

level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after January 14, 2013; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

**(2) Federal Register**

Any determination made under paragraph (1) shall be published in the Federal Register.

**(d) Treatment of voluntary standard for purposes of enforcement**

If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 2058 of this title beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

**(e) Revision of voluntary standard**

If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 2058 of this title, in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

**(f) Future rulemaking**

The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5 to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 2058 of this title.

(Pub. L. 112-266, § 4, Jan. 14, 2013, 126 Stat. 2438.)

CODIFICATION

Section was enacted as part of the Drywall Safety Act of 2012, and not as part of the Consumer Product Safety Act which comprises this chapter.

DRYWALL LABELING REQUIREMENT

Pub. L. 112-266, § 3, Jan. 14, 2013, 126 Stat. 2437, provided that:

“(a) LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act [Jan. 14, 2013], the gypsum board labeling provisions of standard ASTM C1264-11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

“(b) REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.”

REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED

Pub. L. 112-266, § 5, Jan. 14, 2013, 126 Stat. 2439, provided that: “Not later than 120 days after the date of the enactment of this Act [Jan. 14, 2013], the Consumer Product Safety Commission shall revise its guidance entitled ‘Remediation Guidance for Homes with Corrosion from Problem Drywall’ to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.”

**§ 2056d. Performance standards to protect against portable fuel container explosions near open flames or other ignition sources**

**(a) Short title**

This section may be cited as the “Portable Fuel Container Safety Act of 2020”.

**(b) Standards**

**(1) Rule on safety performance standards required**

Not later than 30 months after December 27, 2020, the Consumer Product Safety Commission (referred to in this section as the “Commission”) shall promulgate a final rule to require flame mitigation devices in portable fuel containers that impede the propagation of flame into the container, except as provided in paragraph (3).

**(2) Rulemaking; consumer product safety standard**

A rule under paragraph (1)—

(A) shall be promulgated in accordance with section 553 of title 5; and

(B) shall be treated as a consumer product safety rule promulgated under section 2058 of this title.

**(3) Exception**

**(A) Voluntary standard**

Paragraph (1) shall not apply for a class of portable fuel containers in the scope of this section if the Commission determines at any time that—

(i) there is a voluntary standard for flame mitigation devices for those containers that impedes the propagation of flame into the container;

(ii) the voluntary standard described in clause (i) is or will be in effect not later than 18 months after December 27, 2020; and

(iii) the voluntary standard described in clause (i) is developed by ASTM International or such other standard development organization that the Commission determines to have met the intent of this section.

**(B) Determination required to be published in the Federal Register**

Any determination made by the Commission under this subsection shall be published in the Federal Register.

**(4) Treatment of voluntary standard for purpose of enforcement**

If the Commission determines that a voluntary standard meets the conditions described in paragraph (3)(A), the requirements of such voluntary standard shall be treated as a consumer product safety rule promulgated under section 2058 of this title beginning on the date which is the later of—

(A) 180 days after publication of the Commission's determination under paragraph (3); or

(B) the effective date contained in the voluntary standard.

**(5) Revision of voluntary standard**

**(A) Notice to commission**

If the requirements of a voluntary standard that meet the conditions of paragraph (3) are subsequently revised, the organization that revised the standard shall notify the Commission after the final approval of the revision.

**(B) Effective date of revision**

Not later than 180 days after the Commission is notified of a revised voluntary standard described in subparagraph (A) (or such later date as the Commission determines appropriate), such revised voluntary standard shall become enforceable as a consumer product safety rule promulgated under section 2058 of this title, in place of the prior version, unless within 90 days after receiving the notice the Commission determines that the revised voluntary standard does not meet the requirements described in paragraph (3).

**(6) Future rulemaking**

The Commission, at any time after publication of the consumer product safety rule required by paragraph (1), a voluntary standard is treated as a consumer product safety rule under paragraph (4), or a revision is enforceable as a consumer product safety rule under paragraph (5)<sup>1</sup> may initiate a rulemaking in accordance with section 553 of title 5 to modify the requirements or to include any additional provision that the Commission determines is reasonably necessary to protect the public against flame jetting from a portable fuel container. Any rule promulgated under

this subsection shall be treated as a consumer product safety rule promulgated under section 2058 of this title.

**(7) Action required**

**(A) Education campaign**

Not later than 1 year after December 27, 2020, the Commission shall undertake a campaign to educate consumers about the dangers associated with using or storing portable fuel containers for flammable liquids near an open flame or any other source of ignition.

**(B) Summary of actions**

Not later than 2 years after December 27, 2020, the Commission shall submit to Congress a summary of actions taken by the Commission in such campaign.

**(8) Portable fuel container defined**

In this section, the term “portable fuel container” means any container or vessel (including any spout, cap, and other closure mechanism or component of such container or vessel or any retrofit or aftermarket spout or component intended or reasonably anticipated to be for use with such container)—

(A) intended for flammable liquid fuels with a flash point less than 140 degrees Fahrenheit, including gasoline, kerosene, diesel, ethanol, methanol, denatured alcohol, or biofuels;

(B) that is a consumer product with a capacity of 5 gallons or less; and

(C) that the manufacturer knows or reasonably should know is used by consumers for transporting, storing, and dispensing flammable liquid fuels.

**(9) Rule of construction**

This section may not be interpreted to conflict with the Children's Gasoline Burn Prevention Act (Public Law 110-278; 122 Stat. 2602).

**(c) Children's Gasoline Burn Prevention Act**

**(1) Omitted**

**(2) Applicability**

The amendment made by paragraph (1) shall take effect 6 months after December 27, 2020.

(Pub. L. 116-260, div. FF, title IX, §901, Dec. 27, 2020, 134 Stat. 3204.)

REFERENCES IN TEXT

This section, referred to in subsec. (b)(1), (3)(A), (8), and (9), was in the original “this Act”, which was translated as reading “this section”, meaning section 901 of Pub. L. 116-260, div. FF, title IX, Dec. 27, 2020, 134 Stat. 3204, to reflect the probable intent of Congress.

The Children's Gasoline Burn Prevention Act, referred to in subsecs. (b)(9) and (c), is Pub. L. 110-278, July 17, 2008, 122 Stat. 2602, which is set out as a note under section 2056 of this title.

CODIFICATION

Section was enacted as the Portable Fuel Container Safety Act of 2020, and not as part of the Consumer Product Safety Act which comprises this chapter.

Section is comprised of section 901 of div. FF of Pub. L. 116-260. Subsec. (c)(1) of section 901 of div. FF of Pub. L. 116-260 amended section 2 of Pub. L. 110-278, which is set out in a note under section 2056 of this title.

<sup>1</sup> So in original. Probably should be followed by a comma.

**§ 2057. Banned hazardous products**

Whenever the Commission finds that—

(1) a consumer product is being, or will be, distributed in commerce and such consumer product presents an unreasonable risk of injury; and

(2) no feasible consumer product safety standard under this chapter would adequately protect the public from the unreasonable risk of injury associated with such product,

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

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

**AMENDMENTS**

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

**EFFECTIVE DATE OF 1981 AMENDMENT**

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

**EFFECTIVE DATE**

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

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

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

**(b) Lawful purposes**

For the purposes of section 2057 of this title, it shall not be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States butyl nitrite for any commercial purpose or any other purpose approved under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.].

**(c) Definitions**

For purposes of this section:

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

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

**(d) Effective date**

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

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

**REFERENCES IN TEXT**

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (b), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chap-

ter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

**CODIFICATION**

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

**§ 2057b. Banning of isopropal nitrite and other nitrites****(a) In general**

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

**(b) Lawful purposes**

For the purposes of section 2057 of this title, it shall not be unlawful for any person to manufacture for sale, offer for sale, distribute in commerce, or import into the United States volatile alkyl nitrites for any commercial purpose or any other purpose approved under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.].

**(c) “Commercial purpose” defined**

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

**(d) Effective date**

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

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

**REFERENCES IN TEXT**

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

**CODIFICATION**

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

**§ 2057c. Prohibition on sale of certain products containing specified phthalates****(a) Prohibition on the sale of certain products containing phthalates**

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

**(b) Prohibition on the sale of additional products containing certain phthalates****(1) Interim prohibition**

Beginning on the date that is 180 days after August 14, 2008, and until a final rule is pro-