

(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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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)¹ 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.)

Editorial Notes

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.

¹ So in original. Probably should be followed by a comma.

L. 116-260 amended section 2 of Pub. L. 110-278, which is set out in a note under section 2056 of this title.

§ 2056e. Consumer product safety standard for button cell or coin batteries and consumer products containing such batteries

(a) In general

Not later than 1 year after August 16, 2022, the Commission shall, in accordance with section 553 of title 5, promulgate a final consumer product safety standard for button cell or coin batteries and consumer products containing button cell or coin batteries that shall only contain—

(1) a performance standard requiring the button cell or coin battery compartments of a consumer product containing button cell or coin batteries to be secured in a manner that would eliminate or adequately reduce the risk of injury from button or coin cell battery ingestion by children that are 6 years of age or younger during reasonably foreseeable use or misuse conditions; and

(2) warning label requirements—

(A) to be included on the packaging of button cell or coin batteries and the packaging of a consumer product containing button cell or coin batteries;

(B) to be included in any literature, such as a user manual, that accompanies a consumer product containing button cell or coin batteries; and

(C) to be included, as practicable—

(i) directly on a consumer product containing button cell or coin batteries in a manner that is visible to the consumer upon installation or replacement of the button cell or coin battery; or

(ii) in the case of a product for which the battery is not intended to be replaced or installed by the consumer, to be included directly on the consumer product in a manner that is visible to the consumer upon access to the battery compartment, except that if it is impracticable to label the product, this information shall be placed on the packaging or instructions.

(b) Requirements for warning labels

Warning labels required under subsection (a)(2) shall—

(1) clearly identify the hazard of ingestion; and

(2) instruct consumers, as practicable, to keep new and used batteries out of the reach of children, to seek immediate medical attention if a battery is ingested, and to follow any other consensus medical advice.

(c) Treatment of standard for enforcement purposes

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

(d) Exception for reliance on voluntary standard

(1) Before promulgation of standard by Commission

Subsection (a) shall not apply if the Commission determines, before the Commission promulgates a final consumer product safety standard under such subsection, that—

(A) with respect to any consumer product for which there is a voluntary consumer product safety standard that meets the requirements for a standard promulgated under subsection (a) with respect to such product; and

(B) the voluntary standard described in subparagraph (A)—

(i) is in effect at the time of the determination by the Commission; or

(ii) will be in effect not later than the date that is 180 days after August 16, 2022.

(2) Determination required to be published in Federal Register

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

(e) Treatment of voluntary standard for enforcement purposes

(1) In general

If the Commission makes a determination under subsection (d) with respect to a voluntary standard, 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 described in paragraph (2).

(2) Date described

The date described in this paragraph is the later of—

(A) the date of the determination of the Commission under subsection (d) with respect to the voluntary standard described in paragraph (1); or

(B) the effective date contained in the voluntary standard described in paragraph (1).

(f) Revision of voluntary standard

(1) Notice to Commission

If a voluntary standard with respect to which the Commission has made a determination under subsection (d) is subsequently revised, the organization that revised the standard shall notify the Commission after the final approval of the revision.

(2) Effective date of revision

Beginning on the date that is 180 days after the Commission is notified of a revised voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), such revised voluntary standard in whole or in part shall be considered to be 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 notifies the organization that the revised voluntary standard, in whole or in part, does not improve the safety of the consumer product covered by the standard and that the Commission is retaining all or part of the existing consumer product safety standard.

(g) Future rulemaking

At any time after the promulgation of a final consumer product safety standard under subsection (a), a voluntary standard is treated as a consumer product safety rule under subsection