(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

purpose approved under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.].

(c) Definitions

For purposes of this section:

(1) The term ''butyl nitrite'' includes n-butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, and mixtures containing these chemicals.

(2) The term ''commercial purpose'' means any commercial purpose other than for the production of consumer products containing butyl nitrite that may be used for inhaling or otherwise introducing butyl nitrite into the human body for euphoric or physical effects.

(d) Effective date

This section shall take effect 90 days after November 18, 1988.

(Pub. L. 100–690, title II, § 2404, Nov. 18, 1988, 102 Stat. 4231.)

Editorial Notes

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (b), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

CODIFICATION

Section was enacted as part of the Anti-Drug Abuse Act of 1988, and not as part of the Consumer Product Safety Act which comprises this chapter.

§ 2057b. Banning of isopropal nitrite and other nitrites

(a) In general

Except as provided in subsection (b), volatile alkyl 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 volatile alkyl nitrites for any commercial purpose or any other purpose approved under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.].

(c) "Commercial purpose" defined

For purposes of this section, the term ''commercial purpose'' means any commercial purpose other than for the production of consumer products containing volatile alkyl nitrites that may be used for inhaling or otherwise introducing volatile alkyl nitrites into the human body for euphoric or physical effects.

(d) Effective date

This section shall take effect 90 days after November 29, 1990.

(Pub. L. 101–647, title XXXII, § 3202, Nov. 29, 1990, 104 Stat. 4917.)

Editorial Notes

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (b), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

CODIFICATION

Section was enacted as part of the Crime Control Act of 1990, and not as part of the Consumer Product Safety Act which comprises this chapter.

§ 2057c. Prohibition on sale of certain products containing specified phthalates

(a) Prohibition on the sale of certain products containing phthalates

Beginning on the date that is 180 days after August 14, 2008, it shall be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States any children's toy or child care article that contains concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP).

(b) Prohibition on the sale of additional products containing certain phthalates

(1) Interim prohibition

Beginning on the date that is 180 days after August 14, 2008, and until a final rule is promulgated under paragraph (3), it shall be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States any children's toy that can be placed in a child's mouth or child care article that contains concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(2) Chronic Hazard Advisory Panel

(A) Appointment

Not earlier than 180 days after August 14, 2008, the Commission shall begin the process of appointing a Chronic Hazard Advisory Panel pursuant to the procedures of section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) to study the effects on children's health of all phthalates and phthalate alternatives as used in children's toys and child care articles.

(B) Examination

The panel shall, within 18 months after its appointment under subparagraph (A), complete an examination of the full range of phthalates that are used in products for children and shall—

(i) examine all of the potential health effects (including endocrine disrupting effects) of the full range of phthalates;

(ii) consider the potential health effects of each of these phthalates both in isolation and in combination with other phthalates;

(iii) examine the likely levels of children's, pregnant women's, and others' exposure to phthalates, based on a reasonable estimation of normal and foreseeable use and abuse of such products;

(iv) consider the cumulative effect of total exposure to phthalates, both from