

“(B) any other battery, regardless of the technology used to produce an electrical charge, that is determined by the Commission to pose an ingestion hazard.

“(2) COMMISSION.—The term ‘Commission’ means the Consumer Product Safety Commission.

“(3) 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)).

“(4) CONSUMER PRODUCT CONTAINING BUTTON CELL OR COIN BATTERIES.—The term ‘consumer product containing button cell or coin batteries’ means a consumer product containing or designed to use one or more button cell or coin batteries, regardless of whether such batteries are intended to be replaced by the consumer or are included with the product or sold separately.

“(5) TOY PRODUCT.—The term ‘toy product’ means any object designed, manufactured, or marketed as a plaything for children under 14 years of age.”

§ 2056f. Consumer product safety standard to protect against tip-over of clothing storage units

(a) Clothing storage unit defined

In this section, the term “clothing storage unit” means any free-standing furniture item manufactured in the United States or imported for use in the United States that is intended for the storage of clothing, typical of bedroom furniture.

(b) CPSC determination of scope

The Consumer Product Safety Commission shall specify the types of furniture items within the scope of subsection (a) as part of a standard promulgated under this section based on tip-over data as reasonably necessary to protect children up to 72 months of age from injury or death.

(c) Consumer product safety standard required

(1) In general

Except as provided in subsection (f)(1), not later than 1 year after December 29, 2022, the Consumer Product Safety Commission shall—

(A) in consultation with representatives of consumer groups, clothing storage unit manufacturers, craft or handmade furniture manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for clothing storage units; and

(B) in accordance with section 553 of title 5 and paragraph (2), promulgate a final consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury, that shall take effect 180 days after the date of promulgation or such a later date as the Commission determines appropriate.

(2) Requirements

The standard promulgated under paragraph (1) shall protect children from tip-over-related death or injury with—

(A) tests that simulate the weight of children up to 60 pounds;

(B) objective, repeatable, reproducible, and measurable tests or series of tests that simulate real-world use and account for impacts

on clothing storage unit stability that may result from placement on carpeted surfaces, drawers with items in them, multiple open drawers, and dynamic force;

(C) testing of all clothing storage units, including those 27 inches and above in height; and

(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(3) Testing clarification

Tests referred to in paragraph (2)(B) shall allow for the utilization of safety features (excluding tip restraints) to work as intended if the features cannot be overridden by consumers in normal use.

(4) Treatment of standard

A consumer product safety standard promulgated under paragraph (1) shall be treated as a consumer product safety rule promulgated under section 2058 of this title.

(d) Adoption of voluntary standard

(1) In general

If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 90 days after the date on which such determination is made and in accordance with section 553 of title 5, promulgate a final consumer product safety standard that adopts the applicable performance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 2058 of this title. Such standard shall take effect 120 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing standard for clothing storage units to protect children from tip-over-related death or injury.

(2) Requirements

The requirements of this paragraph with respect to a voluntary standard for clothing storage units are that such standard—

(A) protects children up to 72 months of age from tip-over-related death or injury;

(B) meets the requirements described in subsection (c)(2);

(C) is, or will be, published not later than 60 days after December 29, 2022; and

(D) is developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of this section.

(3) Notice required to be published in the Federal Register

The Commission shall publish a notice in the Federal Register upon beginning the promulgation of a rule under this subsection.

(e) Revision of voluntary standard**(1) Notice to commission**

If the performance requirements of a voluntary standard adopted under subsection (d) are subsequently revised, the organization that revised the performance requirements of such standard shall notify the Commission of such revision after final approval.

(2) Treatment of revision

Not later than 90 days after the date on which the Commission is notified of revised performance requirements of a voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), the Commission shall determine whether the revised performance requirements meet the requirements of subsection (d)(2)(B), and if so, modify, in accordance with section 553 of title 5, the standard promulgated under subsection (d) to include the revised performance requirements that the Commission determines meet such requirements. The modified standard shall take effect after 180 days or such later date as the Commission deems appropriate.

(f) Subsequent rulemaking**(1) In general**

Beginning 5 years after December 29, 2022, subsequent to the publication of a consumer product safety standard under this section, the Commission may, at any time, initiate rulemaking, in accordance with section 553 of title 5, to modify the requirements of such standard or to include additional provisions if the Commission makes a determination that such modifications or additions are reasonably necessary to protect children from tip-over-related death or injury.

(2) Petition for revision of rule**(A) In general**

If the Commission receives a petition for a new or revised test that permits incorporated safety features (excluding tip restraints) to work as intended, if the features cannot be overridden by consumers in normal use and provide an equivalent or greater level of safety as the tests developed under subsection (c)(2) or the performance requirements described in subsection (d)(2)(B), as applicable, the Commission shall determine within 120 days—

- (i) whether the petition meets the requirements for petitions set forth in section 1051.5 of title 16, Code of Federal Regulations, or any successor regulation implementing section 2058(i) of this title; and
- (ii) whether the petition demonstrates that the test could reasonably meet the requirements of subsection (c)(2)(B), and if so, the Commission shall determine by recorded vote, within 60 days after the determination, whether to initiate rulemaking, in accordance with section 553 of title 5, to revise a consumer product safety standard promulgated under this section to include the new or revised test.

(B) Demonstration of compliance

Compliance with the testing requirements of a standard revised under subparagraph (A)

may be demonstrated either through the performance of a new or revised test under subparagraph (A) or the performance of the tests otherwise required under a standard promulgated under this section.

(3) Treatment of rules

Any rule promulgated under this subsection, including any modification or revision made under this subsection, shall be treated as a consumer product safety rule promulgated under section 2058 of this title.

(Pub. L. 117-328, div. BB, title II, §201, Dec. 29, 2022, 136 Stat. 5552.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Consolidated Appropriations Act, 2023, and not as part of the Consumer Product Safety Act which comprises this chapter.

§ 2057. Banned hazardous products

Whenever the Commission finds that—

- (1) a consumer product is being, or will be, distributed in commerce and such consumer product presents an unreasonable risk of injury; and
- (2) no feasible consumer product safety standard under this chapter would adequately protect the public from the unreasonable risk of injury associated with such product,

the Commission may, in accordance with section 2058 of this title, promulgate a rule declaring such product a banned hazardous product.

(Pub. L. 92-573, §8, Oct. 27, 1972, 86 Stat. 1215; Pub. L. 97-35, title XII, §1203(c), Aug. 13, 1981, 95 Stat. 713.)

Editorial Notes

AMENDMENTS

1981—Pub. L. 97-35 substituted “may, in accordance with” for “may propose and, in accordance with”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 applicable with respect to regulations under this chapter and chapters 25 and 30 of this title for which notices of proposed rulemaking are issued after Aug. 14, 1981, see section 1215 of Pub. L. 97-35, set out as a note under section 2052 of this title.

EFFECTIVE DATE

Section effective on the sixtieth day following Oct. 27, 1972, see section 34 of Pub. L. 92-573, set out as a note under section 2051 of this title.

§ 2057a. Banning of butyl nitrite**(a) In general**

Except as provided in subsection (b), butyl nitrite shall be considered a banned hazardous product under section 2057 of this title.

(b) Lawful purposes

For the purposes of section 2057 of this title, it shall not be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States butyl nitrite for any commercial purpose or any other