

114TH CONGRESS
1ST SESSION

S. 588

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 SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

Mr. DURBIN (for himself, Mr. NELSON, Mr. BLUMENTHAL, Mr. MARKEY, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

1 **SEC. 2. SPECIAL PACKAGING AND OTHER REQUIREMENTS**
2 **FOR LIQUID DETERGENT PACKETS.**

3 (a) DEFINITIONS.—In this Act:

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

6 (2) CONSUMER PRODUCT.—The term “con-
7 sumer product” has the meaning given such term in
8 section 3(a) of the Consumer Product Safety Act
9 (15 U.S.C. 2052(a)).

10 (3) DETERGENT PACKET.—The term “deter-
11 gent packet” means a consumer product that con-
12 sists of a detergent enclosed in a water soluble outer
13 layer.

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

18 (5) SPECIAL PACKAGING.—The term “special
19 packaging” has the meaning given that term in sec-
20 tion 2 of the Poison Prevention Packaging Act of
21 1970 (15 U.S.C. 1471).

22 (b) SAFETY STANDARDS REQUIRED.—

23 (1) IN GENERAL.—Except as provided in sub-
24 section (c)(1), not later than 540 days after the date
25 of the enactment of this Act, the Commission shall
26 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;

- 1 (ii) are conspicuous and visible at the
- 2 point of sale;
- 3 (iii) clarify hazard patterns, including
- 4 known consequences of such hazards; and
- 5 (iv) identify actions needed to avoid
- 6 injury.

7 (3) TREATMENT AS CONSUMER PRODUCT SAFE-
 8 TY STANDARD.—A rule promulgated under para-
 9 graph (1) shall be treated as a consumer product
 10 safety standard described in section 7(a) of the Con-
 11 sumer Product Safety Act (15 U.S.C. 2056(a)).

12 (4) RULEMAKING.—

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

16 (B) INAPPLICABILITY OF CERTAIN RE-
 17 QUIREMENTS.—Section 9 of the Consumer
 18 Product Safety Act (15 U.S.C. 2058) shall not
 19 apply to a rulemaking under paragraph (1).

20 (c) ADOPTION OF VOLUNTARY STANDARD.—

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

23 (A) a voluntary standard pertaining to liq-
 24 uid detergent packets manufactured or im-

1 ported for use in the United States protects
2 children as described in subsection (b)(1);

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

6 (C) such voluntary standard is developed
7 by ASTM International Subcommittee F15.71
8 on Liquid Laundry Packets, or such other enti-
9 ty as the Commission considers a successor to
10 ASTM International Subcommittee F15.71.

11 (2) PUBLICATION OF DETERMINATION.—If the
12 Commission makes a determination under paragraph
13 (1), the Commission shall publish such determina-
14 tion in the Federal Register.

15 (3) TREATMENT OF VOLUNTARY STANDARD.—
16 If the Commission determines that a voluntary
17 standard meets the conditions in paragraph (1),
18 such standard shall be treated as a consumer prod-
19 uct safety standard described in section 7(a) of the
20 Consumer Product Safety Act (15 U.S.C. 2056(a))
21 beginning on the date that is the later of—

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

(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

1 case the Commission shall continue to enforce
2 the prior version.

3 (d) FUTURE RULEMAKING.—

4 (1) IN GENERAL.—The Commission may, at
5 any time after promulgating a final rule under sub-
6 section (b)(1) or making a determination under sub-
7 section (c)(1), promulgate such rules in accordance
8 with section 553 of title 5, United States Code, as
9 the Commission considers appropriate to protect, to
10 the maximum degree practicable, children as de-
11 scribed in subsection (a)(1).

12 (2) TREATMENT AS CONSUMER PRODUCT SAFE-
13 TY STANDARD.—A rule promulgated under para-
14 graph (1) shall be treated as a consumer product
15 safety standard described in section 7(a) of the Con-
16 sumer Product Safety Act (15 U.S.C. 2056(a)).

17 (3) INAPPLICABILITY OF CERTAIN REQUIRE-
18 MENTS.—Section 9 of the Consumer Product Safety
19 Act (15 U.S.C. 2058) shall not apply to a rule-
20 making under paragraph (1).

21 (e) REPORT TO CONGRESS.—

22 (1) IN GENERAL.—Not later than 4 years after
23 the date of the enactment of this Act, the Commis-
24 sion shall submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Energy and Commerce of the House
2 of Representatives a report on risks posed by deter-
3 gent packets to young children and how the Com-
4 mission is working to protect such children from
5 such risks.

6 (2) MATTERS COVERED.—The report required
7 by paragraph (1) shall include the following:

8 (A) A quantitative assessment of annual
9 national pediatric exposure to detergent pack-
10 ets, including the number of exposure incidents,
11 the means of exposure (whether by ingestion,
12 aspiration, or ocular contact), the clinical ef-
13 fects of the exposures, and medical outcomes.

14 (B) An assessment as to whether the rule
15 promulgated under subsection (b)(1) or the vol-
16 untary standard adopted under subsection (c),
17 as the case may be, has been effective in pro-
18 tecting young children from injury or illness
19 caused by exposure to detergent packets.

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

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

○