

November 10, 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 April 22, 2021, you signed the Enforcement Discretion Testing Advisory Second Extension Letter¹ 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 second enforcement discretion extension through the end of 2021 continues to allow testing to an alternative method which has been critical in minimizing disruptions while PPPA testing firms continue to face operational challenges due to the pandemic.

The Household & Commercial Products Association² (HCPA) requests that the enforcement discretion to allow alternative testing protocols listed be extended for an additional six months to June 30, 2022 so that companies can continue to use the allowances granted by the Enforcement Discretion Testing Advisory Second 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

¹ Available at <https://www.cpsc.gov/s3fs-public/PPPA-Enforcement-Discretion-Second-Extension-Letter.pdf?eZ0iqXU34GgxDM8CRv5OvVJCI2VpL6Ee>

² 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.

the Consumer Product Safety Commission (CPSC) for easing the regulatory burden without sacrificing safety standards.

Our members have informed us that testing firms have reopened; however, we continue to have significant concerns over the ability for companies to obtain the proper protocol data because testing firms continue to have issues in securing children and adults to conduct testing in compliance with the testing protocol. Due to this challenge, HCPA is requesting an extension of the enforcement discretion.

HCPA greatly appreciates your consideration of extending the enforcement discretion 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

Senior Vice President, Scientific & International Affairs