



Federal Hazardous Substances Act

Consumer Product Safety Commission

Bethesda, MD

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Any views expressed in this presentation are those of the staff and have not been reviewed or approved by the Commission.

Purpose of the FHSA

- Requires cautionary labeling on immediate container and outer containers/wrappings of hazardous household substances to:
 - help consumers handle and use the products safely
 - give consumers information about immediate first aid steps to take if an accident occurs
- Allows Commission to ban products that are so hazardous that the labeling the act requires is not adequate to protect consumers

Definition of a Hazardous Substance

- Toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat or other means, **AND**
- May cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including ingestion by children

Exclusions from “Hazardous Substance” Definition

- FDCA-regulated substances
 - drugs
 - cosmetics
 - dietary supplements
 - foods
- FIFRA-regulated substances
 - insecticides
 - fungicides
 - rodenticides

**What is a misbranded
hazardous substance?**

First Part of Definition

- Products can be found to meet the definition of toxic, corrosive, irritant, strong sensitizer, or flammable/combustible based on
 - Human experience (takes precedence)
 - Relevant data in animals
 - Using tests specified in regulations

Test Methods

- Flash point
 - 16 C.F.R. §1500.43a
- Flammability of self-pressurized containers
 - 16 C.F.R. §1500.45
- Flammable solids
 - 16 C.F.R. §1500.44

Test Methods (continued)

- Eye Irritant
 - 16 C.F.R. §1500.42
- Corrosive
 - 16 C.F.R. §1500.41
- Skin Irritant
 - 16 C.F.R. §1500.41
- Acute Dermal Toxicity
 - 16 C.F.R. §1500.40

Second Part of Definition

- Evaluation is specific to the individual product formulation
- Examples of things to consider
 - Consumer exposure to product during customary and reasonably foreseeable use and handling of product
 - Likelihood
 - Duration
 - Quantity
 - How consumers will use the product
 - How consumers will store the product

Label Requirements

- On Principal Display Panel (PDP):
 - Signal word
 - WARNING, CAUTION, DANGER
 - POISON for caustic poisons listed at 16 C.F.R. §1500.129 and highly toxic substances
 - Affirmative statement of principal hazard(s)
 - ex: HARMFUL IF SWALLOWED, CORROSIVE
 - Statement to read other cautions on another panel if all labeling is not on PDP

Label Requirements (continued)

- Name and place of business of the manufacturer, packer, distributor or seller
- Common or usual name or chemical name
- Precautionary measures to follow
- Instructions for first aid treatment when appropriate
- Instructions for handling and storage

Label Requirements (continued)

- “Keep out of the reach of children” or its practical equivalent
- Special labeling required by 16 C.F.R. §1500.14 for
 - Certain chemicals
 - Charcoal
 - Art materials
 - Additional items (fireworks, etc)

Label Requirements (continued)

- Certain substances declared to be caustic poisons
 - Require signal word “POISON” instead of common signal word
 - Listed at 16 C.F.R. §1500.129

Exemptions

- 16 C.F.R. §1500.83
- Exemptions for small packages and minor hazards
 - Ex: when the sole hazard presented by a self-pressurized product is that it generates pressure or is flammable/extremely flammable, the name of the component which contributes the hazard need not be stated

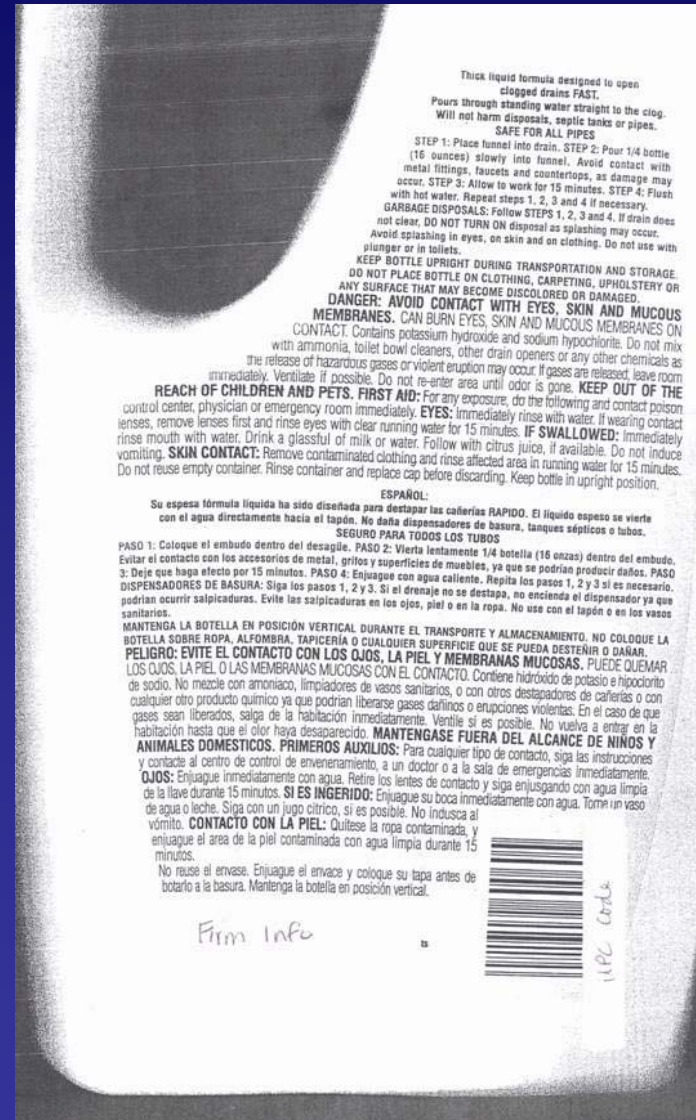
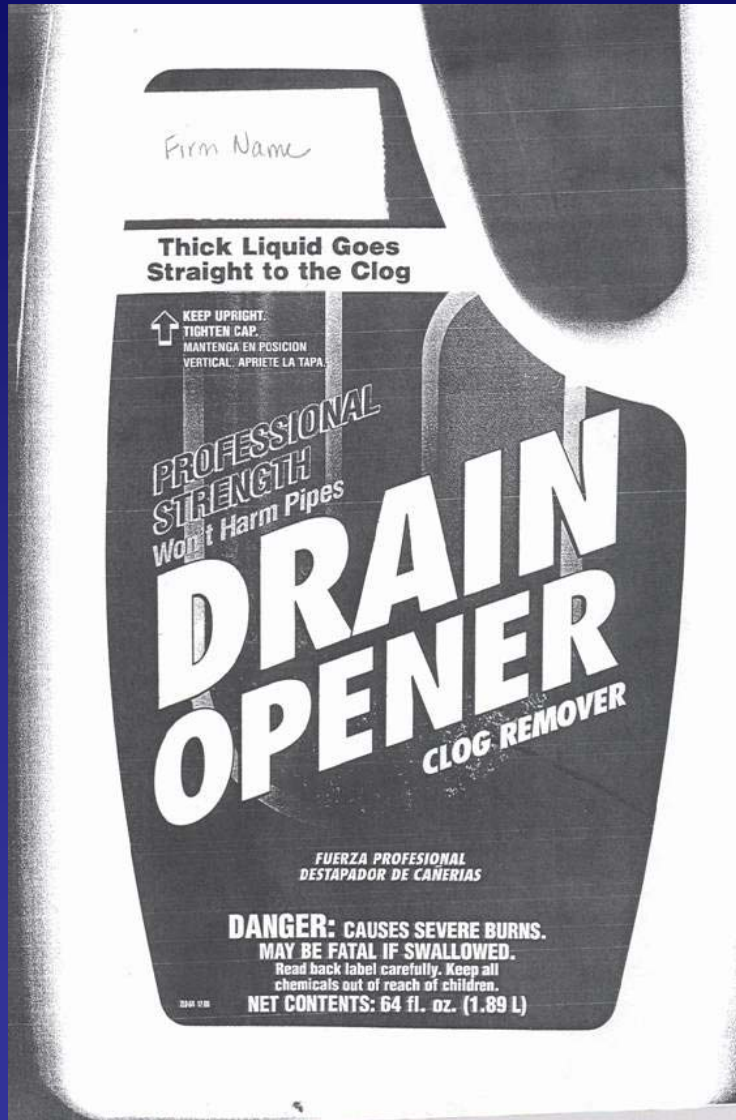
Suggested Label Format

- 16 C.F.R. §1500.121
- Prominence
 - parallel to base
 - kept together
 - PDP
- Conspicuousness
 - type size
 - contrast
 - no interference from other graphics on label

Conspicuous label

- Type size large enough
- Good contrast
- No interference with other graphics
- Not cluttered
- Contains all required information

Example of good label design



Unacceptable label

- Inconspicuous warning
- Poor contrast
- Too much text
- Lacking proper warnings
- Deceptive disclaimers

Example of unacceptable label

Product Name provides an effective method of lubricating and protecting virtually any surface, even the most delicate plastics. This safe, nonstaining lubricant is ideal where chlorinated, solvent based products may be too harsh.

Product Name is a **double-strength** formula designed to lubricate, preserve and protect a variety of surfaces. Its **HIGH CONCENTRATION** enables it to act fast in handling a wide variety of tough maintenance jobs.

This **safe, nonstaining lubricant eliminates squeaking and binding and extends the life of:** METAL • PLASTIC • WOOD • RUBBER • VINYL • LEATHER

Extends life of parts and components by eliminating constant wear from friction.

No other lubricant can do all of this! We've found the perfect way to make this product extremely **safe** so it can go to work for you in nearly any circumstance. **Product Name** Super Concentrated Silicone Lube is made up of 25% Silicone versus the silicone of any other lubricant! Economical to use because it's **CONCENTRATED!**

DIRECTIONS... Spray on part to eliminate sticking, binding and squeaking. Apply thin coat to surfaces to "preserve and protect."

"It works where others fail!"

Great for tires too!

DOUBLE STRENGTH

PRESERVES & PROTECTS

"SUPER CONCENTRATED" SINCE 1957

Product Name

SL

POWERFUL SILICONE LUBE

LUBRICATES AND PROTECTS

SAFE! NON-STAINING

- NO CFC'S-NO 1, 1, 1 TRICHLOROETHANE
- CONTAINS NO OZONE-DEPLETING CHEMICALS
- CONTAINS PETROLEUM DISTILLATE
- SAFE FOR MOST SURFACES
- ELIMINATES SQUEAKS, STICKING AND BINDING

Manf. **FIRM NAME** Net Wt. 12 oz.

CAUTION: FLAMMABLE. Harmful or fatal if swallowed

READ CAUTIONS ON BACK PANEL

PART NO 16SL

SILICONE RICH DOUBLE STRENGTH

PIN POINT SPRAY

Proudly Made in USA

Try These Other Fabulous **Product Name** & **Product Name** Live Ex. JP Engine, Air-Tool, Air-Tool Degreaser, Air-Tool Conditioner, Lawn Mower Tune-Up & PB.

CAS# 24792-48-9 Description Hydrocarbon Solvent

CAUTION: This product is combustible. Do not use near open flames or sparks. Use only in well ventilated areas.

DANGER: FLAMMABLE. Contains petroleum distillate. Keep away from fire. Do not store or expose to temperatures above 120°F. **HARMFUL OR FATAL IF SWALLOWED.** If ingested, do not induce vomiting. Contact physician. **DO NOT SPRAY IN EYES.** In case of eye contact flush with water for 5 minutes and contact physician. Use with proper ventilation as directed. Intentional misuse by concentrating and inhaling can be harmful or fatal. **KEEP AWAY FROM CHILDREN.**

FIRM INFO

UPC Code

Banned hazardous substances

- Banned because CPSC has found that the labeling required by the FHSA would not be sufficient to protect public safety
- Listed at 16 C.F.R. §1500.17
 - certain extremely flammable water repellent mixtures for indoor use
 - carbon tetrachloride
 - certain liquid drain cleaners without special packaging
 - cyanide salts

Firms' Responsibilities

- Determine whether each product meets the two-part definition of a hazardous substance
- Know the hazards presented by each product
 - specific formulation
 - use of product
 - exposure to the product
 - foreseeable misuse of product
- Develop label
- Label product in accordance with FHSA
- Package product in accordance with PPPA

Helpful Links

- CPSC web site
 - www.cpsc.gov
- Summary of the FHSA
 - <http://www.cpsc.gov/businfo/regsumfhsa.pdf>
- The FHSA and its regulations
 - www.cpsc.gov/businfo/fhsa.html

FHSA Contact at CPSC Headquarters' Office of Compliance

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