



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING
May 3, 1994
4330 East West Highway
Bethesda, Maryland

The May 3, 1994, meeting of the U.S. Product Safety Commission was convened in open session by Chairman Ann Brown. Commissioners Mary Sheila Gall and Jacqueline Jones-Smith were present.

Agenda Matters.

1. Mouthwash Containing Ethanol

The Commission was briefed by staff on a draft Federal Register notice that would propose a child-resistant packaging requirement under the Poison Prevention Packaging Act for mouthwash containing ethanol. (Ref: staff briefing package dated April 11, 1994, and supplemental material transmitted April 21, 1994.) Issuance of the proposal would initiate the rulemaking requested by petitioners in Petition PP 93-1, which the Commission granted in November 1993.

Following questions and discussion, the Commission moved to a vote on the proposed rule. On motion of Chairman Brown, the Commission voted unanimously (3-0) to propose a rule to require child-resistant packaging for mouthwash that contains 3 grams or more of ethanol in a single package; and to approve issuance of the Federal Register notice provided with the General Counsel's memorandum of April 21, 1994.

Commissioner Gall filed a statement concerning the matter of child-resistant packaging for mouthwash containing ethanol, copy attached.

2. Upholstered Furniture Petition, FP 93-1

The Commission was briefed by the staff on options for action on Petition FP 93-1, from the National Association of State Fire Marshals, requesting development of a flammability standard for upholstered furniture with requirements to address risks of death, injury, and property damage from fires involving upholstered furniture which are ignited by cigarettes, small open-flame sources, and large open-flame sources. (Ref: staff briefing package dated April 8, 1994.) The Commissioners asked questions of the staff and discussed issues concerning the petition. No decisions were made at today's meeting.

There being no further business on the agenda, Chairman Brown adjourned the meeting.

For the Commission:



Sadye E. Dunn
Secretary

Attachment



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STATEMENT OF COMMISSIONER MARY SHEILA GALL ON PETITION 93-1
PROPOSING CHILD-RESISTANT PACKAGING FOR MOUTHWASH CONTAINING
ETHANOL

May 3, 1994

I have voted to publish in the Federal Register a notice informing the public of the Commission's intent to establish a mandatory special packaging standard for mouthwashes. Packages which contain three grams or more of absolute ethanol per package would be covered regardless of their size.

The petitioners had requested that such a standard be established for mouthwashes in which ethanol comprised more than 5% of the product. I do not believe that this approach provides adequate protection for small children. Ingestion of approximately twenty six ounces of mouthwash containing 5% ethanol will kill a 22 pound child. Ingestion of less than this lethal dose may cause hypoglycemia, metabolic acidosis or hypokalemia, any of which can have severe effects.

The first line of protection for young children is the individuals who are caring for them. Parents and child care providers MUST act responsibly in keeping these products out of the reach of small children, regardless of whether the packages have child-resistant closures. However, mouthwashes are familiar products that can be fairly characterized as presenting a hidden hazard to consumers. Ethanol comprises between 5% and 7% of most beers and 12% to 14% of most wines. By comparison, most of the popular adult mouthwashes contain between 14% and 27% ethanol. Parents and others who care for children may be unaware of the high ethanol concentration in these products. Since mouthwashes are often sold in large sizes, I believe that the proposed level will provide an essential margin of safety for young children by bringing all sizes of mouthwashes containing toxic doses of ethanol within the purview of the standard.

Through its associations, industry has established a voluntary packaging and labeling program. Originally conceived at the petitioner's proposed level of greater than 5% ethanol, industry has modified its program to bring it into line with the Commission's proposal. We expect nearly full compliance by May of 1995. These actions are commendable and I look forward to implementing this important safety measure.