, the skin around their genitals is very thin, exacerbating the risks from constant exposure to harmful substances in diapers. Recent testing shows that many diapers are made with ingredients linked to health and environmental concerns. For example, one recent study found toxic VOCs in all tested disposable diapers and wipes at trace levels. Another study identified the risks to babies exposed to phthalates in disposable diapers.

...The Food and Drug Administration doesn't regulate children's diapers as medical devices, although it regulates adult incontinence products as such. Instead, baby diapers fall under the purview of the Consumer Product Safety Commission. The Commission requires baby diapers to be tested for lead but does not require manufacturers to test for a variety of other harmful chemicals or disclose their ingredients.

AB 1901 would fill this information gap by requiring full disclosure of all intentionally added ingredients by manufacturers of children's diapers sold, distributed, or manufactured in California. Manufacturers would be required to clearly label all ingredients on both the product's packaging and online. By requiring ingredient transparency, this legislation would

give parents the information they need to compare products and make informed choices about which diapers are safest for their baby."

Arguments in opposition: The Fragrance Creators Association (FCA) writes in opposition,

"FCA respectfully requests amendments to align the bill with existing California laws governing ingredient disclosure, including the Menstrual Products Right to Know Act of 2020 and the Cleaning Product Right to Know Act of 2017. Aligning AB 1901 with these established frameworks would promote regulatory consistency, provide meaningful transparency for consumers, and avoid the creation of duplicative or conflicting disclosure standards for manufacturers operating in California.

The fragrance disclosure requirements in the Cleaning Product Right to Know Act of 2017 were meticulously negotiated by FCA and other stakeholders, including the Environmental Working Group. This framework was used three years later in the Menstrual Products Right to Know Act of 2020, in recognition of the careful balance the law achieved to provide transparency and ingredient information to consumers, while providing a narrow avenue for manufacturers to protect crucial confidential business information (CBI). What is clear in both laws is that no fragrance allergens or ingredients contained on one of the twenty-two designated lists can be claimed CBI and must be included on the product labels and websites.

Hygiene products often contain scent-based technologies that can capture or alter underlying malodors. In turn, this has direct positive benefits, reducing the negative impact on well-being that malodors can produce, increasing productivity and performance, improving the use of public facilities and therefore hygiene, and more.

While FCA supports efforts to increase consumer transparency, it is important that new disclosure requirements remain consistent with existing California law. Aligning AB 1901 with the fragrance ingredient and allergen disclosure provisions and confidential business information protections contained in the Menstrual Products Right to Know Act of 2020 and the Cleaning Product Right to Know Act of 2017 would provide clear and accessible information to consumers while also ensuring that manufacturers can comply with a consistent regulatory framework.

Without such alignment, AB 1901 risks creating a patchwork of differing ingredient disclosure requirements across product categories. This type of fragmentation can create unnecessary complexity for manufacturers, regulators, and consumers alike, potentially reducing clarity rather than improving it. Consistent disclosure frameworks across similar consumer products help ensure that consumers receive reliable, comparable information while allowing regulators to implement and enforce requirements effectively."

Related legislation:

- 1) AB 1989 (Cristina Garcia, Chapter 272, Statutes of 2020). Requires a package containing menstrual products that was manufactured on or after January 1, 2023, to have printed on the label a plain and conspicuous list of all ingredients, as defined and specified, in the product, by weight. Requires the same information to be posted on an internet website, as specified. Prohibits the sale of a menstrual product unless the menstrual product and the manufacturer of the menstrual product comply with the specified labeling requirements of the bill.

- 2) SB 312 (Leyva, Chapter 315, Statutes of 2020). Requires, commencing January 1, 2022, a manufacturer of a cosmetic product sold in the state to disclose to the Division of Environmental and Occupational Disease Control within the State Department of Public Health a list of each fragrance or flavor ingredient that is included on a designated list, as defined, and a list of each fragrance allergen that is present in the cosmetic product in specified concentrations. Requires, commencing January 1, 2022, the Division of Environmental and Occupational Disease Control to post on its existing database of cosmetic product information a list of those fragrance and flavor ingredients and their associated health hazards.
- 3) SB 258 (Lara, Chapter 258, Statutes of 2017). Requires a manufacturer of a specified cleaning product to disclose, as specified, on the product label and on the product's internet website information related to chemicals contained in the designated product. Prohibits the sale in the state of a designated product that does not satisfy these requirements.

REGISTERED SUPPORT / OPPOSITION:

Support

Center for Environmental Health (Co-Sponsor)
 Consumer Reports (Co-Sponsor)
 Children Now (Co-Sponsor)
 Environmental Working Group (Co-Sponsor)
 A Voice for Choice Advocacy
 Alliance of Nurses for Healthy Environments
 Breast Cancer Prevention Partners
 California Nurses for Environmental Health and Justice
 California Product Stewardship Council
 California Safe Schools
 CALPIRG
 Center for Community Action and Environmental Justice
 Clean Earth 4 Kids
 Clean Water Action
 Consumer Federation of America
 Environmental Health Trust
 Facts: Families Advocating for Chemical & Toxics Safety
 Friends Committee on Legislation of California
 GMOScience
 Healthy Baby
 Jonas Philanthropies
 Mothers Out Front Silicon Valley
 North County Equity and Justice Coalition
 Physicians for Social Responsibility, Los Angeles
 Recolte Energy
 S.F. Bay Physicians for Social Responsibility
 Safe Passages
 Sonoma County Conservation Action
 Sonoma County Youth Environmental Action Committee
 The Story of Stuff Project

Yard Smart Martin

Opposition

California Chamber of Commerce
California Manufacturers and Technology Association
Center for Baby and Adult Hygiene Products
Consumer Brands Association
Fragrance Creators Association

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