H. R. 1139

To require the Consumer Product Safety Commission to establish a consumer product safety standard for liquid detergent packets to protect children under the age of five from injury or illness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 26, 2015

Ms. Speier (for herself, Mr. Rush, Ms. Moore, Ms. Schakowsky, Mr. Tonko, Mrs. Bustos, Mr. Conyers, Mr. Honda, Mr. Garamendi, Mr. Grijalva, Ms. Jackson Lee, and Ms. Kaptur) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Consumer Product Safety Commission to establish a consumer product safety standard for liquid detergent packets to protect children under the age of five from injury or illness, 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 “Detergent Poisoning
5 And Child Safety Act of 2015” or the “Detergent PACS
6 Act of 2015”.
SEC. 2. SPECIAL PACKAGING AND OTHER REQUIREMENTS
FOR LIQUID DETERGENT PACKETS.

(a) DEFINITIONS.—In this Act:

(1) COMMISSION.—The term “Commission” means the Consumer Product Safety Commission.

(2) CONSUMER PRODUCT.—The term “consumer product” has the meaning given such term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(3) DETERGENT PACKET.—The term “detergent packet” means a consumer product that consists of a detergent enclosed in a water soluble outer layer.

(4) LIQUID DETERGENT PACKET.—The term “liquid detergent packet” means a consumer product that consists of a substantially liquid or gel detergent enclosed in a water soluble outer layer.

(5) SPECIAL PACKAGING.—The term “special packaging” has the meaning given that term in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471).

(b) SAFETY STANDARDS REQUIRED.—

(1) IN GENERAL.—Except as provided in subsection (c)(1), not later than 540 days after the date of the enactment of this Act, the Commission shall promulgate a final rule that establishes safety stand-
ards for liquid detergent packets to protect children who are younger than 5 years of age from injury or illness caused by exposure to such packets.

(2) ELEMENTS.—The final rule promulgated under paragraph (1) shall—

(A) require special packaging for liquid detergent packets;

(B) include standards to address the design and color of liquid detergent packets to—

(i) make them less attractive to children;

(ii) reduce the likelihood of exposure to detergent; and

(iii) otherwise reduce risks related to the ingestion or aspiration of, or ocular contact with, detergent and other potential injury risks of liquid detergent packets;

(C) include standards to address the composition of liquid detergent packets to make the consequences of exposure less severe; and

(D) prescribe warning labels that—

(i) adequately inform consumers of the potential risks of injury and death caused by liquid detergent packets;
(ii) are conspicuous and visible at the point of sale;

(iii) clarify hazard patterns, including known consequences of such hazards; and

(iv) identify actions needed to avoid injury.

(3) **TREATMENT AS CONSUMER PRODUCT SAFETY STANDARD.**—A rule promulgated under paragraph (1) shall be treated as a consumer product safety standard described in section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)).

(4) **RULEMAKING.**—

(A) **IN GENERAL.**—A rule under paragraph (1) shall be promulgated in accordance with section 553 of title 5, United States Code.

(B) **INAPPLICABILITY OF CERTAIN REQUIREMENTS.**—Section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to a rulemaking under paragraph (1).

(c) **ADOPTION OF VOLUNTARY STANDARD.**—

(1) **IN GENERAL.**—Subsection (b)(1) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to liquid detergent packets manufactured or im-
ported for use in the United States protects
children as described in subsection (b)(1);

(B) such voluntary standard is or will be
in effect not later than 1 year after the date of
the enactment of this Act; and

(C) such voluntary standard is developed
by ASTM International Subcommittee F15.71
on Liquid Laundry Packets, or such other enti-

ty as the Commission considers a successor to
ASTM International Subcommittee F15.71.

(2) Publication of determination.—If the
Commission makes a determination under paragraph
(1), the Commission shall publish such determina-
tion in the Federal Register.

(3) Treatment of voluntary standard.—
If the Commission determines that a voluntary
standard meets the conditions in paragraph (1),
such standard shall be treated as a consumer prod-
tect safety standard described in section 7(a) of the
beginning on the date that is the later of—

(A) the date that is 180 days after the
date of the publication under paragraph (2) of
such determination; or

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(B) the effective date specified in the voluntary standard.

(4) Revision of voluntary standard.—

(A) Notice of revision.—If a voluntary standard is treated as a consumer product safety standard under paragraph (3) and such standard is revised by ASTM International after the Commission makes a determination under paragraph (1), ASTM International shall notify the Commission of such revision not later than 60 days after making such revision.

(B) Treatment of revisions.—A voluntary standard with respect to which the Commission receives notice under subparagraph (A) shall be treated as a consumer product safety standard described in section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)), promulgated in lieu of the prior version, effective 180 days after the date the Commission is notified of the revision under subparagraph (A), unless not later than 90 days after receiving that notice the Commission determines that the revised voluntary standard does not meet the requirements of paragraph (1)(A), in which
case the Commission shall continue to enforce the prior version.

(d) Future Rulemaking.—

(1) In general.—The Commission may, at any time after promulgating a final rule under subsection (b)(1) or making a determination under subsection (c)(1), promulgate such rules in accordance with section 553 of title 5, United States Code, as the Commission considers appropriate to protect, to the maximum degree practicable, children as described in subsection (a)(1).

(2) Treatment as consumer product safety standard.—A rule promulgated under paragraph (1) shall be treated as a consumer product safety standard described in section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)).

(3) Inapplicability of certain requirements.—Section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to a rulemaking under paragraph (1).

(e) Report to Congress.—

(1) In general.—Not later than 4 years after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the
Committee on Energy and Commerce of the House of Representatives a report on risks posed by detergent packets to young children and how the Commission is working to protect such children from such risks.

(2) Matters Covered.—The report required by paragraph (1) shall include the following:

(A) A quantitative assessment of annual national pediatric exposure to detergent packets, including the number of exposure incidents, the means of exposure (whether by ingestion, aspiration, or ocular contact), the clinical effects of the exposures, and medical outcomes.

(B) An assessment as to whether the rule promulgated under subsection (b)(1) or the voluntary standard adopted under subsection (c), as the case may be, has been effective in protecting young children from injury or illness caused by exposure to detergent packets.

(C) Such recommendations for legislative or administrative action as the Commission may have to protect young children as described in subparagraph (B).

(3) Publication.—The Commission shall make the report required by paragraph (1) available
to the public on the Internet website of the Commission.