



IMPORTANT NOTICE

To: All Burlington Vendors

Re: Chemical 1, 4 Dioxane Regulations in New York and California

Dear Valued Business Partner:

As part of our regulatory compliance efforts, we remind you that both New York and California have regulatory restrictions on the sale of products containing the chemical 1, 4 dioxane. Those restrictions are in response to the U.S. Environmental Protection Agency's determination that 1,4-dioxane is a likely human carcinogen. As a result, New York and California have taken action to limit public exposure to this chemical.

- New York enacted a law that prohibits the sale of personal care and cleaning products with 1,4-dioxane concentrations above 2 ppm¹ after December 31, 2022, and above 1 ppm after December 31, 2023. The law also prohibits the sale of cosmetics with concentrations above 10 ppm after December 31, 2022. Every two years, starting no later than 2025, the New York State Department of Environmental Conservation will re-evaluate if it should lower these thresholds. These restrictions have been enacted to prevent additional amounts of this chemical from entering the public water supply.
- California's Proposition 65 requires manufacturers, distributors, and retailers to provide warning labels on products containing 1,4-dioxane at concentrations expected to result in human exposures above the Safe Harbor Level of 30 µg² per day.

The following chart breaks down the established limits, in parts per million, and the manufacturer and vendor's responsibility to comply with the deadlines.

New York	Household cleaning products:	2 ppm, by December 31, 2022 1 ppm, by December 31, 2023
	Cosmetic products:	10 ppm, by December 31, 2022
	Personal care products:	2 ppm, by December 31, 2022 1 ppm, by December 31, 2023
California	General	Safe Harbor Level of 30 µg per day
	Household cleaning products:	10 ppm by January 1, 2020 ³

¹ "ppm" stands for parts per million.

² "µg" stands for microgram or one millionth of a gram

³ California's Cleaning Product Right to Know Act applies to manufacturers and private label distributors.



Suggested Next Steps and Best Practices for Handling Products with Chemical 1, 4

Dioxane:

- Determine the specification of 1,4 dioxane in your products, especially the ones that fall into the above-referenced categories.
- Review the chemical composition of your product to calculate the total 1,4 dioxane content in ppm. Analytical testing on certain bases or formulas can also help to identify the levels of 1,4 dioxane. Remember that chemical levels can vary lot to lot.
- If possible, work with your raw material supplier to try to set a lower maximum chemical level.
- Reformulate as required. Utilize restages where possible to formulate without sulfates.
- Let the Burlington merchant team know if the product you are supplying contains 1,4 dioxane prior to processing the order to ensure product does not go to New York and California.
- When segregating inventory intended for sale in Burlington stores located in New York and California, a separate PO and separate style & SKU numbers must be used, and the POs must clearly state: “DO NOT ALLOCATE TO NEW YORK” and/or “DO NOT ALLOCATE TO CALIFORNIA” each time an order is placed.
- Provide a list to your buyer of existing product on New York sales floor that has noncompliance amounts of 1, 4 dioxane so that it can be removed from the sales floor.
- If we receive a violation notice for your product due to noncompliance, we will expect your company to defend and indemnify Burlington, per the PO Terms and Conditions.

Please make sure that all cosmetics, personal care, and cleaning products supplied to Burlington comply with the content limits listed in the table, as well as all other applicable product safety laws and regulations.

Very truly yours,

BURLINGTON PRODUCT SAFETY TEAM

The information in this letter is not intended to serve as legal advice. The information in this letter is for informational purposes only.