

1984, 98 Stat. 2765; renumbered §616, Pub. L. 102-519, title III, §306(a), Oct. 25, 1992, 106 Stat. 3397, related to voluntary vehicle identification standards. See section 33107 of Title 49.

Section 2034, Pub. L. 92-513, title VI, §617, formerly §614, as added Pub. L. 98-547, title I, §101(a), Oct. 25, 1984, 98 Stat. 2765; renumbered §617 and amended Pub. L. 102-519, title III, §306(a), (e)(f), Oct. 25, 1992, 106 Stat. 3397, 3400, related to three-year and five-year studies regarding motor vehicle theft. See section 33113 of Title 49.

CHAPTER 46A—AUTOMOBILE TITLE FRAUD

§§ 2041 to 2044. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 2041, Pub. L. 102-519, title II, §201, Oct. 25, 1992, 106 Stat. 3389, defined terms for purposes of this chapter. See section 30501 of Title 49, Transportation.

Section 2042, Pub. L. 102-519, title II, §202, Oct. 25, 1992, 106 Stat. 3390, related to National Motor Vehicle Title Information System. See section 30502 of Title 49.

Section 2043, Pub. L. 102-519, title II, §203, Oct. 25, 1992, 106 Stat. 3391, related to State participation in National Motor Vehicle Title Information System. See section 30503 of Title 49.

Section 2044, Pub. L. 102-519, title II, §204, Oct. 25, 1992, 106 Stat. 3392, related to reporting requirements for operators of junk and salvage yards and insurance carriers. See sections 30504 and 30505 of Title 49.

CHAPTER 47—CONSUMER PRODUCT SAFETY

Sec.	
2051.	Congressional findings and declaration of purpose.
2052.	Definitions.
2053.	Consumer Product Safety Commission.
2053a.	Employee training exchanges.
2054.	Product safety information and research.
2055.	Public disclosure of information.
2055a.	Publicly available consumer product safety information database.
2056.	Consumer product safety standards.
2056a.	Standards and consumer registration of durable nursery products.
2056b.	Mandatory toy safety standards.
2056c.	Sulfur content in drywall standard.
2057.	Banned hazardous products.
2057a.	Banning of butyl nitrite.
2057b.	Banning of isopropal nitrite and other nitrites.
2057c.	Prohibition on sale of certain products containing specified phthalates.
2058.	Procedure for consumer product safety rules.
2059.	Repealed.
2060.	Judicial review of consumer product safety rules.
2061.	Imminent hazards.
2062.	Repealed.
2063.	Product certification and labeling.
2064.	Substantial product hazards.
2065.	Inspection and recordkeeping.
2066.	Imported products.
2067.	Exemption of exports.
2068.	Prohibited acts.
2069.	Civil penalties.
2070.	Criminal penalties.
2071.	Injunctive enforcement and seizure.
2072.	Suits for damages.
2073.	Additional enforcement of product safety rules and section 2064 orders.
2074.	Private remedies.
2075.	State standards.
2076.	Additional functions of Consumer Product Safety Commission.
2076a.	Report on civil penalties.
2076b.	Inspector General audits and reports.
2077.	Chronic Hazard Advisory Panels.

Sec.	
2078.	Cooperation with States and other Federal agencies.
2079.	Transfers of functions.
2080.	Limitations on jurisdiction of Consumer Product Safety Commission.
2081.	Authorization of appropriations.
2082.	Interim cellulose insulation safety standard.
2083.	Congressional veto of consumer product safety rules.
2084.	Information reporting.
2085.	Low-speed electric bicycles.
2086.	Prohibition on industry-sponsored travel.
2087.	Whistleblower protection.
2088.	Financial responsibility.
2089.	All-terrain vehicles.

§ 2051. Congressional findings and declaration of purpose

(a) The Congress finds that—

(1) an unacceptable number of consumer products which present unreasonable risks of injury are distributed in commerce;

(2) complexities of consumer products and the diverse nature and abilities of consumers using them frequently result in an inability of users to anticipate risks and to safeguard themselves adequately;

(3) the public should be protected against unreasonable risks of injury associated with consumer products;

(4) control by State and local governments of unreasonable risks of injury associated with consumer products is inadequate and may be burdensome to manufacturers;

(5) existing Federal authority to protect consumers from exposure to consumer products presenting unreasonable risks of injury is inadequate; and

(6) regulation of consumer products the distribution or use of which affects interstate or foreign commerce is necessary to carry out this chapter.

(b) The purposes of this chapter are—

(1) to protect the public against unreasonable risks of injury associated with consumer products;

(2) to assist consumers in evaluating the comparative safety of consumer products;

(3) to develop uniform safety standards for consumer products and to minimize conflicting State and local regulations; and

(4) to promote research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

(Pub. L. 92-573, § 2, Oct. 27, 1972, 86 Stat. 1207.)

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-314, title II, § 239(a), Aug. 14, 2008, 122 Stat. 3076, provided that:

“(1) IN GENERAL.—Except as otherwise specifically provided in this Act [see Short Title of 2008 Amendment note below], this Act and the amendments made by this Act shall take effect on the date of enactment of this Act [Aug. 14, 2008].

“(2) CERTAIN DELAYED EFFECTIVE DATES.—The amendments made by sections 103(c) [amending section 2063 of this title] and 214(a)(2) [amending section 2064 of this title] shall take effect on the date that is 60 days after the date of enactment of this Act. Subsection (c) of section 42 of the Consumer Product Safety Act [section 2089(c) of this title], as added by section 232 of this Act, and the amendments made by sections 216 [amending

sections 2066 and 2068 of this title] and 223(b) [amending section 2066 of this title] shall take effect on the date that is 30 days after the date of enactment of this Act.”

EFFECTIVE DATE

Pub. L. 92-573, §34, Oct. 27, 1972, 86 Stat. 1233, provided that: “This Act [enacting this chapter] shall take effect on the sixtieth day following the date of its enactment [Oct. 27, 1972], except—

“(1) sections 4 and 32 [sections 2053 and 2081 of this title] shall take effect on the date of enactment of this Act [Oct. 27, 1972], and

“(2) section 30 [section 2079 of this title] shall take effect on the later of (A) 150 days after the date of enactment of this Act [Oct. 27, 1972], or (B) the date on which at least three members of the Commission first take office.”

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 112-266, §1, Jan. 14, 2013, 126 Stat. 2437, provided that: “This Act [enacting section 2056c of this title and provisions set out as notes under section 2056c of this title] may be cited as the ‘Drywall Safety Act of 2012.’”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-314, §1(a), Aug. 14, 2008, 122 Stat. 3016, provided that: “This Act [enacting sections 1278a, 1477, 2053a, 2055a, 2056a, 2056b, 2057c, 2076b, 2086 to 2089, and 8008 of this title, amending sections 1191, 1193, 1194, 1196, 1201 to 1204, 1261 to 1266, 1269 to 1276, 1278, 1472, 2052, 2054, 2055, 2058, 2060, 2063 to 2070, 2073, 2076, 2077 to 2079, 2081, 2082, 8002, and 8003 of this title, enacting provisions set out as notes under this section and sections 1194, 2053, 2060, 2063, 2066, 2069, and 2076 of this title, amending provisions set out as notes under sections 401 and 1261 of this title and section 1113 of Title 31, Money and Finance, and repealing provisions set out as a note under section 2053 of this title] may be cited as the ‘Consumer Product Safety Improvement Act of 2008.’”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-608, §1, Nov. 16, 1990, 104 Stat. 3110, provided that: “This Act [enacting sections 2076a and 2084 of this title, amending sections 1193, 1194, 1262, 1274, 2053, 2055, 2056, 2058, 2061, 2064, 2066, 2069, 2077, and 2081 of this title, and enacting provisions set out as notes under sections 2053, 2054, 2056, 2076, and 2084 of this title] may be cited as the ‘Consumer Product Safety Improvement Act of 1990.’”

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-35, title XII, §1201(a), Aug. 13, 1981, 95 Stat. 703, provided that: “This subtitle [subtitle A (§§1201-1215) of title XII of Pub. L. 97-35, enacting sections 1204, 1276, 2077, and 2083 of this title, amending sections 1193, 1201, 1262, 1263, 1274, 2052, 2054 to 2058, 2060, 2061, 2064, 2069, 2072, 2073, 2076, 2080, and 2081 of this title, repealing sections 1204, 1475, 2059, 2062, and 2077 of this title, and enacting provisions set out as a note under section 2052 of this title] may be cited as the ‘Consumer Product Safety Amendments of 1981.’”

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-319, §1, July 11, 1978, 92 Stat. 386, provided: “That this Act [enacting section 2082 of this title, amending section 2068 of this title, and enacting provision set out as a note under section 2082 of this title] may be cited as the ‘Emergency Interim Consumer Product Safety Standard Act of 1978.’”

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-284, §1, May 11, 1976, 90 Stat. 503, provided that: “This Act [amending sections 1193, 1203, 1204, 1261, 1471, 1476, 2052, 2053, 2056, 2058 to 2060, 2064, 2068, 2069, 2071 to 2073, 2075, 2076, 2078, 2079, and 2081 of this title, and section 1114 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under

sections 1193, 1261, and 2080 of this title] may be cited as the ‘Consumer Product Safety Commission Improvements Act of 1976.’”

SHORT TITLE

Pub. L. 92-573, §1, Oct. 27, 1972, 86 Stat. 1207, provided that: “This Act [enacting this chapter, amending sections 5314 and 5315 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under this section] may be cited as the ‘Consumer Product Safety Act.’”

AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS

Pub. L. 110-314, §3, Aug. 14, 2008, 122 Stat. 3017, provided that: “The Commission may issue regulations, as necessary, to implement this Act [see Short Title of 2008 Amendment note above] and the amendments made by this Act.”

SEVERABILITY

Pub. L. 110-314, title II, §239(b), Aug. 14, 2008, 122 Stat. 3076, provided that: “If any provision of this Act [see Short Title of 2008 Amendment note above] or the amendments made by this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.”

Pub. L. 92-573, §33, Oct. 27, 1972, 86 Stat. 1233, provided that: “If any provision of this Act [see Short Title note above], or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.”

PREEMPTION

Pub. L. 110-314, title II, §231, Aug. 14, 2008, 122 Stat. 3070, provided that:

“(a) RULE WITH REGARD TO PREEMPTION.—The provisions of sections 25 and 26 of the Consumer Product Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act ([Pub. L. 86-613] 15 U.S.C. 1261 note), section 16 of the Flammable Fabrics Act (15 U.S.C. 1203), and section 7 of the Poison Packaging Prevention Act of 1970 [Poison Prevention Packaging Act of 1970] (15 U.S.C. 1476) establishing the extent to which those Acts preempt, limit, or otherwise affect any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law may not be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation thereunder, or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation. In accordance with the provisions of those Acts, the Commission may not construe any such Act as preempting any cause of action under State or local common law or State statutory law regarding damage claims.

“(b) PRESERVATION OF CERTAIN STATE LAW.—Nothing in this Act [see Short Title of 2008 Amendment note above] or the Federal Hazardous Substances Act [15 U.S.C. 1261 et seq.] shall be construed to preempt or otherwise affect any warning requirement relating to consumer products or substances that is established pursuant to State law that was in effect on August 31, 2003.”

DEFINITIONS

Pub. L. 110-314, §2(a), Aug. 14, 2008, 122 Stat. 3017, provided that:

“(a) DEFINED TERMS.—As used in this Act [see Short Title of 2008 Amendment note above]—

“(1) the term ‘appropriate Congressional committees’ means the Committee on Energy and Commerce of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate; and

“(2) the term ‘Commission’ means the Consumer Product Safety Commission.”

§ 2052. Definitions

(a) In general

In this chapter:

(1) Appropriate Congressional committees

The term “appropriate Congressional committees” means the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) Children’s product

The term “children’s product” means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a consumer product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(B) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for use by children 12 years of age or younger.

(C) Whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger.

(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor to such guidelines.

(3) Commerce

The term “commerce” means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof, or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(4) Commission

The term “Commission” means the Consumer Product Safety Commission, established by section 2053 of this title.

(5) Consumer product

The term “consumer product” means any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; but such term does not include—

(A) any article which is not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer,

(B) tobacco and tobacco products,

(C) motor vehicles or motor vehicle equipment (as defined by section 30102(a)(6) and (7) of title 49¹),

(D) pesticides (as defined by the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.]),

(E) any article which, if sold by the manufacturer, producer, or importer, would be subject to the tax imposed by section 4181 of the Internal Revenue Code of 1986 [26 U.S.C. 4181] (determined without regard to any exemptions from such tax provided by section 4182 or 4221, or any other provision of such Code), or any component of any such article,

(F) aircraft, aircraft engines, propellers, or appliances (as defined in section 40102(a) of title 49),

(G) boats which could be subjected to safety regulation under chapter 43 of title 46; vessels, and appurtenances to vessels (other than such boats), which could be subjected to safety regulation under title 52 of the Revised Statutes or other marine safety statutes administered by the department in which the Coast Guard is operating; and equipment (including associated equipment, as defined in section 2101(1) of title 46) to the extent that a risk of injury associated with the use of such equipment on boats or vessels could be eliminated or reduced by actions taken under any statute referred to in this subparagraph,

(H) drugs, devices, or cosmetics (as such terms are defined in sections 201(g), (h), and (i) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 321(g), (h), and (i)], or

(I) food. The term “food”, as used in this subparagraph means all “food”, as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 321(f)], including poultry and poultry products (as defined in sections 4(e) and (f) of the Poultry Products Inspection Act [21 U.S.C. 453(e) and (f)]), meat, meat food products (as defined in section 1(j) of the Federal Meat Inspection Act [21 U.S.C. 601(j)]), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act [21 U.S.C. 1033]).

Such term includes any mechanical device which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, which is customarily controlled or directed by an individual who is employed for that purpose and who is not a consumer with respect to such device, and which is not permanently fixed to a site. Such term does not include such a device which is permanently fixed to a site. Except for the regulation under this chapter or the Federal Hazardous Substances Act [15 U.S.C. 1261 et seq.] of fireworks devices or any substance intended for use as a component of any such device, the Commission shall have no authority under the functions transferred pursuant to section 2079 of this title to regulate any product or article described in subparagraph (E) of this paragraph or described, without regard to quantity, in section 845(a)(5) of title 18. See sections 2079(d)¹ and 2080 of this title, for other limitations on Commission’s authority to regulate certain consumer products.

¹ See References in Text note below.