



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

**Poison Prevention Packaging Act (PPPA) Enforcement Discretion
Extension Letter**

November 12, 2020

Dear Sir or Madam:

Given continued testing challenges related to Covid-19, the Office of Compliance and Field Operations is extending, through June 25, 2021, the enforcement discretion for packages subject to the testing requirements of the Poison Prevention Packaging Act (PPPA), described in my June 25, 2020 [letter](#).

In addition, we are expanding the enforcement discretion to accept the use of the adult-resealing data (16 CFR § 1700.20(d)(2)) as the basis for determining whether a package meets the child-resistant requirements to reduce the total number of children needed for testing. Answers to potential questions regarding application of the adult-resealing test for determining child-resistance acceptance, as well as other aspects of the enforcement discretion, are attached.

For regulated products in special packaging and certified using any of the alternatives outlined in our enforcement discretion, the General Certificate of Conformity (GCC) and testing protocol data must be submitted by the importer or domestic manufacturer to the Office of Compliance, by emailing: RegulatedCMT@cpsc.gov, before distribution into commerce. All other requirements under 16 CFR § 1700.20 remain in full force and effect.

Again, this enforcement discretion will remain in effect until June 25, 2021. Please direct any questions to: RegulatedCMT@cpsc.gov. Thank you for your cooperation.

Sincerely,

Robert S. Kaye
Director
Office of Compliance and Field Operations

Adult-Resecuring Test

Question: When should the adult-resecuring test be recommended?

Answer: When an objective determination (*e.g.* visual or mechanical) cannot be made establishing that a reclosable package is properly resecured after the senior-adult test (16 CFR § 1700.20(a)(3)), or the younger-adult test (16 CFR § 1700.20(a)(4)), then we recommend that the package be retested with children, following the adult-resecuring procedure set forth in 16 CFR § 1700.20(d)(2).

Question: During the enforcement discretion period, can the criteria from the adult-resecuring test be used to determine whether the package meets the child-resistant requirements instead of conducting a separate child-test procedure (16 CFR § 1700.20(a)(2))?

Answer: Yes. To reduce the total number of children required to test the package, the Office of Compliance will accept an adult-resecuring test as the basis for determining whether the packaging meets the child-resistant packaging requirements during the enforcement discretion period. The procedures of the adult-resecuring test state that children are to be tested according to the child-test procedures.

Suggested guidance for determining whether the package meets the child-resistant requirements from the adult-resecuring data is set forth below:

- Table 1 in the child-test procedure (16 CFR § 1700.20(a)(2)(iii)) gives the acceptance (pass), continue testing, and rejection (fail) criteria to be used for the first 5 minutes and the full 10 minutes of the children's test. This table is to be used for the 100 cumulative number of children tested during the adult-resecuring test to determine whether the package has passed, must undergo additional testing, or has failed the child-resistant requirements.
- If there are fewer than 100 packages available for the adult-resecuring test because not all adults passed the adult tests, additional packages are to be added so that 100 cumulative children can be tested. These additional packages should be conditioned as indicated in the Standardized Child Test Instructions (16 CFR § 1700.20(a)(2)(iv)) and shall not be based on the adult-resecuring procedure.
- The packages added to meet the 100 total are not to be included in the Adult-Use Effectiveness calculation. Calculation of the Adult-Use Effectiveness must still follow the criteria described in 16 CFR § 1700.20(d)(2).
- If after testing the 100 children, and the criteria from Table 1 indicate continuing testing for the child-resistant determination, follow the child-test procedure for additional testing.

Testing to 16 CFR § 1700.20

Question: Does the test to 16 CFR § 1700.20 expire?

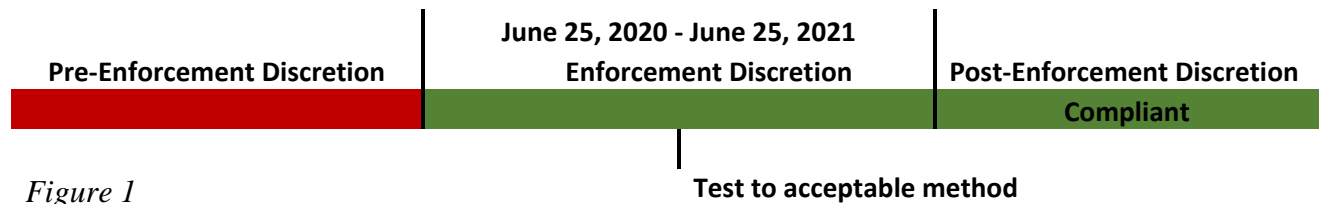
Answer: There is no expiration date when testing to 16 CFR § 1700.20, and there is no requirement to retest, as long as the tests adequately reflect the current package and substance contained in the package. If there is a material change in the packaging or substance within the

package, or there is a change in the manufacturing process, then we recommend retesting to ensure that the package continues to meet the PPPA requirements.

Testing During the Enforcement Discretion Period

Question: If testing for certification to the PPPA was conducted to the accepted alternative method(s) of § 1700.20, or to an international standard **during** the enforcement discretion period, does the package need to be retested after the enforcement discretion period ends?

Answer: No, but the GCC and testing protocol data must be submitted by email. (RegulatedCMT@cpsc.gov) before distribution into commerce. (*See Figure 1*)



Testing Prior to the Enforcement Discretion Period

Question: If testing was conducted to an international standard **prior to** the enforcement discretion period, does the package need to be retested before the enforcement discretion period ends?

Answer: Yes. Testing to a standard other than 16 CFR § 1700.20 was not accepted for certification to the PPPA prior to the enforcement discretion period. Although it will be accepted as a basis for certification during the enforcement discretion period, it will not be accepted after June 25, 2021 (*See Figure 2*). The package shall be retested to § 1700.20, the accepted alternative method(s) of § 1700.20, or to an international standard during the enforcement discretion period to be accepted after June 25, 2021 (*See Figure 3*).

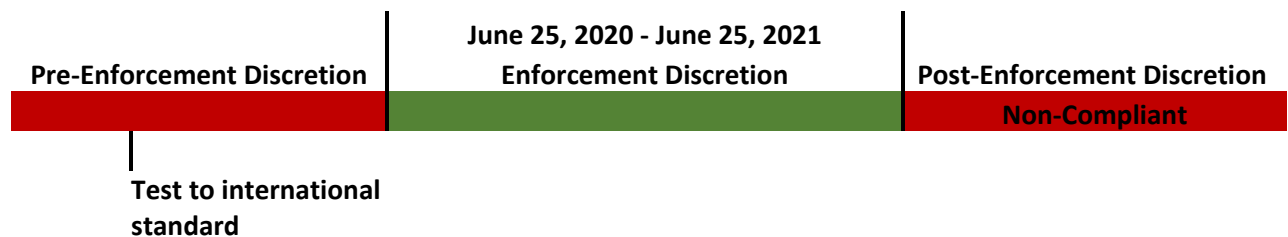


Figure 2

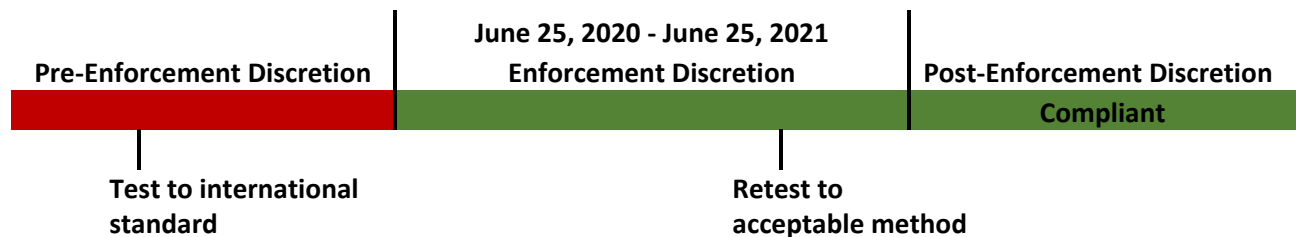


Figure 3