



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

Supplemental Information on Liquid Nicotine Packaging
For Rigid Containers

August 15, 2019

Dear Sir or Madam:

The U.S. Consumer Product Safety Commission (CPSC) administers the Child Nicotine Poisoning Prevention Act of 2015 (CNPPA), 15 U.S.C. § 1472a, which requires certain nicotine products to be in special packaging that meets the requirements provided at 16 CFR § 1700.15. These regulations include packaging requirements for restrictive flow "from which the flow of liquid is so restricted that not more than 2 milliliters of the contents can be obtained when the inverted, opened container is taken or squeezed once or when the container is otherwise activated once." 16 CFR § 1700.15(d). To assist industry in complying with this requirement, on March 8, 2019, CPSC issued guidance explaining how it would test packages for restrictive flow, while noting that companies "may use this test protocol or an equivalent testing method to determine compliance."

Since we issued this guidance, CPSC has received questions about the testing protocols for packaging that cannot be squeezed (*e.g.*, glass or other rigid materials). No change to the CPSC test guidance is required to address such packages. CPSC tests rigid packages in a manner consistent with its published guidance by omitting steps related to the application of the squeezing force. Specifically, CPSC inverts rigid packages and measures the resulting flow without conducting steps 5c, 5d, 8a (release the latch), 8a(ii), and 8b. These steps related to applying force (*i.e.*, "squeezing") have no impact on the flow out of rigid packaging.

We appreciate your continued cooperation in meeting the requirements for liquid nicotine packaging.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Kaye", is written over the word "Sincerely,".

Robert S. Kaye
Director
Office of Compliance and Field Operations