

March 29, 2021

Robert S. Kaye
Director
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Subject: Request for Extension of Poison Prevention Packaging Act Enforcement
Discretion Testing Advisory Letter

Dear Mr. Kaye,

On November 12, 2020, you signed an Enforcement Discretion Testing Advisory Extension Letter which extended the enforcement discretion for packages subject to the testing requirements of the Poison Prevention Packaging Act (PPPA) and its implementing regulations due to the continued testing challenges posed by COVID-19. The six-month enforcement discretion extension with the allowance for alternatives has been critical in minimizing disruptions while PPPA testing firms have halted or significantly altered operations. The availability of PPPA testing firms has not changed substantially since the extension was granted.

The Household & Commercial Products Association¹ (HCPA) requests that the enforcement discretion to allow alternative testing protocols listed be extended for an additional six months to December 25, 2021 so that companies can continue to use the allowances granted by the Enforcement Discretion Testing Advisory Extension Letter to certify that their packaging is supported by child-resistance and senior-friendly testing data.

Since PPPA testing firms halted operations and certification of packaging, the enforcement discretion has allowed companies to use alternative testing protocols than the procedures described under the 16 CFR § 1700.20 to ease the interruption of testing and certification caused by the pandemic while meeting the intent of PPPA. HCPA thanks you and everyone at the Consumer Product Safety Commission (CPSC) for easing the regulatory burden without sacrificing safety standards.

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

Our members have informed us that some testing firms have reopened; however, we continue to have significant concerns over the ability for companies to obtain the proper protocol data as a result of the backlog at the limited number of sites that are operational and the inability to test in daycares and child centers. Under normal conditions, testing and obtaining certification for child resistant packaging can take between two to six months, depending on the volume of packaging that needs to be certified as well as the time of year. At this current time, our members are unable to plan when they would be able to obtain the protocol data and certification due to the challenges that the COVID-19 pandemic has created.

HCPA greatly appreciates your consideration of extending the enforcement discretion again so that companies can continue to provide consumers with products that have the appropriate packaging to reduce the risk of children exposure to hazardous materials. If you or your staff have any questions or would like to discuss this request further, please contact me at ngeorges@thehcpa.org.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicholas Georges".

Nicholas B. Georges

Vice President, Scientific & International Affairs