

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Requirements for the Special Packaging of Household Substances

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its requirements under the Poison Prevention Packaging Act of 1970 ("PPPA") for child-resistant packaging to change the child and adult tests under which child-resistant packaging is evaluated.

The revisions to the adult test will substitute 100 older adults, from 50 through 70 years old, for the current panel of 100 18–45 year-olds. The senior adults are tested to see if they can properly use the package in two test periods, 5-minutes and 1-minute. These changes will increase the use of child-resistant packaging by making it easier for adults to use properly. The revisions to the adult test do not apply to products that must be packaged in metal containers or in aerosol form, which will remain subject to the present 18–45 test panel and single 5-minute test period requirements.

The revisions to the child test include sequential testing, which can reduce the number of children that have to be tested in order to determine whether a package is child-resistant.

For all tests, the number of subjects tested by any one tester and the number of subjects tested at any one site are limited. Also, standardized instructions are required for the child and senior-adult tests.

DATES: Revised §§ 1700.15(b)(2), 1700.20(a)(3), and 1700.20(a)(4) will become effective July 22, 1996. There will be an additional 18-month blanket exemption from compliance with the new senior-adult requirements. Accordingly, packaging will not be required to comply with the senior-adult test until January 21, 1998.

Revised §§ 1700.20(a)(1) and (2), will become effective January 24, 1996.

New § 1700.20(d), will become effective August 21, 1995.

ADDRESSES: Documents relating to this rulemaking proceeding may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Michael Bogumill, Division of Regulatory Management, Directorate for Compliance, Consumer Product Safety

Commission, Washington, DC 20207; telephone (301) 504-0400, ext. 1368.

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I. The Current PPPA Regulations

The Poison Prevention Packaging Act of 1970 (PPPA), 15 U.S.C. 1471–1476, authorizes the Consumer Product Safety Commission to issue requirements that certain household substances be sold in "special packaging," hereafter referred to as child-resistant ("CR") packaging. The PPPA defines CR packaging as "packaging that is designed or constructed to be significantly difficult for children under five years of age to open * * * and not difficult for normal adults to use properly." 15 U.S.C. 1471(4) (emphasis added). Under the PPPA, the Commission has defined and established standards for CR packaging. 16 CFR 1700.1(b)(4), 1700.3, 1700.15, and 1700.20. The Commission has also determined which household substances are required to have CR packaging. 16 CFR 1700.14. The existing requirements were developed before the widespread use of CR packaging ("CRP") and, therefore, without the benefit of the actual use experience and test data that since have become available.

A. Child Test and Criteria

The current child-test protocol (16 C.F.R. 1700.20(a)(1), (2), and (3)) specifies testing with 200 children, ages 42 through 51 months, distributed in 10 groups by specific ages. Each age group consists of approximately one-half boys and one-half girls. A pair of children are given test packages and asked to open them. If both children open their packages, the test is stopped. If at least one child has not opened his or her package after 5 minutes, the opening test is stopped and the children are given a single visual demonstration of the method of opening the package. If the children did not attempt to use their teeth to open the package during the first 5 minutes, they also are told at this time that they may use their teeth to open the package if they wish. Then, the opening test is resumed and continues for another 5 minutes.

For a package to meet the PPPA effectiveness criteria, at least 85 percent