MDG

CPSA 6 (b)(1) Cleared
X No Mfrs/PrvtLblrs or Products Identified
___Excepted by_____
___Firms Notified,
Comments Processed.

United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: September 2, 1997

TO : EHPS

Through: Sadye E. Dunn, Secretary, OS

FROM : Martha A. Kosh, OS

SUBJECT: Advanced Notice of Proposed Rulemaking: Household Products Containing Petroleum Distillates and Other Hydrocarbons; 16 CFR Part 1700, 62 FR 8659, February 26, 1997

ATTACHED ARE COMMENTS ON THE CP97-2

COMMENT	DATE	SIGNED BY	AFFILIATION
CP97-2-1	4/3/97	Roger E. Tucker Director-Quality & Technology	Coastal Unilube, Inc. P.O. Box 2048 West Memphis, AR 72303
CP97-2-2	4/7/97	Robert L. Rod PhD (Environmental Engineering), PE	Rod Products Co., Inc. 4600 Glencoe Ave, No 4 Marina del Rey, CA 90292
CP97-2-3	4/17/97	Kelly Fitzsimmons	208 South 42nd St. Philadelphia, PA 19104
CP97-2-4	5/5/97	Stuart Feen President	Plastic Bottle Corp. 28055 N Ashley Circle Libertyville, IL 60048
CP97-2-5	5/6/97	Melissa DcDonald Regulatory Affairs Administrator	Perrigo Company 502 Eastern Ave. Allegan, MI 49010
CP97-2-6	5/9/97	L. E. Hill Vice President	Quaker State Corp. 225 E. John Carpenter Fwy Irving, TX 75062
CP97-2-7	5/9/97	Sarosh Manekshaw	Pennzoil Company Pennzoil Place P.O. Box 2967 Houston, TX 77252

Advanced Notice of Proposed Rulemaking: Household Products Containing Petroleum Distillates and Other Hydrocarbons; 16 CFR Part 1700, 62 FR 8659, February 26, 1997

CP97-2-8	5/12/97	Robert Hemphill Principal RD&C Manager	Gas Research Institute 8600 West Bryn Mawr Ave. Chicago, IL 60631
CP97-2-9	5/12/97	Jeffrey Minnette Director Regulated Markets	Rexam Closures 3245 Kansas Road Evansville, IN 47711
CP97-2-10	5/19/97	**confidential**	San Antonio, TX 78230
CP97-2-11	6/4/97	Renee McLeod MSN, RN, CS, CPNP, President	National Association of Pediatric Nurse Associate & Practitioners, Inc. 1101 Kings Highway, North Suite 206 Cherry Hill, NJ 08034
CP97-2-12	7/1/97	On behalf of Florida Univeristy Students	Florida International University 16501 SW 102 Ave Miami, FL 33157
CP97-2-13	7/2/97	Joseph Mattingly Director of Government Affairs & General Counsel	Gas Appliance Manu- facturers Association 1901 North Moore St P.O. Box 9245 Arlington, VA 22209
CP97-2-14	7/2/97	Mark Horton Regulatory Affairs Manager	ChemRex Incorporated Corporate Headquarters 889 Valley Park Drive Shakopee, MN 55379
CP97-2-15	7/8/97	Brenda Nuite Regulatory Project Manager, Product Safety & Regulatory Affairs	The Dial Corporation Technical-Administrative Center 15101 N Scottsdale Rd. Scottsdale, AZ 85254
CP97-2-16	7/9/97	Janet Catanach Environmental Affairs Coordinator	Exxon Chemical Company P.O. Box 3272 Houston, TX 77253
CP97-2-17	7/10/97	Kipp Coddington on behalf of Tender Corporation	Covington & Burling 1201 Pennsylvania Ave, NW P.O. Box 7566 Washington, DC 20004
CP97-2-18	7/10/97	Bohdan Dmytrasz Manager	Texaco P.O. Box 509 Beacon, NY 12508

Advanced Notice of Proposed Rulemaking: Household Products Containing Petroleum Distillates and Other Hydrocarbons; 16 CFR Part 1700, 62 FR 8659, February 26, 1997

CP97-2-19	7/11/97	Kevin Uhl Research Scientist	Amway Corporation 7575 Fulton St, East Ada, MI 49355
CP97-2-20	7/11/97	Brigid Klein Regulatory Counsel	Chemical Specialties Manufactuers Association 1913 Eye St, NW Washington, DC 20006
CP97-2-20a	12/15/98	Brigid Klein	Address same as above
CP97-2-21	7/9/97	Dennis Groh Section Supervisor	Ford Customer Service Division Fairlane Business Park #4 17225 Federal Drive Suite 140 Allen Park, MI 48101
CP97-2-22	7/10/97	Aludia Hernandez Technical and Regulatory Compliance Manager	Chase Products Company The Quality First Company 19th St & Gardner Rd Broadview, IL 60153
CP97-2-23	**rec'd** 7/11/97 ltr dated 6/25/97	Paul Chowhan Project Officer Chemical Hazards Section	Product Safety Bureau Statistics Canada Main Building, Wing 1000 Tunney's Pasture Locator: 0301B2 Ottawa(Ontario) L1AOK9 CANADA
CP97-2-24	7/8/97	Harvey Kornhaber Sr. Vice President Research and Development	Turtle Wax, Inc. 5655 West 73rd Street Chicago, IL 60638
CP97-2-25	7/11/97	Heidi McAuliffe Counsel, Government Affairs	National Paint & Coatings Association 1500 Rhode Island Ave, NW Washington, DC 20005
CP97-2-26	7/22/97	Darla Williamson	Closure Manufacturers Association 1627 K Street, NW Suite 800 Washington, DC 20006
CP97-2-27	8/29/97	Deborah Fanning Executive Vice President	The Art & Creative Materials Institute, Inc. 100 Boylston Street Suite 1050 Boston, MA 02116

Advanced Notice of Proposed Rulemaking: Household Products Containing Petroleum Distillates and Other Hydrocarbons; 16 CFR Part 1700, 62 FR 8659, February 26, 1997

CP97-2-27a	9/30/97	Deborah Fanning Executive Vice President	The Art & Creative Materials Institute, Inc. (**address same as above**)
CP97-2-28	9/01/97	Catherine Beckley Assistant General Counsel	The Cosmetic, Toiletry, and Fragrance Association 1101 17th St., N.W. Suite 300 Washington, DC 20036-4702
CP97-2-28a	12/15/98	Catherine Beckley	Address same as above
CP97-2-29	9/02/97	Justin Powell on behalf of the Florida Chemical Company	Keller and Heckman Law Offices 1001 G Street, N.W. Suite 500 West Washington, DC 20001
CP97-2-30	12/15/98	David Baker Attorney for Writing Instrument Manufacturers Association, Inc.	Thompson Hine & Flory LLP 1920 N Street, NW Washington, DC 20036

CP97-2-1
6/6/6 GC 6/4/97

Coastal
The Energy People

April 3, 1997

CPSC/OFC OF THE SECRETARY
FREEDOM OF INFORMATION
1997 MAY -6 A 10:27

Office of the Secretary
Consumer Products Safety Commission
Room 502
4330 East-West Highway
Bethesda, MD 20814

RE: ANPR for Petroleum Distillates

Coastal Unilube, Inc. is a manufacturer of lubricating oils and car care products, some of which contain petroleum distillates (in the form of mineral spirits). These products currently contain the FHSA-specified labeling for an aspiration hazard (includes the signal word "DANGER", the statement of hazard "Harmful or fatal if swallowed", and the statement "Call physician immediately."). These products are capped with a closure that contains a foil inner seal. After capping, the bottle passes through a machine that seals the foil to the top of the bottle. When the cap is removed, the foil seal remains attached to the bottle opening. While this foil seal does not fit within the definition of "child-proof," it is difficult to open.

These products are intended for "total package use." In other words, when the container is initially opened, the entire contents should be added to the gas tank, and the container should be properly disposed of.

Products of this type would normally be stored in a garage and not inside the house. The majority of this product, when purchased by the consumer at the retail level, is immediately added to the gas tank. A small percentage (we estimate less than 10 percent) of consumers may buy more than one container to keep on their garage shelf for later use.

Coastal Unilube does not feel that a child-proof closure is necessary for these types of products. Several precautions (outlined above) have already been taken. We would, however, be in support of adding a statement to the label such as: "Add entire contents to gasoline tank."

Thank you for considering our comments. If you have any questions or would like additional information, please feel free to contact me at (501)732-7862.

Sincerely,

Roger E. Tucker

Roger E. Tucker
Director - Quality & Technology

Coastal Unilube, Inc.
A SUBSIDIARY OF THE COASTAL CORPORATION
310 MID-CONTINENT PLAZA 5TH FLOOR • P O BOX 2048 • WEST MEMPHIS AR 72303-2048 • 501/735-0020

6501C 4/14/97
Rod

ROD PRODUCTS COMPANY, INC.
4600 Glencoe Avenue, No. 4
Marina del Rey, CA 90292-6363
P: 1-(310)827-2420 F: 1-(310)301-2036

April 7, 1997

The Honorable Sadye E. Dunn
Secretary, Consumer Products Safety Commission
4330 East-West Highway
Bethesda, MD 20814

RE: ANPR for Petroleum Distillates

My dear Secretary Dunn:

Thank you for inviting us to comment on your proposed rulemaking as referenced above. In our opinion, the proposed regulation is so erroneous that it could well cripple industry, raise the cost of all products concerned, and scare away users without enhancing child safety. Suffice to say as an EPA Pesticide Registrant for six insecticide products made exclusively from ingredients registered by name by Congress in 21CFR and the FDA as GRAS, *Generally Regarded as Safe* in foods we humans eat, we are in favor of reasonably designed child-resistant packaging. It should be used across the board for products that could harm children in any way. We do object strenuously to your broad brush, scientifically inaccurate condemnation of certain petroleum distillates and the essential non-petroleum derived oils mentioned, including limonene, and the method of determining applicability.

We are particularly concerned over gross errors not usually found in technically correct governmental documents of this type that can adversely impact the fine reputation enjoyed by your commission. For example, the "Supplementary Information I" in the ANPR regarding benzene, toluene, and xylene is factually incorrect. All three happen to be petroleum distillates despite your implying they are not. *The unfounded assumption made that anything containing over 10% of such a petroleum distillate with a SUS viscosity of under 100 is unsafe around children has no basis in scientific reason or fact.* Attached are data sheets from Penreco showing their FDA-approved GRAS food grade petroleum distillate hydrocarbon solvents having viscosities less than 100 SUS are all considered to be safe to humans.

A second Penreco sheet describes white (petroleum) GRAS mineral oils, some of under 100 SUS, meeting DOT, EPA TSCA, FDA, and OSHA safety requirements. All six of our EPA-registered insecticidal products using Penreco-class fluids are in EPA's least toxic hazard category IV wherein no precautionary labels are required by FIFRA law. Penreco-class fluids are more familiarly found in such products as laxatives we humans take orally and in other drug store items like Johnson & Johnson's baby oil that has been used in our lifetimes with no ill effects on the backsides of countless millions of contented babies worldwide.

Turning to limonene, your safety assumptions, or the lack thereof, have little validity in our opinion. Limonene we use is 97%+ pure distillate of citrus peel oils designated as GRAS by Congress and the FDA in 21CFR. It also is so-rated in the internationally accepted FOOD CHEMICALS CODEX of the National Academy of Sciences as a GRAS food flavoring. Limonene has been successfully tested experimentally in Japan to dissolve gallstones, and work in England described in the attachment shows promise in treating breast cancer when taken internally. Imagine if you will a finalized CPSC regulation to have such products, along with a limonene-containing food product like orange juice, labeled "DANGER" and "Harmful or fatal if swallowed. Call physician immediately."

Keeping in mind the degree of toxicity of any distillate end product is determined not by viscosity but by the starting stock and its distillation temperature range, we suggest new criteria may be needed to fix a need for a child-resistant package. One approach might be to use EPA's Category IV limits shown in 40CFR under Sec. 156.10. For items in Category IV no special closures would be needed as would not be the case for more toxic Categories I, II, and III. Manufacturers would be responsible for meeting these criteria irrespective of the nature and name of the product and for using approved closures as appropriate. Such an approach would keep CPSC from becoming a duplicative CAS system keeping track of millions of different chemicals. Another and far more preferable approach could involve CPSC commissioning industry to devise a universal child-resistant package with the goal of requiring its use by all. CPSC then could devote itself to broader issues rather than micro managing the chemical industries. Everyone would win!

Respectfully,

Robert L. Rod, PhD (Environmental Engineering), PE

encs.

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Garlic Shows Anti-cancer Punch

Research has shown that garlic may exert one of its anti-cancer effects through a key detoxification system Gluthathione S. Transferase. Besides Allicin, Garlic contains over 30 other sulfur compounds.

Dr. Robert I San Lin, Dr. Lui, and Dr. John Milner of Pennsylvania State University found that oral doses of aged garlic extract inhibit the transformation of normal cells into cancer cells in mice treated with a carcinogen.

Further research done by Dr. Lin with others found that aged garlic extract inhibited the growth of cultured human cancer cells derived from the skin and nervous tissues. Dr. Lin along with Dr. John Pinto of Sloan Kettering Memorial Cancer Center, and Dr. Ray Tiwari of Cornell University Strang Cancer Research Center found that aged garlic extract and two of its active compounds can strongly inhibit the growth and multiplication of cultured human breast cancers.

Researchers at Memorial Sloan Kettering Cancer Center are studying garlic extracts on human prostate cancer cells *in vitro*.

Shark Power Expands

Many holistic practitioners are recommending shark oil alkylglycerols to their patients. Research into alkylglycerols has been going on for over half a century. Researchers have found alkylglycerols enhance the immune system and in some studies cause regression of tumor growth.

Other studies have shown that the

UPDATES

Orange Peel Oil Prevents and Treats Breast Cancer

In Volume 2, #6 (1991) of *The American Raum und Zeit* we reported on the outstanding work of Michael Gould. Michael Gould is the principle investigator of *D-limonene* at the University of Wisconsin Clinical Cancer Center (UWCCC).

He presented his research findings at that time to the annual American Association for Cancer Research meeting in Houston, Texas. He stated that we've known for several years that one type of terpene D-limonene prevents breast cancer from occurring in laboratory animals. Feeding limonene to laboratory rats induced with breast cancer reduced the development of tumors six-fold, said Gould. And when limonene was fed to rats with existing tumors, more than 80 percent of the cancers disappeared.

Gould and his team have found D-Limonene interferes with cancer cells' ability to modify certain proteins, a process crucial to cell growth. By finding means of disrupting this process of modifying proteins, we can stall or prevent cancer cells from duplicating. Using limonene to isolate and interfere with the ras-oncogene and other growth-control proteins has great implications for treating breast cancer as well as other malignancies.

It is good to see in Lancet, Volume #342, September 25, 1993 that limonene trials will take place in London. Phase I trial of limonene in pancreatic and colorectal cancer were to start that week at Charing Cross Hospital in London. Pro- to current best treatment in an oral dose escalating regimen.

Limonene, besides occurring in orange and citrus fruit oils, is also in mint, dill, caraway and celery seed oils.

We will keep you informed on future progress in D-limonene medical treatments.

Citrus Nomilin

Research at the University of Minnesota shows that some citrus fruits contain a chemical that may help prevent cancer. A researcher found that *Nomilin*, a compound that causes bitterness in some citrus juices helped prevent cancerous tumors from forming in the stomach of 28 percent of mice fed a potent carcinogen.

Apparently, Nomilin can more than triple the normal activity of an important detoxifying enzyme, *Glutathione S-Transferase*. Research elsewhere has shown citrus fruits to contain anti-cancer powers as noted in our item above on D-limonene.

Nutritional Protocol Brings Apparent Remission of Breast Cancer

Thirty-two high risk breast cancer patients in Denmark were given a nutritional protocol for 18 months. Nutritional antioxidants Vitamin C, E, Beta-carotene, and Selenium were given along with other vitamins and minerals and essential fatty acids along with co-enzyme Q10 [illegible] per day. Results at the end of [illegible] months were none of the patients died, none of them showed signs of further metastases. They felt better. Six patients showed partial remission. It

Healthy Lifestyle

penreco Hydrocarbon Solvents

SPECIFICATIONS

	2251 Oil	2263 Oil	2257 Oil	2259 Oil	2260 Oil
Cas No.	64742-14-9	64742-47-8	64742-46-7	8042-47-5	8042-47-5
API Gravity, 60°F	46/50	46/50	44/47	43/47	40/44
Specific Gravity, 60/60°F	.779/.797	.779/.797	.793/.806	.793/.811	.806/.825
Distillation, ASTM D 86 IBP, °F, min (°C, min)	375 (190)	375 (190)	430 (221)	445 (229)	500 (260)
End Point, °F, max (°C, max)	500 (260)	500 (260)	510 (265)	535 (279)	610 (321)

PHYSICAL PROPERTIES (Typical)

Specific Gravity, 60/60°F	.790	.790	.798	.803	.813
Pounds/Gallon, 60°F	6.58	6.58	6.64	6.68	6.77
Viscosity, 100°F, SUS	31.4	31.4	33.2	33.6	40.2
Viscosity, 100°F, CST	1.66	1.66	2.18	6.69	6.79
Aniline Point, ASTM D 611, °F	170	169	180	185	201
KB Values, ASTM D 1133	28	29	27	25	23
Flash Point, ASTM D 92, °F (°C)	165 (74)	165 (74)	220 (104)	240 (115)	280 (138)
Pour Point, ASTM D 97, °F (°C)	−40 (−40)	−40 (−40)	−10 (−23)	0 (−18)	25 (−4)

CHEMICAL PROPERTIES (Typical)

Hydrocarbon Type, ASTM D 1319 Aromatics, % Olefins, % Saturates, %	 0.5 nil 99.5	 1.5 nil 98.5	 1.5 nil 98.5	 1.5 nil 98.5	 1.5 nil 98.5
Carbon Number, by GC	C_{10}-C_{14}	C_{10}-C_{14}	C_{11}-C_{16}	C_{12}-C_{17}	C_{13}-C_{18}

The chemical composition of Penreco solvents is predominantly saturated hydrocarbons. These compounds may be branched, straight chain, or saturated cyclic structures. The aromatic content is very low and olefins are almost nonexistent.

These chemical properties combined with the narrow distillation ranges give Penreco hydrocarbon solvents distinct advantages in meeting environmental regulations. A low order of dermal toxicity also makes these products safer to use than comparable solvents where human contact may be a concern.

APPLICATIONS

Carbonless copy paper for office forms
Industrial cleaning solvents
Waterless handcleaners
Fragrance bases
Automotive and furniture polishes
Insecticide bases
Lamp Oils
Defoamers in paper and coatings industries
Froth flotation of vegetables
EDM (Electrostatic Discharge Machine) fluids
Magnetic particle inspection fluids
Household products

GOVERNMENT REGULATIONS

Penreco Solvents meet the following FDA regulations:

- **Odorless Light Petroleum Hydrocarbons**

21 CFR 172.884 Direct Food Additives (See regulations for specific applications permitted)

21 CFR 178.3650 Indirect Food Contact

21 CFR 573.740 Component of Insecticide Formulations

- **Technical White Mineral Oil**

21 CFR 178.3620 (b) Indirect Food Contact

Labeling:

Penreco 2251 Oil and 2263 Oil are considered combustible liquids by DOT (Department of Transportation) regulations since their flash points are below 200°F. All other solvents have flash points above the combustible range.

To the best of our knowledge, the information contained herein is accurate, but is given without warranty or guarantee. We assume no liability whatsoever for the accuracy or completeness of the information contained herein. Final determination of the suitability of any information or material for the use contemplated, the manner of use, and whether there is any infringement of patents is the sole responsibility of the user.

penreco A DIVISION OF PENNZOIL PRODUCTS COMPANY

Regional Sales Offices: Butler, Pennsylvania 412/283-5600 Or Call Toll Free 800/245-3952 FAX No. 412/283-1630

Dickinson, Texas 713/337-1534 Or Call Toll Free 800/458-5845 FAX No. 713/337-2341

Branches in: Lyndhurst, New Jersey Los Angeles, California

penreco White Mineral Oils

SPECIFICATIONS / TYPICAL PROPERTIES

		VISCOSITY		API	SPECIFIC GRAVITY		LBS./GAL.	FLASH POINT		POUR POINT	
		ASTM D 445		ASTM D 1298				ASTM D 92		ASTM D 97	
		SUS @ 100°F	CST @ 40°C	@ 60°F	@ 60°F	@ 77°F	@ 60°F	°F	°C	°F	°C
MINERAL OIL USP	Drakeol 35	340/365	65.8/71.0	28.0/31.1	.870/.887	.864/.881	7.30	435	224	5	−15
	Drakeol 34	370/410	72.0/79.5	29.7/32.3	.864/.878	.858/.872	7.27	475	246	15	−9
	Drakeol 32	312/330	60.0/63.3	28.9/32.5	.863/.882	.856/.876	7.25	430	221	10	−12
	Drakeol 21	200/215	38.4/41.5	28.9/33.2	.859/.882	.853/.876	7.23	415	213	15	−9
	Drakeol 19	180/190	34.9/37.3	28.9/33.4	.858/.882	.852/.876	7.22	410	210	15	−9
LIGHT MINERAL OIL NF	Drakeol 15	145/155	28.1/30.3	28.9/33.8	.856/.882	.850/.873	7.20	390	199	15	−9
	Drakeol 13	125/135	24.2/26.3	30.6/34.2	.854/.873	.848/.867	7.17	390	199	15	−9
	Drakeol 10	95/105	17.7/20.2	31.1/36.6	.842/.870	.838/.864	7.14	365	185	15	−9
	Drakeol 10B	95/105	17.7/20.2	28.5/30.5	.874/.884	.867/.878	7.30	330	165	−40	−40
	Drakeol 9	80/90	14.2/17.0	33.0/36.0	.845/.860	.838/.854	7.09	360	182	15	−9
	Drakeol 7	65/75	10.8/13.6	35.0/38.2	.834/.850	.828/.843	7.04	355	180	15	−9
	Drakeol 5	52/57	7.6/8.7	36.9/38.7	.831/.842	.825/.835	6.97	320	160	15	−9
	Draketex 50	48/53	6.5/7.8	37.4/40.2	.824/.838	.817/.832	6.96	300	149	20	−7
TECHNICAL MINERAL OIL	Peneteck	38/42	3.4/4.7	41.5/43.6	.808/.818	.802/.811	6.77	265	129	30	−1
	Parol 100	95/105	17.7/20.2	31.1/36.6	.842/.870	.838/.864	7.15	360	182	15	−9
	Parol 80	75/90	13.2/17.0	32.5/37.6	.837/.863	.830/.857	7.08	350	177	15	−9
	Parol 70	65/75	10.8/13.6	35.0/38.2	.834/.855	.828/.849	7.05	340	171	15	−9
	4463 Oil	42/59	—	38.0/42.0	.815/.834	—	6.90	315	157	45	7
	6970 Oil	55/65	—	34.0/38.0	.835/.855	—	6.99	325	163	15	−9

GOVERNMENT REGULATIONS

- The products listed above are included in the EPA's TSCA (Toxic Substances Control Act) Inventory.
- The CAS Number for all products listed above is 8042-47-5.
- None of the products listed above are hazardous by OSHA (Occupational Safety and Health Administration) or DOT (Department of Transportation) standards.
- All Drakeols, Draketex 50, and Peneteck meet the following FDA regulations: 21 CFR 172.878 covering direct use in food, 178.3620 for indirect use in food, and 573.680 for use in animal feed. Penreco technical mineral oils meet 21 CFR 178.3620 (b) for indirect use in food and 573.680 for animal feed.

NOTES

- All Drakeols, Draketex 50, and Peneteck are inhibited with less than 15 ppm alpha tocopherol (vitamin E).
- Peneteck meets all NF requirements for "Light Mineral Oil" except that it falls below the minimum requirements for specific gravity.
- Colors of all Drakeols, Draketex 50, and Peneteck are +30 Saybolt (ASTM D 156). Colors of all technical oils other than Peneteck are at least +20 Saybolt.
- Some of the most common applications for Penreco White Mineral Oils are shown on the chart on the flipside of this sheet.

To the best of our knowledge, the information contained herein is accurate, but is given without warranty or guarantee. We assume no liability whatsoever for the accuracy or completeness of the information contained herein. Final determination of the suitability of any information or material for the use contemplated, the manner of use, and whether there is any infringement of patents is the sole responsibility of the user.

penreco A DIVISION OF PENNZOIL PRODUCTS COMPANY

Regional Sales Offices: Butler, Pennsylvania
Call Toll Free 800/245-3952
In PA Call 412/283-5600
FAX No. 412/283-1630

Dickinson, Texas
713/337-1534
Or Call Toll Free 800/458-5845
FAX No. 713/337-2341

Branches in: Lyndhurst, New Jersey
Los Angeles, California

penreco

White Mineral Oils Applications

		DRAKEOL 35	DRAKEOL 34	DRAKEOL 21	DRAKEOL 19	DRAKEOL 13	DRAKEOL 9	DRAKEOL 7	DRAKEOL 5	DRAKETEX 50	PAROLS	6970 OIL
COSMETICS	Baby Oils											
	Creams and Lotions											
	Suntan Oils											
	Sunscreens											
	Hair Products											
	Makeups											
	Makeup Removers											
	Absorption Bases											
	Depilatories											
	Bath Oils											
PHARMA-CEUTICALS	Laxatives											
	Topical Ointments											
	Gelatin Capsule Lubes											
FOOD INDUSTRY	Bakery Pan Oils											
	Divider Oils											
	Animal Feed Dedusting											
	Mold Release Lubricants											
	Egg Coatings											
	Coating for Fruits & Vegetables											
	Food Packaging Materials											
	Food Grade Lubes & Greases											
	Meat Packing											
PLASTICS & ELASTOMERS	Polystyrene, Internal Lubes											
	PVC, External Lubes											
	Plastics Annealing											
	Catalyst Carriers											
	Thermoplastic Rubber, Extender Oils											
MISCELLANEOUS	Textile Lubes											
	Adhesives											
	Household Cleaners, and Polishes											

CP97-2-3
6463
OIC 8/9/97

Kelly M. Fitzsimmons
208 South 42nd Street
Philadelphia, PA 19104
70 Central Avenue
Seekonk, MA 02771

April 17, 1997

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207-0001

With regard to ANPR for Petroleum Distillates:

Concerns regarding children's well being should be considered seriously and expediently. 16 CFR Part 1700 discusses proposed child proofing measures to stop children from ingesting dangerous chemicals that could easily induce bodily harm. Weighing a child's life against meager financial inconveniences, caused by child proofing measures, dictates a very clear course of action.

Unfortunately, some of the onus lands on parents, who irresponsibly leave petroleum-based chemicals on low shelving, within young children's grasp. Parents don't assume that their child will imbibe hazardous products that can lead to lethal proportions, but such occasions happen all too frequently. This issue becomes extremely personal, as a young cousin encountered serious medical problems after imbibing a bottle of baby oil.

Baby oil, a seemingly harmless product, which connotes use for young children was lying on my cousin's changing table, along with his full array of baby products. My aunt was entirely unaware of the dangerous nature of the product, probably skimming the warning in minute print on the back of the bottle stating "Keep out of reach of small children." No other bold labels indicated the dangers enclosed. To make matters worse, the cap on the bottle was flip-top, not screw-on, which makes access even easier for children.

My cousin became a statistic -- one of 5 percent of cases hospitalized for serious medical repercussions after ingesting a petroleum based product without proper seal. My cousin recovered, but the scare left my aunt an advocate for both child-resistant packaging and adult education regarding household products that could harm a child. In accordance with my aunt's sentiments, I am writing as an proponent to 16 CFR Part 1700.

If companies are willing to print warning labels on products, why not introduce even greater safety measures that will undoubtedly be appreciated by consumers. Regardless of the viscosity, any product that has the capability of being lethal, whether in small or large

doses, should be child-proofed. Companies depend upon their brand equity and consumer buying loyalties, and should be willing to spend some money protecting the interests of the consumer. Costs incurred in suits against a company could presumably outweigh the small costs of child-proofing a product.

As this proposed rule is considered by the Consumer Product Safety Commission, please remember cases like my cousin, and the numerous other young children who will suffer long hospital stays, disfigurement or death before the age of five. Requiring child-resistant packaging on petroleum-based products will actually aid companies in giving the public the best possible good, garnering product loyalty and without fear of retribution by lawsuit. Give children a fighting chance in a world that will pose enough problems in the years to come.

Thank you for your consideration.

Kelly M. Fitzsimmons

PLASTIC BOTTLE CORPORATION

28055 North Ashley Circle
Libertyville, IL 60048 9459
847 367 1900
Fax: 847 367 1990

May 5, 1997

Office of the Secretary,
Consumer Product Safety Commission
Washington, DC 20207-0001

RE: ANPR for petroleum distillates. Opposed.

Dear CPSC:

Virtually anything you would want to do to increase, improve, or create child resistance for various types of packaging would be technically feasible. The real question is, however, what is the cost/benefit ratio. I suspect that the cost/benefit ratio for creating the level of child resistance you are seeking is not rational.

Deeper, however, is the philosophical irrationality of big government always attempting to protect all citizens from themselves. Where is personal responsibility? Do we have any level of personal responsibility or are we always to run to the government or personal injury and product liability attorneys to resolve that which is more properly resolved through personal responsibility?

The death of any child or adult by negligence of the manufacturer of a product, especially knowing negligence, is a terrible and wrongful thing. However, there are situations where there is no legal culpability by anyone and yet someone is seeking to find someone guilty and obtain a cash judgment. How long will it be before a person who boils their own water for their own coffee in their own home and then burns themselves with that coffee, finds a jury to render a multi-million dollar judgment against the manufacturer of the heating devise, the manufacturer of the pan or kettle in which the water was heated, the manufacturer of the mug or cup into which the hot water was poured, the company supplying the water and etc. In short, life, from the very first breath, entails risk and while we have done much over many thousands of years to reduce that risk there is still risk and there must be personal assumption of that risk and personal responsibility for that risk when that risk is properly the individual's.

When I was growing up it was the responsibility of my parents to see to it that the house was as child proof as possible in areas where there was risk and it was their responsibility to protect me because I did not know the risks. When I became an adult I assumed responsibility for the risks and when our children came along my wife and I took

responsibility to child proof our home and see to it that our children were as free from risk as rationally possible and yet we still had various illnesses in the home, one child broke a couple of limbs at different times, and we had various other accidents. But always we were responsible for those risks and the outcome. In fact, at one point, our younger son was hit by a car while riding his new bike across the street. When we were notified of the accident and the broken leg that was a result of that accident we asked the police officer only one question, was the responsibility for the accident that of the driver or of our son? The officer said quite plainly that the driver had done nothing wrong and that our son had simply blundered out across the street and had so stated that to the officer and in fact he so stated that to my wife and me. He had a new bike, was very excited about it and was not watching where he was going. We made no charges nor filed any suit against the driver and/or his insurance company. We took personal responsibility, how many others would say or do the same things as we did in that situation?

Again, anything is technically feasible, the question is does the cost justify the resulting benefit and will the consumer be willing to pay that cost? In this case, I believe that the cost does not justify the benefit.

Sincerely,

Stuart Feen
President

CP97-2-5

PERRIGO COMPANY
502 EASTERN AVENUE
ALLEGAN, MI 49010
616-673-7669
FAX: 616-673-7655

May 6, 1997

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207-0001

RE: Docket No. 97-4783, ANPR for Household Products Containing Petroleum Distillates and Other Hydrocarbons

To whom it may concern:

L. Perrigo Company (hereinafter Perrigo) submits these comments in response to the February 26, 1997 Federal Register, above stated Advanced Notice for Proposed Rulemaking with opportunity for comments which will require Child Resistant (CR) Closures on all products containing at least 10 percent petroleum distillates with a viscosity less than 100 SUS at 100 deg F.

Perrigo requests this submission be filed in the above docket number.

Perrigo is the nation's largest private-label manufacturer of OTC drug products and Health and Beauty Aids (HBA's). As such, Perrigo produces these HBA's and OTC's for numerous chain drug stores and supermarkets. These OTC and HBA products comply with the conditions governing products that are part of the OTC Monograph review and Cosmetics, Toiletry & Fragrance Acts (CTFA). A considerably smaller volume of Perrigo's OTC products which are described in ANDA's and are subject to FDA review and approval pursuant to Section 505(j) of the Federal Food, Drug, and Cosmetic Act. Perrigo does not currently manufacture or distribute any prescription drugs.

Scope of the Proposed Regulations

Perrigo does not support an across-the-board treatment on requirements for CR Closures on products containing 10% petroleum distillates with a viscosity less than 100 SUS at 100 deg F.

Relationship to affected Perrigo Products:

This ruling would affect five of Perrigo's existing products. These are as follows: Baby Oil (84%), Baby Oil with Aloe and E (84%), Skin Care Bath Oil (59%), Tropic Tan Oil (10%), and European Moisturizing Lotion (10%). There are two areas that Perrigo believes should be analyzed before a mandatory request of this scope should be made.

The first area would be the type of closure currently on the product. Has there been any data to suggest that children are more capable of getting into a "twist on/off cap" than a "flip cap" or a "pump" option? The European Moisturizing lotion is currently in a Pump option and the mechanics of this type of cap would appear to be less likely for a child to remove and consume.

The second area would be the consistency of the material involved. For instance, an oil has the appearance of water and is usually packaged in a clear bottle. Has there been research conducted to conclude that a child may view that differently than a lotion? Has there been research to determine that lotions are readily consumable like an oil could be?

With these two areas in mind and the questions raised regarding the type of closure and the consistency/appearance of the product could there be further research done to narrow the amount of products this regulation could impact?

Potential Health Hazards to Children

Perrigo currently supports the (Poison & Prevention Act (PPA) to reduce and attempt to eliminate potential poisions to children, however, Perrigo has had the baby oil on the market for 8 years and to this date, Perrigo has not received any compliant, adverse event (ADE) , or adverse reaction (ADR) for inhalation/ingestion by a minor. Perrigo has over 195 customers in the baby oil alone, that span the entire United States and other International Territories. There have also been no noted ADE's, ADR's, or complaints on the other three products for accidental ingestion/inhalation of these products.

Conversion Cost Estimate for proposed Petroleum Distillates Regulation:

Following are the estimated cost to convert respective packages to CRC for proposed Petroleum Distillates regulations: (These numbers assume that the bottles shapes/sizes would not have to change, only the caps)

Total impact for tooling and change parts: $219,000

Baby Oils	$122,000	Bath Oil:	$85,100
Tanning Oil	$ 6,100	Moist. Ltn:	$ 6,100

Total impact for obsolescence: $ 34,000

Baby Oil:	$29,000	Bath Oil:	$1,000
Tanning Oil	$ 4,000	Moist Ltn:	-0-

Effective Date:

If the CPSC finds it necessary to go ahead with this type of regulation and not further refine the requirements, Perrigo requests that CPSC allow for an 18 month effective date. Perrigo has 194 customers in the Baby Oil, 24 customers in Bath Oil, 25 customers in the Tanning Oil, and 3 customers in the Moisturizing Lotion at this time. In order to meet a one year target date, Perrigo would have 4 lines to retool, 4 caps to be redesigned, 4 conversions to be implemented, over 200 customers notified and over 200 products manufactured and shipped within that time frame. Also, Perrigo feels that the cap

closure manufacturers will not be able to respond to this type of demand from industry in a one year time frame. An 18 month compliance date would also significantly reduce our obsolescence.

Summary

Perrigo does not support an across-the-board treatment on requirements for CR Closures on products containing 10% petroleum distillates with a viscosity less than 100 SUS at 100 deg F. Perrigo requests that the CPSC determine whether all caps are as easily accessible as others and whether the type of product viscosity and appearance play a role in a child's ability to ingest or inhale this type of product. The total financial impact to Perrigo at this time is **$253,000** and an eighteen month implementation for changes could significantly decrease our obsolescence.

If there are any questions or concerns regarding this information, please contact L. Perrigo Company Regulatory Affairs.

Respectfully,

Melissa McDonald

Melissa McDonald
Regulatory Affairs Administrator

CP 97-2-6

QUAKER STATE®

Direct: (972) 868-0411
Fax: (972) 868-0676

May 9, 1997

VIA FEDERAL EXPRESS

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, Maryland 20814

Re: ANPR for Petroleum Distillates

On behalf of Quaker State Corporation I am submitting comments concerning the Advanced Notice of Proposed Rulemaking ("Advanced Notice") issued by the Consumer Products Safety Commission on February 26, 1997. Quaker State Corporation is principally a producer of motor oil and lubricants, both branded and private label, and a manufacturer and marketer of products and services in the automotive aftermarket. Operating divisions manufacture safety lighting equipment for cars and trucks and a full range of high-quality automotive chemical treatment, appearance and air freshener products. In particular, Quaker State operates three consumer product divisions which could potentially be affected by this related rulemaking: Lubricants (motor oil), Blue Coral Slick 50 (car care products and oil/fuel treatments) and Medo (air fresheners).

With regard to Quaker State's motor oil business, we offer the comment that Quaker State is unaware of any deaths of any children or adults resulting from the ingestion of motor oil. Further, motor oil is usually a product which is not stored or used in the house, but in a garage area. Motor oil is not toxic nor does it bear such labeling. Also due to the viscosity, aspiration of this heavier oil following ingestion is unlikely to occur.

With regard to Quaker State's products which are manufactured by Blue Coral Slick 50, some of these products are of the type that are affected by the Advanced Notice. With regard to Medo products one line of products could be affected. We feel that the products' labeling as required by the Consumer Products Safety Commission adequately addresses potential exposures. As with our motor oil, our experience with these product lines has been that there has not been a death of a child or an adult from any incident involving either of these product lines.

We also note in the proposed Advance Notice that in 1994 the percentage of reported major symptoms by poison control centers was only 0.12% of cases of "reported exposures of children

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OFFICE OF THE SECRETARY
FREEDOM OF INFORMATION

under 5 years of age." In addition, the Advanced Notice pointed out that in the past twenty-four years the annual death rate of children under 5 following exposure was less than 1. The use of child-resistant closures on these products would probably only slightly reduce, not eliminate exposures of children under 5 years of age.

Quaker State recommends that the Commission closely examine whether or not the number of reported exposures relating to petroleum distillates involving children under age 5 will be reduced or eliminated and whether such measures as child resistant packaging are warranted. Quaker State believes that the products are adequately labeled to protect against the level and type of hazard presented.

Should you have any questions concerning any of this or would like copies or examples of any of our labels and/or poison control history, please do not hesitate to contact me.

Very truly yours,

L. Elizabeth Hill

L. Elizabeth Hill
Vice President
Environmental/Governmental Affairs

LEH/jrc

s:msoffice\envgovt\childres.doc

6465 10K 8/7/97

CP97-2-7

PENNZOIL COMPANY

PENNZOIL PLACE • P.O. BOX 2967 • HOUSTON, TEXAS 77252-2967 • (713) 546-8516

SAROSH J. H. MANEKSHAW
Director
Environmental, Safety
and Health Affairs

May 9, 1997

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207-0001

ANPR for Petroleum Distillates

RE: Advanced Notice of Proposed Rulemaking
Household Products Containing Petroleum Distillates and Other Hydrocarbons
62 FR 8659
February 26, 1997

Dear Sir or Madam:

Pennzoil Products Company, a wholly owned subsidiary of Pennzoil Company, manufactures and markets a broad range of automotive consumer products bearing the brand names Pennzoil and Gumout®. All these products contain greater than 10 percent petroleum distillates or other hydrocarbons; and we could be potentially impacted by this advanced notice of proposed rulemaking (ANPR). We are, thus, pleased to be able to provide you with our comments.

General Comments:

First, we appreciate that the Consumer Product Safety Commission (CPSC) has taken the opportunity to solicit comments from the regulated community. We strongly believe that by taking into consideration input from affected parties, the CPSC can develop a balanced regulation which is both, protective of children as well as economically viable for the industry.

Second, we commend the Consumer Product Safety Commission (CPSC) for their efforts to protect children from unnecessary poisonings from petroleum distillates and other hydrocarbons, by requiring child-resistant packaging for such products. However, we wish to add that the Commission has included an extremely wide spectrum of products in this ANPR, and child-resistant packaging should be required only on a subset of these products which due to their low viscosity present a substantial risk of accidental poisoning to children.

Specific Comments:

1. *Viscosity threshold:* Pennzoil supports adoption of the Poison Prevention Packaging Act (PPPA) criteria where child-resistant packaging should only be required on products containing petroleum distillates where the finished product has a viscosity less than 100 SUS at 100 °F. There is a substantial body of literature that shows that petroleum distillates with viscosities greater than 100 SUS, present minimal to no risk of aspiration pneumonia. Inclusion of such a viscosity cut-off will eliminate unnecessary packaging of non-toxic products such as motor oils. In fact, Pennzoil suggests that the title of this ANPR be changed to "Household Products Containing Low Viscosity Petroleum Distillates and Other Hydrocarbons", in order to clarify that this rule making applies only to low viscosity products. We think it would be useful for the Commission to indicate clearly that this packaging requirement is not applicable to products with viscosities greater than 100 SUS at 100 °F, such as motor oil.

2. *Aerosol products:* We are unaware of any cases, and CPSC also has not presented any evidence to show that there have been a significant number of accidental poisonings to young children from single, acute exposures to aerosol products containing petroleum distillates. Thus, Pennzoil recommends that aerosol products containing petroleum distillates be excluded from consideration in this rulemaking process. If, at a latter time, the CPSC determines, based on the collected evidence, that there is a significant risk, it is always free to reopen the rule to add a product line to the regulation.

3. *Users and use patterns:* Pennzoil urges the Commission to take product use into consideration when requiring child resistant closures. With one exception[1], all products within our Gumout® line of products, are intended for single use, that is, the entire contents are to be consumed in a single application. Instructions to this effect are clearly stated on the label.

Further, our single-use, Gumout® products are currently packaged in bottles with screw off caps and heat sealed aluminum foil. We feel the combination of the screw off cap and heat sealed foil is a reasonably formidable barrier for a child under five years of age. The fact that these Gumout® products are intended to be completely consumed in a single application is an important safety considerations, because there is minimal likelihood of a child finding a partially used bottle on a shelf, without the foil seal. Thus, we feel that this is a situation where a child-resistant package would be unnecessary.

Accordingly, we recommend that the CPSC exempt single-use products from the requirements of being packaged in child-resistant packaging.

4. *Current packaging and labeling:* All our Gumout® products are labeled in accordance with CPSC requirements, and contain specific use instructions. We are enclosing some sample labels for your information.

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[1] The one exception is our Gumout® Off-Season Small Engine Gas Treatment, which is intended to be used numerous times and is already packaged in child-resistance packaging.

5. *Incident Information:* In order to assist our end-users with health emergencies, Pennzoil includes a 1-800 telephone number on all packages of consumer products. Calls we receive on this number give us feed-back on end-user exposure and sequelae. We have been tracking exposures for many years, but reviewed those in our data base from 1995. Since 1995, we received only two calls regarding ingestion exposure of children to any Gumout® product. Interestingly, both involved Gumout® Off-Season Small Engine Gas Treatment, which is currently in a child-resistant package. In both cases the mothers were unsure whether the child had actually ingested any product. The first case involved a two-year old child, and the second child was 20 months old. Neither child displayed coughing, respiratory involvement or signs of aspiration. Neither did the children display any central nervous system involvement, such as drowsiness or incoordination. Follow-up calls to the nurse and home indicated neither child suffered any serious injury. As we relay this information we would like to point out that our Gumout® products fall in product code 0940 and should not be confused with automotive products the commission assessed with Product codes 0955 and 0978.

Summary:

In summary, Pennzoil supports CPSC's efforts to minimize the risk of children being poisoned by household products containing low viscosity petroleum distillates. We, however, recommend that only those products that present a significant risk be required to be packaged in child-resistant packaging. Specifically we recommend that:

- The title of this ANPR be changed to "Household Products Containing Low Viscosity Petroleum Distillates and Other Hydrocarbons";
- Only products that contain petroleum distillates which have a viscosity less than 100 SUS at 100 °F, be regulated;
- That aerosol products be exempted, unless a significant risk of poisoning to children can be shown to exist from such products; and
- Products that are intended for single use, that is, those products in which the entire contents of the container are consumed in a single application, also be exempted from this rulemaking.

Should you require additional information, please do not hesitate to contact me.

GUMOUT®

CARBURETOR

FUEL INJECTOR

CLEANER

FOR SMALL CARS

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 8 FL OZ .236 LITRE

• Smoothes Rough Idle • Improves Starting • Reduces Stalling

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 14 Gallons (53 L) of Fuel

- For Leaded, Unleaded, Reformulated Gasoline and Oxygenated Fuel
- Won't Harm Catalytic Converters or Oxygen Sensors
- Contains No Alcohol

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders.
PRECAUTIONARY MEASURES: Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling.
FIRST AID: If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.

FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

Support plastic recycling

PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Stock No. 7524

GUMOUT

CARBURETOR

FUEL INJECTOR

CLEANER

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 12 FL OZ .354 LITRE

GUMOUT CARBURETOR - FUEL INJECTOR CLEANER

• Smoothes Rough Idle • Improves Starting • Reduces Stalling

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 21 Gallons (80 L) of Fuel

- For Leaded, Unleaded, Reformulated Gasoline and Oxygenated Fuel
- Won't Harm Catalytic Converters or Oxygen Sensors
- Contains No Alcohol

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders.
PRECAUTIONARY MEASURES: Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling. **FIRST AID:** If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.
FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

Support plastic recycling

PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Stock No. 7518

GUMOUT

FUEL INJECTOR

CLEANER

FOR SMALL CARS

GUMOUT XTRA® CONCENTRATED FUEL INJECTOR CLEANER

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 14 Gallons (53 L) of Fuel

- Contains Injector Lube
- Contains No Alcohol
- Won't Harm Catalytic Converters or Oxygen Sensors

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders.
PRECAUTIONARY MEASURES: Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling.
FIRST AID: If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.

FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

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PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Stock No. 7556

GUMOUT®

FUEL INJECTOR CLEANER

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 12 FL OZ .354 LITRE

• Improves Acceleration • Restores Power
• Smoothes Rough Idle • Reduces Stalling
IN ONE TANKFUL

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 21 Gallons (80 L) of Fuel

- Contains Injector Lube
- Contains No Alcohol
- Won't Harm Catalytic Converters or Oxygen Sensors

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders. **PRECAUTIONARY MEASURES:** Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling. **FIRST AID:** If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.
FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Support plastic recycling

Stock No. 7918

0 71948 07918 2

GUMOUT®

XTRA® CONCENTRATED CARBURETOR CLEANER

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 12 FL OZ .354 LITRE

GUMOUT XTRA® CONCENTRATED CARBURETOR CLEANER

• Improves Performance • Reduces Emissions
• Smoothes Rough Idle • Reduces Stalling
IN ONE TANKFUL

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 21 Gallons (80 L) of Fuel

- For Leaded, Unleaded, Reformulated Gasoline and Oxygenated Fuel
- Won't Harm Catalytic Converters or Oxygen Sensors
- Contains No Alcohol

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders. **PRECAUTIONARY MEASURES:** Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling. **FIRST AID:** If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.
FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Support plastic recycling

Stock No. 7563

0 71948 07563 4

GUMOUT XTRA® CONCENTRATED INTAKE VALVE CLEANER

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 21 Gallons (80 L) of Fuel

- Very Effective in Multi-Valve Engines
- Contains No Alcohol
- Won't Harm Catalytic Converters or Oxygen Sensors

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders. **PRECAUTIONARY MEASURES:** Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling. **FIRST AID:** If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.
FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Support plastic recycling

Stock No. 7707

0 71948 07707 2

GUMOUT

XTRA® CONCENTRATED INTAKE VALVE CLEANER

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 12 FL OZ .354 LITRE

GUMOUT®

COMBUSTION CHAMBER CLEANER

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 12 FL OZ .354 LITRE

• Eliminates Knock & Ping • Restores Power
• Lowers Octane Need • Improves Performance
IN ONE TANKFUL

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 21 Gallons (80 L) of Fuel

- Also Recommended For Diesel Engines
- Use Every 3,000 Miles (4800 Km)
- Won't Harm Catalytic Converters or Oxygen Sensors

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders.
PRECAUTIONARY MEASURES: Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling. **FIRST AID:** If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.
FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Support plastic recycling

Stock No. 7727

0 71948 07727 0

GUMOUT®

DIESEL TREATMENT

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 12 FL OZ .354 LITRE

GUMOUT DIESEL TREATMENT

DIRECTIONS: Add entire bottle to fuel tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de diesel.

Treats Up To 21 Gallons (80 Lt.) of Fuel

- Helps Disperse Water In Fuel Systems
- Lowers Pour Point of Diesel
- Cleans Fuel System

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders.
PRECAUTIONARY MEASURES: Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling. **FIRST AID:** If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.
FOR HEALTH EMERGENCY: (800) 546-6040

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PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Support plastic recycling

Stock No. 7618

0 71948 07618 1

GUMOUT®

GAS TREATMENT

FOR SMALL CARS

DANGER: Harmful or fatal if swallowed. Vapor harmful. Combustible. Read carefully other cautions on back.

NET 8 FL OZ .236 LITRE

GUMOUT GAS TREATMENT

• Prevents Power Loss • Removes Water
• Fights Gas Line Freeze

DIRECTIONS: Add entire bottle to gasoline tank, then fill tank. For best results, do not refill tank until near empty.
MODO DE EMPLEO: Añada el contenido de este envase al tanque de gasolina.

Treats Up To 14 Gallons (53 L) of Fuel

- Helps Keep Carbs & Injectors Clean
- Contains No Alcohol
- Won't Harm Catalytic Converters or Oxygen Sensors

DANGER: Contains petroleum solvents. Prolonged and repeated skin contact may cause skin disorders.
PRECAUTIONARY MEASURES: Keep away from heat and flames. Do not swallow. Avoid breathing of mists and vapors. Use only in well ventilated areas. Keep container closed. Avoid skin and eye contact. Wash thoroughly after handling.
FIRST AID: If swallowed, do not induce vomiting. Call physician immediately. If inhaled, remove to fresh air. For skin or eye contact, wash thoroughly with water.
KEEP OUT OF REACH OF CHILDREN.
FOR HEALTH EMERGENCY: (800) 546-6040

Trademark and package design registered. Made in U.S.A.

PENNZOIL PRODUCTS COMPANY
P.O. Box 2967 • Houston, TX 77252-2967

Support plastic recycling

Stock No. 7599

0 71948 07599 3

CP97-2-8

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FAX: 773/399-8170

GRI®

May 12, 1997

Office of the Secretary
Consumer Product Safety Commission
Washington D C 20207-0001

The Gas Research Institute wishes to comment on the "ANPR for Petroleum Distillates".

For several years, the Gas Industry has been working with CPSC staff to help address the issue of accidental ignition of flammable vapors by gas water heaters. The above referenced ANPR is directly related to industries efforts to reduce or eliminate injuries (often to children) from the accidental ignition of flammable vapors. It is our contention that requiring childproof caps on gasoline storage cans will reduce injuries to children from "handling, using, or ingesting" petroleum products such as gasoline. i.e. reduce the potential for injuries and death from poisoning **or burns**.

In the early 1980's CPSC worked with the voluntary standards community (ASTM) to develop a labeling and construction standard for gasoline containers. It is now time to revisit the need for improved labeling and childproof caps on these containers. To ignore the need for childproof caps on storage containers such as gasoline cans would be inconsistent with recent Commission statements and efforts regarding the accidental ignition of flammable vapors by gas water heaters.

We look forward to working with CPSC to help resolve these issues. Please let me know if any additional information is needed.

Sincerely

Robert J. Hemphill /cw

Robert J. Hemphill
Principal RD&C Manager

REXAM

REXAM CLOSURE
3245 KANSAS ROAD
EVANSVILLE IN 47711 9611
USA
FAX 1 812 867 7802
1 812 867 6671

May 12, 1997

Consumer Product Safety Commission
Office of the Secretary
Washington, DC 20207-0001

Ref: COMMENTS TO ANPR FOR PETROLEUM DISTILLATES

As a packaging component supplier, Rexam Closures is not suited to comment on the appropriateness of requiring special packaging for or risks of injury or illnesses associated with petroleum distillates.

However, we are and always have been, committed to developing innovative products. We made a conscious decision fourteen years ago to invest the time and money needed to develop safer packaging to meet the demographic make-up of a changing marketplace.

Consumers of all ages -- not just senior citizens -- have long complained of hard-to-open child-resistant closures. With the aging of America, Rexam Closures realized the opportunity to give our customers a competitive edge by providing them with closures that are easy for adults to open, but still child safe.

Designing adult-friendly closures that are child-safe is more than a business decision, however. It's a people decision; a decision we made long before the Consumer Product Safety Commission announced its intention to mandate "senior-friendly" packaging through an amendment to the Poison Prevention Packaging Act.

As a result of our company initiative to develop safer products, Rexam Closures was prepared when the CPSC first proposed new regulations. The CPSC has always stated its goal as: to make packaging safer for kids. We wholeheartedly support any efforts aimed at developing packaging that will protect a vulnerable population. To this extent, the CPSC, through its own auditing of existing products, determined that Rexam Closures had closures that met their proposed regulation.

Rexam Closures does not support regulation for the sake of regulation. If the CPSC regulation is adopted, we are ready. If it is not, we are still ready. Our investment in R&D, technology, manufacturing plants, tooling and equipment is driven by anticipating future market needs. Developing solutions to meet those needs is just good business.

REXAM

Regardless of the outcome regarding this ANPR, Rexam Closures will continue to invest the resources needed to develop product and process improvements that benefit our customers and their customers, customers. And, this includes the development of safer, more convenient closures.

Rexam Closures will continue to expand its existing line of child-resistant closures that are easy for adults to open in response to consumer demand, not because we may or may not be mandated to do so.

Sincerely,

Jeffrey C. Minnette
Director
Regulated Markets

JCM/rlb

1

C97-2-10

EHDS/03

C9750027

Author: Suzanne P. Barone at CPSC-HQ2
Date: 5/20/97 8:53 AM
Priority: Normal
TO: Todd A. Stevenson at CPSC-HQ1
Subject: Internet form incident report

---------- Message Contents ----------

Todd, do you think that this complaint received on the internet is an ANPR on petroleum distillates comment?

CPSA 6 (b)(1) Cleared
No Mfrs/PrvtLblrs or Products Identified
X Excepted by ANPR
Firms Notified, 25(c)
Comments Processed

---------- Forward Header ----------

Subject: Internet form incident report
Author: Marilyn L. Wind at CPSC-HQ2
Date: 5/19/97 10:04 AM

Thought you might be interested in this.

PETROLEUM DISTILLS.
ANPR COMMENT

---------- Forward Header ----------

Subject: Internet form incident report
Author: Murray S. Cohn at CPSC-HQ1
Date: 5/19/97 9:18 AM

ACK card sent 5/21

Sat May 17 22:56:07 EDT 1997

Name [redacted]
Address = [redacted]
City = San Antonio
State = TX
Zip = 78230
Email = [redacted]
Telephone = [redacted]
Name of Victim =
Victim's Address = SAME
Victim's City = San Antonio
Victim's State = TX
Victim's Zip = 78230
Victim's Telephone [redacted]

Incident Description: RE: ``ANPR for Petroleum Distillates.'' Five years ago, my life and family's changed forever after using Sherwin Williams "Stonecraft" spray paint, an art and crafts spray paint, to make objects look like granite. After completing an ambitious decorating project, and following the labeling instructions--and using more than a dozen cans of paint over a couple of weeks, I began to experience neurological problems, and became blind in my right eye. My family immediately suspected it was the spray paint that contained "xylene and other petroleum distillates". I was diagnosed with a serious neurological disease, neuromyelitis optica--a rare variant of multiple sclerosis. I discover MS has been causally linked to these types of chemicals, or other solvents. (see exhibit) [redacted] at Harvard University, even suspected my optic neuritis was attributed to this product use.

I contacted the Sherwin Williams company doctor, who sent me the MSDS, Material Safety Data Sheet. To my horror, the company had

willfully MISlabeled the product, deliberately omitting critical safety instructions that could have prevented my neurological attack:

MSDS: Unperforated Eyeshields MUST be worn.
Label: Warning willfully omitted

MSDS: Impervious rubber gloves MUST be worn.
Label: Warning willfully omitted

MSDS: Improper devices (the mask I wore) are dangerous
Label: Warning willfully omitted

I learned that wearing the mask was similar to breathing chloroform on a cloth, with the fumes collecting synergistically. I brought this to the attention of the company, and asked them to change the label. They refused. I was diagnosed with a disease that carries a 50/50 mortality rate. People, like me, who may have a predisposition to MS, are ticking timebombs by this trigger. My husband awaits a liver transplant (unrelated). We have 3 children from 3-16. I'm angry this company chose to challenge me, rather than do the right thing, and fix the label, and pay my medical bills. They chose a path that they knew placed their customers in harms way. I filed a complaint with the CPSC 4 years ago. No one ever responded to me but I felt compelled to try again, anyway.

Victim's age = 41
Victim's sex = Female
Date of incident = 6/92
Product involved = Stonecraft and Marblecraft by Krylon
Product brand name/manufacturer = Sherwin Williams
Product involved still available = Yes
Product model and serial number =
Date product purchased = 5/92

6-63 OK 8/7/97
CP97-2-14

National Association of Pediatric Nurse Associates & Practitioners, Inc.

OFC OF THE SECRETARY
FREEDOM OF INFORMATION

1997 JUN 18 P 12:23

June 4, 1997

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207-0001

Comments on ANPR for Petroleum Distillates

Secretary of Consumer Product Safety Commission:

On behalf of the National Association of Pediatric Nurse Associates and Practitioners, representing 5,200 pediatric nurses practitioners in the United States, we appreciate the opportunity to comment on the important issue of child-resistent packaging standards.

The Poison Prevention Packaging Act went a long way towards preventing accidental poisoning. However, we concur with the Consumer Product Safety Commission that more may need to done to protect children from serious illness or injury from products containing either petroleum distillates or other hydrocarbons. Those products containing these substances are often common household products which children are at the greatest risk of ingesting. So often in our practices, children are injured or die from accidental and preventable poisoning.

We applaud your efforts thus far and ask that you issue rules that enforce child-resistent packaging standards so that these seemingly innocuous, but sometimes deadly, materials are less likely to harm our nation's greatest resource, our children.

Sincerely,

Renee McLeod

Renee McLeod, MSN,RN,CS,CPNP
President

1101 Kings Highway, North, Suite 206 / Cherry Hill, New Jersey 08034-1912 / 609-667-1773 / FAX 609-667-7187
E-mail: 74224.51@Compuserve.Com Internet: www.napnap.org

CP97-2-12

CPSC/OFC OF THE SECRETARY
PRESIDENT INFORMATION
1997 JUL -1 A 10: 52

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 202007-001

"Household Products Containing Petroleum Distillates and Other Hydrocarbons; Advance Notice of Proposed Rulemaking; Extension of Comment Period"
(Federal Register, Vol. 62, No. 81, Monday, April 28, 1997 : 16 CFR Part 1700)

Deadline for Comments: July 11, 1997

Comments in Favor of Proposed Rule

This comment is being proposed to the Consumer Product Safety Commission, on behalf of Florida International University, Miami, Florida, undergraduate, business students.

As concerned citizens, business students and parents this proposed rule has significant social implications. A rule to require child-resistant pakaging of all household products that contain petroleum distillates and other hydrocarbons, such as benzene, toluene, pine oil, turpentine and limonene would create a more consistant regulatory approach and afford greater protection against poisonings.

We contacted several primary and secondary stakeholders and performed other research as well. This included verbal surveys among other parents, contacting advocacy groups and businesses that would be affected, and the harmful effects of petroleum distillates and hydrocarbons.

As parents, child safety is an issue of extreme importance. Children need all of society to be strong advocates on their behalf since they cannot speak for themselves. After conducting a verbal survey of parents and guardians, the response was unanimous in favor of stricter child-resistant packaging standards. They felt since the means are available to improve child safety standards, government should impose uniformed standards for all products that meet the minimum toxicity level of petroleum distillates and other hydrocarbons in order to protect our children. What makes this issue more controversial is the fact that a child has a relatively easy access to these products. In about seventy percent of the incidents, the child did not climb onto any object to obtain the product.

We contacted several corporations* that would be directly affect in their product design and packaging. In general, industry was noncompliant. We were unable to get any direct feedback on their position in reference to this issue. *(*Johnson & Johnson, SC Johnson & Son, Inc., and Rechitt & Coleman*)

In addition, we spoke to various national advocacy groups. (*American Lung Association, Children's Defense Fund, Partnership for a Drug Free America*) We supplied information on the proposed ruling in effect. The organizations had no current position in reference to the proposed ruling, but would look into it and respond accordingly.

The director of Florida Poison Information Center of Miami, Dr. Richard Weisman, said in a interview that he fully supported the possibility of requiring stricter child-resistant packaging for additional consumer products that contain petroleum distillates and other hydrocarbons. He provided us with national statistics from the American Association of poison Control Centers (AAPCC) for fifty states during 1996. The figures are 67,839 exposurers were recorded in which 27,600 were children under the age of six, and ten of these cases resulted in fatalities. These figures conclude that more than forty percent of the victims exposed were small children.

On the other hand local community resources such as Baptist Hospital Breastfeeding Support Groups and New Mothers Support Groups showed a deep concern for this matter and agreed to back up the proposed rule.

Researching the effects of ingestion of petroleum distillates and other hydrocarbons, we spoke to two medical authorities from Miami's Children Hospital. Even though, the potential life threatening events are minor, a small amount of these properties aspirated into the distal areas of the lungs will require medical treatment or observation and in some cases hospitalization.

Finally, as parents, guardians and advocates for children we recognize our responsibility to comment in favor of the proposed ruling. Whether the risks may be less than life threatening in many instances, the risk should be avoided totally. Uniformity in product safety resistant packing needs to be enforced in all products that contain the toxicity levels that pose health dangers to children. A restricted flow requirement should be mandated to reduce the amount of possible inhalation, in products with low viscosity.

We look forward to seeing this proposed rule become a law for the welfare of our countries children.

Sincerely,

Maggie Hernandez
Maggie I. Hernandez
6021 S.W. 29 street
Miami, Florida 33155

Rocio Espinosa
Rocio Espinosa
10101S.W. 154 Ci Ct.
Miami, Fl 33196

Nyole Penland
Nyole E. Penland
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Miami, Fl 33183

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Veronica De la Cruz
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Yvonne Lescano
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Natcha Quiroz
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Miami, Fl 33186

Mariela Queroz
15920 S.W. 144 Ct.
Miami, Fl 33196

Clorinda Espinosa
15861 S.W. 82 St
Miami, Fl 33193

BIBLIOGRAPHY

1. Internet search on petroleum distillates and hydrocarbons. *(Pro-Act)*

2. Proposed ruling information, vote sheet, briefing package, and original proposed ruling from the *Consumer Product Safety Commission.*

3. Rogers, Mark C., **Textbook of Pediatric Intensive Care**, "*Hydrocarbon Poisoning*", Williams & Wiliams a Waverly Company, third edition.

STAKEHOLDERS

1. **American Lung Association**
   1-800-586-4872 Andy Auddihy

2. **Johnson & Johnson**
   Public Relations Department
   Skillman, NJ 08558-9418

3. **Rechitt & Coleman, Inc.**
   Montvale, NJ 07645
   1-800-228-4722

4. **SC Johnson & Son, Inc.**
   Racine, WI 534403-2236

5. **Poison Control Center**
   1-800-282-3171
   Director of Poison Information, in Miami
   Richarrd Weisman
   (305) 585-5250

6. **Partnership for a Drug Free America**
   Public Affairs
   1-212-922-1560
   Lee Leventhal

7. **Sergio Alzugarray, M.D.**
   Miami Children's Hospital
   3rd year pediatric resident

8. **Jack Wolfdorf, M.D.**
   Director of Critical Care
   Miami Children's Hospital

9. **Connsumer Product Safety Commission**
   Suzanne Barone, Ph.D.
   Project Manager Poison Prevention
   4330 East Weest Highhway
   Bethesda, MD 20814
   (301) 504-0477 Ext. 1196

10. **Children's Defense Fund**

LOCAL COMMUNITY RESOURCES

1. Baptist Hospital Breastfeeding Support Group
2. Baptist Hospital New Mothers Support Group

1901 North Moore Street • P.O. Box 9245 • Arlington, Virginia 22209 • 703/525-9565 • Fax: 703/525-0718

Gama

July 2, 1997

Ms. Sadye E. Dunn
Secretary, Consumer Product Safety Commission
Washington, D.C. 20207-0001

Re: ANPR for Petroleum Distillates

Dear Ms. Dunn:

The Gas Appliance Manufacturers Association (GAMA) is a national trade association of manufacturers of space heating, water heating and cooking equipment and related components and accessories. GAMA respectfully submits these comments in response to the Advance Notice of Proposed Rulemaking (ANPR) which the Commission published in the February 26, 1997, Federal Register regarding child-resistant packaging of products containing petroleum distillates or other hydrocarbons.

GAMA understands that the Commission initiated this rulemaking proceeding under the Poison Prevention Packaging Act and that poison prevention is its focus. However, gasoline and other volatile petroleum distillates present other serious risks of death and injury to children besides poisoning. Children can be killed or seriously burned if the vapors from gasoline or other volatile petroleum distillates reach an ignition source such as an electrical switch or motor, or the pilot light or burner of a gas appliance. Many such accidents have been caused by children playing with gasoline. Some of these accidents could have been prevented had the children been unable to open the gasoline container. GAMA therefore recommends that the Commission expand the scope of its rulemaking to consider child-resistant containers for gasoline and other volatile petroleum distillates as a way to prevent burn injuries to children.

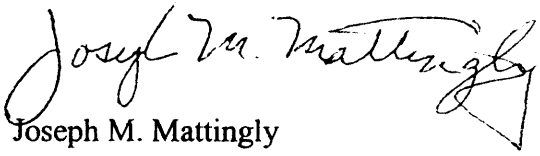
Enclosed with the original copy of these comments is a 1993 study by Arthur D. Little, Inc. (ADL) of incidents where flammable vapors had been ignited by a gas water heater. ADL investigated many different bodies of information, including CPSC, NFPA, NEISS and NFRS reports and data, to determine typical accident scenarios. ADL found that gasoline is the most prevalent material involved when flammable vapors are ignited by gas water heaters (p. 6). Children playing with gasoline in a garage or basement was one of the seven typical accident

/Continued . . .

scenarios ADL developed based on its analysis of reported incidents (p. 34). Two actual incidents were described to illustrate this particular scenario (p. 38). In one case, two children (a 2-year old female and a 4-year old male) were in the basement 10 feet from a gas water heater pretending to clean paint brushes with gasoline they obtained from a red aluminum 5-gallon gas can. In the other case, a 2½ year old male spilled some gasoline on the floor near the water heater in the garage of his home. He had gotten the gasoline from a one-gallon gasoline can stored in the garage, and it appears he may have been pretending to fill the gasoline tank on his toy lawn mower.

If the gasoline cans in the two illustrative incidents discussed above had been made child-resistant, perhaps these accidents could have been avoided. GAMA therefore recommends that the Commission expand its rulemaking to consider the need for child-resistant gasoline containers to prevent burn injuries to children.

Respectfully submitted,



Joseph M. Mattingly
Director of Government Affairs
and General Counsel

JMM/cb
Enclosure (original copy only)

1

CP 97-2-14

ChemRex Inc.
Corporate Headquarters
889 Valley Park Drive
Shakopee, MN 55379
Phone: 612/496-6000

7/2/97

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207-0001

RE: Comments on ANPR for Petroleum Distilates

Good Day:

ChemRex, Inc. is formally submitting written comments on the above noted ANPR. ChemRex is a manufacturer of various construction chemical products that are distributed to commercial, industrial and consumer groups. The materials potentially impacted by the ANPR are the consumer adhesives that contain petroleum-derived chemicals. The majority of our adhesive products are sold in cartridges that are placed in a caulking gun to apply the product. All of the impacted products are of a high viscosity. See the attached product sheet with solvent composition and viscosity readings.

The intent of the ANPR is clearly understood. We agree that additional safe guards will minimize the occurrence of accidental poisonings. However, all the issues must be investigated before a final rule is published. Given the type of cartridges, the proposed rule may not be technically feasible for our industry. Additional discussion on packaging and use will follow.

The agency has requested comments and additional information on this topic. Listed below is our response to the agency's questions.

1. What, if any, viscosity and/or percentage composition should be used as a threshold for requiring products that contain petroleum distillates to be in child-resistant packaging?
   Response: The current viscosity limit is 100 SUS and below. Based on the statements appearing in the ANPR, low viscosity products are more likely to be aspirated into the lungs, causing chemical pneumonia and even death. As you can see from the attached product data sheet, our viscosities are well above 100 SUS. The agency should continue to address and regulate child-resistant packaging for products whose viscosities are such that they can be easily aspirated into the lungs leading to injury.

   The issue regarding the composition of solvent should be researched further. We do not possess the knowledge to render an opinion on this issue. Has the agency investigated the concentration of solvents in known cases involving aspiration of products into an individuals lungs? A reasonable degree of safety must be maintained to ensure that, if all safe guards fail, the end result will not be aspiration into the lungs.

2. Should PPPA regulation extend only to petroleum distillates or should such regulations also extend to other hydrocarbons such as benzene, toluene, xylene, turpentine, pine oil, and limonene?
   Response: The noted compounds have the ability to be aspirated into the lungs and cause chemical pneumonia. From reviewing the information presented in the ANPR, it certainly appears that these compounds should be subject to this regulation.

Additional Information

1. Chemical Properties.
   See attached data sheet.

2. Users and use patterns.
   The noted products on the data sheet are adhesives used to bond various substrates. The substrate and conditions of use will dictate the type of adhesive needed. The adhesives are often used by consumers to repair or build some type of structure around the home. They are used both indoors and outdoors. The adhesives are used primarily on an as needed basis. Both homeowners and construction workers will use the adhesive. Routine uses will result in the total consumption. However, it may not be uncommon for a partially used cartridge to remain in the home for an unknown amount of time.

3. Current packaging and labeling.
   The common package for the adhesive is a 10.6 fluid ounce or quart size cartridge. This is a fiber board cartridge that is foil lined. It is capped with a metal plunger cap at one end and a metal end cap that has a small piece of foil on it, as well as a nozzle. The nozzle must be cut, foil punctured and force applied to the plunger cap in order to remove the adhesive from the cartridge. To our knowledge, a child-resistant cap or system does not exist.

The products are labeled in accordance with the existing CPSC regulations. Our warning labels tend to be on the conservative side for user safety. Instructions are also present on the cartridges.

In addition to cartridges, the adhesives can be packaged in 1 gallon and 5 gallon containers. However, this is rare and such containers are not purchased by the typical homeowner. Once again, all applicable labeling requirements are followed.

In light of the information provided and the information presented within the ANPR, the viscosity requirement of 100 SUS should remain in place. We believe that other substances listed within the ANPR be added to the regulation due to their ability to be aspirated in the lungs, leading to illness and injury. At this point in time, our cartridge suppliers do not have child-resistant packaging. The inclusion of all consumer products containing 10% or more of the solvent regardless of viscosity, would be technically impossible at this time.

If any questions exist, please contact me at 612/496-6027. Thank you for your time and consideration.

Sincerely,

Mark S. Horton
Regulatory Affairs Manager

CC: Reini Rutz
Larry Benjamin
Pete Wahtera
Sandy Scherer
Scott Shinn
Mark Coclatz ASC

Product	Solvent Concentration % By Weight	Viscosity SUS
PL100 Drywall Adhesive	25-30	163,443.4
PL200 Construction Adhesive	25-30	163,443.4
PL500 Outdoor Project Adhesive	28-35	123,134.3
Mirror Mastic	28-32	410,333.7
Nail Pro Adhesive	25-30	163,443.4
PL Pro Subfloor Adhesive	28-35	123,134.3
PL Tub and Shower Surround	25-30	182,970.3
PL185 Wallboard Adhesive	25-30	123,349.5
PL Pro 2000	25-30	134,979.7

6-66
08/7/97

THE **DIAL** CORPORATION

July 8, 1997

Technical & Administrative Center

15101 North Scottsdale Road
Scottsdale, AZ 85254-2199

602 991 3000

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, MD 20814

RE: Advance Notice of Proposed Rulemaking for Household Products Containing Petroleum Distillates and Other Hydrocarbons, 62 Federal Register 8659.

Dear Madam:

These comments are submitted on behalf of The Dial Corporation regarding the Advance Notice of Proposed Rulemaking (ANPR) for Household Products Containing Petroleum Distillates and Other Hydrocarbons, published February 26, 1997 (62 Federal Register 8659). The Dial Corporation is a manufacturer of laundry and cleaning products, air fresheners, scented candles, personal care products, surfactants, fatty acids, and glycerin for consumer, institutional, and industrial uses. We are members of the Chemical Specialties Manufacturers Association (CSMA) and the Cosmetics, Toiletries, and Fragrance Association (CTFA). We are in full agreement with and support of the comments submitted by CSMA and CTFA on this issue. The Dial Corporation markets consumer products that contain petroleum distillates or other hydrocarbons that are subject to, and comply with, the provisions of the Poison Prevention Packaging Act (PPPA), 15 U.S.C. 1471, and the Federal Hazardous Substance Act (FHSA), 15 U.S.C. 1261, and the regulations promulgated thereunder.

The Dial Corporation supports the use of child-resistant packaging when it is technically feasible, practicable, and appropriate and necessary "to protect children from serious personal injury." We have sold many million units of consumer products that are currently subject to PPPA and/or FHSA, and that are potentially subject to the provisions of this ANPR. Based on data collected by poison control centers and our Consumer Information Center over the last 5 years, Dial products containing petroleum distillates or other hydrocarbons potentially subject to the ANPR have not been involved in any exposure, illness, or injury incident rated more severe than moderate. The vast majority of exposures resulted in no medical treatment, illness, or injury. Of the ingestion exposures that have occurred, most involved minor exposures of products that would not have been prevented by child resistant closures. The typical exposures to children are a result of (1) unsupervised children tasting products out of the container, or open, while in use in the home, or (2) product transferred into alternative storage containers, or (3) product left open and stored in an area accessible to children.

Based on our experience with products potentially subject to this ANPR, we do not believe it is appropriate or necessary to broadly expand the required use of packaging with child resistant closures. The Dial Corporation supports the concept of Consumer Product Safety Commission partnering with CSMA on an education campaign to encourage consumers to read product labels, and follow directions for use and cautionary information. This should be a campaign that emphasizes the importance of proper product storage and supervision of children while household products are in use.

As pertains to specific technical issues raised in the ANPR, The Dial Corporation supports the comments submitted by CSMA. We concur that the current threshold for requiring products to be in child-resistant packaging should be retained, i.e. products that do not exceed a concentration of 10% petroleum distillates by weight, and that have a viscosity higher than 100 SUS at 100 F, should not be required to be packaged with child resistant closures. Aerosols should be excluded, since they do not pose the same acute aspiration hazard as liquids. The regulation should be limited to petroleum distillates and not extended to the chemical class of hydrocarbons; hydrocarbons constitute a major chemical class and "other hydrocarbons" is too ambiguous and is unwarranted based on general toxicological data for the class.

The Dial Corporation appreciates the opportunity to comment on the Advance Notice of Proposed Rulemaking on Household Products Containing Petroleum Distillates and Other Hydrocarbons. We do not believe that the child-resistant closure requirements of this ANPR are practicable, necessary, or efficacious to prevent the types of aspiration incidents cited as support for the ANPR. We support the idea of working with trade associations and CPSC on an education campaign to reduce ingestions from consumer household products under the jurisdiction of the CPSC. As always, thank you for your consideration.

Sincerely,

Brenda Nuite (eal)

Brenda Nuite
Regulatory Project Manager
Product Safety and Regulatory Affairs

BEN/lb
cpsc.doc

1 6a64 OK 8/7/97 CP97-2-16

EXXON CHEMICAL COMPANY

EXXON CHEMICAL

Intermediates Americas
Janet S. Catanach
ENVIRONMENTAL AFFAIRS COORDINATOR

July 9, 1997

ANPR for Petroleum Distillates

Office of the Secretary
Consumer Product Safety Commission
4330 East-West Highway, Room 502
Bethesda, MD 20814

Dear Secretary:

Exxon Chemical Company is responding to the February 26 Federal Register (Vol. 62, Number 38) advance notice of proposed rulemaking on household products containing petroleum distillates and other hydrocarbons. As a major marketer of hydrocarbon fluids which have application in a variety of consumer products, we support efforts of the Consumer Product Safety Commission to set standards to ensure accurate and consistent hazard labeling. Of the four areas solicited for comment by the Commission, comments below are restricted to the need for science-based criteria for assessing a consumer product's potential to cause chemical pneumonia or otherwise present an aspiration hazard.

Consumer products that contain 10 percent or more by weight of petroleum distillates and have a viscosity less than 100 Saybolt Universal Seconds (SUS) at 100°F are currently subject to the Poison Prevention Packaging Act (PPPA) child-resistant packaging standards. Both historical and recent literature on aspiration hazard potential indicate that chemical composition (e.g., "petroleum distillates" vs. "hydrocarbon" or "hydrocarbon" vs. "non-hydrocarbon") is not the best first criterion for assessing a substance's potential hazard if accidentally ingested and subsequently expelled.

Historical literature asserts the physical property of viscosity is the most important property in assessing the potential of a substance to present an aspiration hazard (Archives of Environmental Health, Toxicological Studies on Hydrocarbons, Volume 6, March 1963). In an animal study, substances with viscosity <45 SUS at 100°F were readily aspirable. Test materials mixed with high viscosity chemicals resulting in a final "mixture" viscosity of 58-59 SUS at 100°F were much less toxic (i.e., no mortality and minimal lung injury). A more recent report indicates the threshold viscosity should be ≤73.4 SUS at 100°F and/or a surface tension of <29 dynes/cm. (International Journal for Consumer Safety, Aspiration Hazard and Consumer Products: A Review, Vol. 3, No. 3, pgs. 153-164, 1996). This report

P.O. Box 3272, Houston, Texas 77253-3272
A Division of Exxon Corporation

provides data on the aspiration hazard potential of various classes of hydrocarbons and selected other chemicals.

Exxon Chemical Company supports the application of physical property characteristics, most importantly viscosity, as a key criterion for assessing a product's aspiration hazard potential. Also, since hazard potential of the product, as available to the consumer, is the ultimate consideration, physical properties of the final formulated product should be the basis for the hazard review.

Regarding the issue of chemical composition, no clear distinction exists between the hazard potential of "petroleum distillates" and that of "hydrocarbons." Therefore, targeting petroleum distillates, which if anything are a subset under the product grouping called hydrocarbons, arbitrarily dismisses the comparable hazards of similar chemistries. Furthermore, scientific literature names other organic chemicals with similar physical characteristics as having the potential to present an aspiration hazard. Therefore, it may be appropriate to look beyond hydrocarbons to other organic compound categories for their contribution toward a formulation's aspiration hazard potential.

Additional study and potentially evaluation are needed to close on the selection of one or more definitive physical properties which drive or control a product's aspiration hazard potential. Also, threshold levels for these properties, in the final consumer product formulation, should be determined to secure a supportable and understood science-based approach to hazard evaluation.

Exxon Chemical Company appreciates the opportunity to comment on the ANPR on Household Products. If the CPSC wishes to discuss these comments, please call me on (281) 870-6959.

Yours truly,

Janet S. Catanach

Janet S. Catanach

JSC:jh
jc7126-1

CPSC 7-2-17

6a6b OK
CBI REMOVED 8/7/97

REDACTED VERSION

[redacted]

Tender

COMMENTS on ANPR for PETROLEUM DISTILLATES

COMMENTS OF THE TENDER CORPORATION ON "HOUSEHOLD PRODUCT CONTAINING PETROLEUM DISTILLATES AND OTHER HYDROCARBONS; ADVANCE NOTICE OF PROPOSED RULEMAKING; REQUEST FOR COMMENTS AND INFORMATION," 62 FED. REG. 8659 (FEB. 26, 1997), 62 FED. REG. 22,897 (APRIL 28, 1997)

Tender Corporation is pleased to submit these comments to the Consumer Product Safety Commission ("CPSC," or the "Commission") regarding the advance notice of proposed rulemaking ("ANPR") entitled "Household Products Containing Petroleum Distillates and Other Hydrocarbons," 62 Fed. Reg. 8659 (Feb. 26, 1997); 62 Fed. Reg. 22,897 (Apr. 28, 1997). The ANPR announces CPSC's intent to require child-resistant packaging ("CRP") for most, if not all, consumer products that contain petroleum distillates, such as mineral oil, or other hydrocarbons, such as limonene.

Tender is a small business that manufactures [redacted] and thus has a vital interest in the outcome of CPSC's rulemaking. Tender's product is a pencil-sized tube filled with a fibrous material moistened with a small quantity of a clear, coating liquid, which in turn consists of United States Pharmacopoeia-designated ("USP") substances. When applied as intended in small quantities by consumers, the liquid improves the performance of new and used batteries by removing oxidation from the contact surfaces of both batteries and the devices which they operate. The product's restricted flow, moist-fiber design is nearly identical in structure and performance to many magic markers which are used safely by children every day. Indeed, Tender is not aware of any adverse child aspiration or ingestion incidents involving its product.

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[redacted]

These comments are divided into two sections. The first section discusses why products such as Tender's should be categorically exempt from CRP regulation because they do not pose serious injury or illness risks for children. The second section explains why such products should be categorically exempt from regulation on the separate grounds that CRP would not be technically feasible, practicable, and appropriate.

EXECUTIVE SUMMARY

Restricted-flow, moist-fiber products should be categorically exempt from CRP regulation because: (1) they do not pose risks of serious personal injury or illness to children, particularly when the products consist of USP-designated substances; and (2) CRP is not technically feasible, practicable, and appropriate for such products. These small, low cost products have restricted flows by design, contain small quantities of fluid which are entirely absorbed within and retained by fibrous material at the product's core, and operate like the magic markers which children use safely every day. Indeed, similar products already are exempt from the full labeling requirements of the Federal Hazardous Substances Act ("FHSA").

COMMENTS

The CPSC intends to require CRP for most, if not all, consumer products that contain petroleum distillates [redacted] or other hydrocarbons, [redacted] Under the Poison Prevention Packaging Act of 1970 ("PPPA"), 15 U.S.C. §§ 1471-76, the CPSC may establish regulatory standards for the "special packaging" of any household substance if the Commission makes two specific findings: (1) that the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special

packaging is required to protect children from "serious personal injury or serious illness resulting from handling, using, or ingesting such substance"; and (2) that the special packaging to be required by such standard is "technically feasible, practicable, and appropriate for such substance." 16 C.F.R. §§ 1700.3(a)(1), (2); see 15 U.S.C. § 1472(a).[1/]

Moreover, as it considers these two findings, the Commission separately must consider four factors--

- The reasonableness of such a standard;
- Available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;
- The manufacturing practices of industries affected . . . ; and
- The nature and use of the household substance. 15 U.S.C. § 1472(b); 16 C.F.R. § 1700.3(b); 62 Fed. Reg. at 8662.

Consistent with these statutory and regulatory requirements, the Commission currently is seeking comment on several topics related to whether CRP should be required for certain household products containing petroleum distillates and other hydrocarbons: (1) what, if any, viscosity and/or percentage composition

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1/ "Special packaging" means packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time." 16 C.F.R. § 1700.1(4). "Package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household . . . ." Id. § 1700.1(3). See also 15 U.S.C. §§ 1471(3), (4) (statutory definitions of "package" and "special packaging," respectively).

should be used as a threshold for requiring products that contain petroleum distillates to be in CRP (62 Red. Reg. at 8662); (2) should regulation under the PPPA extend to hydrocarbons such as limonene (id. at 8662-3); and (3) should restricted flow be an additional requirement for certain products (id. at 8663). Additionally, and with respect to individual products, the CPSC is soliciting comment on chemical properties, users and use patterns, current packaging and labeling, economic information, and incident information. Id. at 8663. These issues are addressed below.

I. Restricted-Flow, Moist-Fiber Products Should Be Categorically Exempt From CRP Regulation Because They Do Not Pose Risks Of Serious Personal Injury Or Illness To Children

Tender manufactures and markets a battery cleaner product with a restricted flow, moist-fiber design that contains, in part, two of the substances identified by the Commission as possibly creating an exposure risk for children. The Commission apparently intends to regulate such products because they could create an aspiration exposure risk to children, although presumably ingestion exposure also could be of concern. Id. at 8660. Before it can regulate such products, the Commission must find, in part, that they create the potential for "serious personal injury or serious illness to children" related to the products' handling, use, or ingestion. See p. 3, supra.

Products such as Tender's do not create the potential for "serious personal injury or serious illness to children" related to their handling, use, or ingestion, and thus should be categorically exempt from any new CRP requirement. At the threshold, Tender is not aware of any adverse child aspiration or ingestion incidents involving its product, which has been on the market for approximately two years. See 16 C.F.R. § 1700.3(b) (Commission must consider available data

concerning childhood accidental ingestions, illness and injury). This factor alone calls into question the need for mandating the use of CRP for such products.

The absence of incidents involving serious injury or illness to children is not surprising, given: (1) the unique design of the product's packaging, which insures that it poses no serious risks to children during handling and use; and (2) the chemical properties of the product itself, which minimize -- if not eliminate -- any aspiration or ingestion exposure concerns. Products which share such characteristics should be exempt.

A. Restricted-Flow, Moist-Fiber Products Pose No Serious Risks To Children During Handling And Use

Tender's product consists of: (1) a small metallic tube, which contains a fiber moistened with the coating liquid; (2) a small-diameter plastic neck, which supports a fibrous applicator tip; and (3) a slide-on plastic cap which covers and rests against the plastic neck. The tube contains enough fluid to swab the contact surfaces (i.e., the positive nipple end and the negative base end) of approximately 50 size C or D batteries, or a total of approximately 100 applications.

Given the small area of battery contact surfaces, the volumetric quantity of fluid within each product is extremely small. This small volume of fluid is entirely absorbed within and retained by the fibrous material which fills the small metallic tube constituting the body of the product. It thus would be extremely difficult -- if not impossible -- for a user of the product to shake free or otherwise discharge the fluid from the product. Tender thus does not believe it is necessary to impose an additional requirement related to restricted flow for these products because restricted fluid flow is an inherent part of each product's design.

Consumers handle and use these products by pulling off the slide-on plastic cap, holding the product like a pencil, then pressing the fibrous applicator tip

against the contact surface to be treated. (Other products made by different manufacturers for separate uses operate in a similar manner.) The typical consumer is an adult who operates and maintains battery-operated equipment within the home. The product is not marketed to, nor intended to be used by, children.

Even if the product were used (or abused) by children, it would pose no risk of serious personal injury or illness. With respect to aspiration exposures, the fluid retained within the fibrous material cannot be readily inhaled because each product contains a small amount of liquid, and the discharge of that limited amount of liquid is controlled through the use of a fibrous applicator tip. Ingestion seems equally unlikely because it would be extremely difficult -- if not impossible -- for a user of the product to shake free or otherwise discharge the fluid from the product. The limited amount of fluid in each product and the fibrous nature of the applicator tip also make it extremely unlikely that a child could ingest the substance through other means, such as sucking. Even if a child could somehow manage to ingest all of the fluid, the small quantities involved and the USP nature of the substances would make serious illness or injury extremely unlikely.[2/]

Applying similar reasoning, the Commission already has exempted products from FHSA's full labeling requirements. 16 C.F.R. § 1500.83. For example, porous-tip ink-marking devices are exempt, provided that: (1) the ink is held within the device by an absorbent material so that no free liquid is within the device; (2) under any reasonably foreseeable conditions of use or abuse, the ink will emerge only through the porous writing nib of the device; and (3) the device is of limited capacity and contains ink which does not exceed certain toxicity thresholds.

[2/] The USP nature of the substances is discussed below in Section I.B.

Id. § 1500.83(a)(9).[3] Like a porous-tip ink marking device, products such as Tender's contain a fluid which is held within an absorbent material, only allow the fluid to emerge through a porous applicator tip, and contain a fluid which is essentially non-toxic under the conditions of use. A categorical exemption for CRP thus would be particularly appropriate here.

In light of these package design considerations, Tender also does not believe it would be appropriate to regulate [redacted] based merely upon its viscosity and/or percentage composition. 62 Red. Reg. at 8662. For example, the fluid in Tender's product has a flash point of [redacted] with 16 C.F.R. § 1500.43a) and a [redacted] The Commission currently requires CPR for some products [redacted] (and/or other petroleum distillates) and have a viscosity of less than 100 SUS at 100°F. 16 C.F.R. § 1700.14(a)(2).

The Commission would not be justified in extending these percentage composition and viscosity requirements to all [redacted] and certainly not to products with a restricted-flow, moist-fiber design. Unlike a bottle of furniture polish, from which relatively large quantities of fluid are meant to be discharged from a container with a well-type design through repeated activations of the product, a small cylindrical product with a restricted flow, moist-fiber design such as a marker is made to discharge minute quantities of fluid through direct contact between the product's fibrous applicator tip and the surface being treated.

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[3] See also id. §§ 1500.83(a)(7) (similar exemption for certain rigid or semirigid ballpoint ink cartridges), 1500.83(a)(11) (similar exemption for certain packages containing fully absorbed polishing or cleaning products), 1500.83(a)(38) (similar exemption for certain writing instruments and ink cartridges).

[redacted]

Tender's product and furniture polish are different products, with different manners of handling and use. The risks associated with these diverse products also are unrelated, with products such as Tender's posing little or no risk due to their design and intended use.

Restricted flow, moist-fiber design products are more akin to magic markers, and indeed work in a similar manner. Both products discharge minute quantities of fluid (e.g., battery saver fluid and ink, respectively) through direct contact between a fibrous applicator tip and the surface being treated (e.g., battery contact surfaces and paper, respectively). While the fluid within both products may or may not satisfy percent composition and viscosity criteria, the design of the products insures that they pose no serious threat of serious illness or injury during their handling and use, and that aspiration and ingestion are likewise of minimal concern. In light of the nature and use of such products, it would be unreasonable for the Commission to mandate that they incorporate CRP. See 16 C.F.R. § 1700.3(b) (Commission must consider the reasonableness of proposed standard, and nature and use of household substance involved).

B. Products That Use Pharmaceutical-Grade Substances Minimize Aspiration And Ingestion Concerns

Products that use pharmaceutical-grade substances separately should be categorically exempt from PPPA, where those substances are alleged to pose a child aspiration or ingestion hazard that requires CRP. Such a categorical exemption would be particularly appropriate for products with a restricted-flow, moist-fiber design, as discussed above. An example of such a product is Tender's battery cleaner, [redacted]

[redacted]

[redacted] which are highly refined to remove impurities, are divided into two primary categories: technical grades, [redacted] and USP-grades, [redacted] thus creates no risk of serious personal injury or illness to children when handled or used in restricted-flow, moist-fiber design products. Even if it were possible for a child to inhale or ingest a minute quantity of the fluid containing [redacted] the USP-designation [redacted] would alleviate exposure considerations.

A similar conclusion follows with respect to [redacted] When used as intended in products such as Tender's, [redacted] creates no risk of serious personal injury or illness to children. [redacted] The Commission should follow FDA's and EPA's lead, in this regard.

Finally, Tender's product recently passed a standard battery of acute oral toxicity and acute irritation (skin and eyes) tests. This confirms Tender's position that CRP restrictions should not be extended [redacted]

[redacted] or to household products composed of such substances. These substances instead should be categorically exempt from CRP regulation.

II. Restricted-Flow, Moist-Fiber Products Should Be Categorically Exempt From CRP Regulation Because CRP Would Not Be Technically Feasible, Practicable, And Appropriate

Before issuing a new CRP standard, the Commission separately must find that such packaging is "technically feasible, practicable, and appropriate" for the particular substance. See p. 3, supra. According to the PPPA's legislative history, "technically feasible" means that technology exists to produce packaging that conforms to the standards. S. Rep. 845, 91st Cong., 2d Sess. 10 (1970). "Practicable" means that special packaging complying with the standards can utilize modern mass production and assembly line techniques. Id. "Appropriate" means that packaging complying with the standards will adequately protect the integrity of the substance and not interfere with its intended storage or use. Id.

The use of CRP for restricted flow, reusable, moist-fiber design products would not currently be technically feasible, practicable, and appropriate, according to the available data. It is unclear initially what form CRP would take for products such as Tender's. As discussed above, the product consists of: (1) a small metallic tube, which contains the fiber moistened with the coating liquid; (2) a small-diameter plastic neck, which supports the fibrous applicator tip; and (3) a slide-on plastic cap which covers and rests against the plastic neck. Because the product is reusable for up to approximately 100 applications, the CRP would have to be effective for the number of openings and closings customary for its size and contents. 16 C.F.R. § 1700.15(a). Finally, because the product is priced relatively low in a competitive market, the CRP itself would have to be inexpensive in order for the product to remain marketable.

Suitable CRP satisfying these unique requirements would not be readily available in the commercial market, based upon Tender's informal telephone survey of several major packaging manufacturers. Because CRP meeting these requirements would not be commercially available, Tender would have to commission a packaging company to design and manufacture such packaging. These efforts would impose a substantial economic burden on Tender, and it is unlikely that Tender could recoup its expenses by increasing the market price of the product, due to various market considerations, including the unwillingness of customers to pay a substantially higher price. A categorical exemption from CRP regulation for such products thus is required.

CONCLUSION

For the reasons discussed above, products with a restricted-flow, moist-fiber design should be categorically exempt from CRP regulation because they pose no serious risks to children during handling and use. Separately, products that use USP-grade substances should be exempt from CRP regulation, particularly when they are packaged in a container with a restricted-flow, moist-fiber design. Finally, before issuing a new CRP standard for such products, the Commission must consider that CRP would not be technically feasible, practicable, and appropriate,

[redacted]

particularly for small businesses such as Tender that would have difficulty recouping packaging expenses through price increases.

* * *

Respectfully submitted,

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July 9, 1997

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July 10, 1997

VIA HAND-DELIVERY

NOTICE: ENCLOSURE CONTAINS CONFIDENTIAL BUSINESS INFORMATION

Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, MD 20814

Re: Comments on ANPR for Petroleum Distillates, 62 Fed. Reg. 8659 (Feb. 26, 1997)

Dear Secretary:

We are pleased to submit the enclosed comments on behalf of the Tender Corporation in the rulemaking proceeding referenced above.

Five copies each of redacted and unredacted versions of the comments are enclosed. The unredacted copies are enclosed in the separate envelope; these copies cannot be placed in the public file and cannot be made available to the public upon request.

Also enclosed is an extra copy of the redacted version which should be date-stamped and returned to me.

Please call if you have any questions.

Yours truly,

Kipp Coddington

Enclosures

cc: Herbert Estreicher

Bohdan A Dmytrasz
Manager
Product Stewardship

Texaco

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CP97-2-18

July 10, 1997

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207-001

RE: ANPR FOR PETROLEUM DISTILLATES

Dear Sir/Madam:

We appreciate the opportunity to provide the following comments to the Consumer Product Safety Commission (CPSC). Texaco supports adoption of the Poison Prevention Packaging Act (PPPA) criteria that requires child-resistant packaging of consumer products containing petroleum distillates and the finished product has a viscosity less than 100 SUS at 100° F. Texaco Lubricants Company (TLC), a wholly owned subsidiary, and Texaco International Marketing and Manufacturing (TIMM), a unit of Texaco Inc., manufacture and market automotive consumer products. Some of these products contain greater than 10 percent petroleum distillates or other hydrocarbons and would be impacted by this advanced notice of proposed rulemaking (ANPR).

TLC and/or TIMM market products such as automotive transmission fluid, snowmobile oil, non-additized lubricant for use in the home (e.g. sewing machines, door-hinges, etc.) and automotive care products (e.g. car wash, radiator flush, liquid car wax and carburetor cleaner) which meet the definition of low viscosity products and are packaged in containers less than 5 gallons. We currently warn about the potential aspiration hazard on the Material Safety Data Sheet and Product Shipping Labels for these products. Under the ANPR, these products would require child-resistant packaging when packaged in containers less than 5 gallons. It is important for the CPSC to clearly indicate that this packaging requirement is not applicable to consumer products with viscosities equal to or greater than 100 SUS at 100° F, such as the majority of motor oil products.

Texaco maintains a 24 hour health emergency telephone number to assist our customers with health emergencies. We also capture information regarding customer inquiries and emergency calls relating to products we manufacture. In searching our database for the past two years (1995-present), we found two incidents involving ingestion exposure of children to the non-additized lubricant sold for home use. In each case the child

swallowed 1 ounce or less of the product and experienced minimal health effects such as diarrhea.

TIMM also manufactures and markets an aerosol silicone spray which contains petroleum distillates. CPSC has not provided any evidence of accidental poisonings to young children from acute exposures to aerosol products containing petroleum distillates. In addition, Texaco has not received any emergency telephone calls and is not aware of any accidental poisonings to young children from acute exposures to aerosol products containing petroleum distillates. Therefore, Texaco recommends that aerosol products containing petroleum distillates be excluded from the rulemaking process at this time.

In summary, Texaco supports CPSC's efforts to minimize the risk of children being poisoned by household products containing low viscosity petroleum distillates. We believe the current PPPA criteria which defines low viscosity products is the appropriate criteria for requiring child-resistant packaging. Aerosol products containing petroleum distillates should be exempted unless data demonstrating significant risk of poisoning to children upon acute exposure is identified.

If additional information is required, please contact Ms. Cynthia M. Cain of my staff at (914) 838-7341.

Sincerely,

Bohdan A. Dmytraszenko

CMC:jms