

cause the household substance to be in violation of the standard or requirement in effect under this Act, and

(B) the State or political subdivision standard or requirement (i) provides a significantly higher degree of protection from the risk of illness or injury with respect to which the Federal standard or requirement is in effect, and (ii) does not unduly burden interstate commerce.

In determining the burden, if any, of a State or political subdivision standard or requirement on interstate commerce the Commission shall consider and make appropriate (as determined by the Commission in its discretion) findings on the technological and economic feasibility of complying with such standard or requirement, the cost of complying with such standard or requirement, the geographic distribution of the household substance to which the standard or requirement would apply, the probability of other States or political subdivisions applying for an exemption under this subsection for a similar standard or requirement, and the need for a national, uniform standard or requirement under this Act for such household substance.

(2) A regulation under paragraph (1) granting an exemption for a standard or requirement of a State or political subdivision of a State may be promulgated by the Commission only after it has provided, in accordance with section 553(b) of title 5 notice with respect to the promulgation of the regulation and has provided opportunity for the oral presentation of views respecting its promulgation.

(Pub. L. 91-601, § 7, formerly § 8, Dec. 30, 1970, 84 Stat. 1673; Pub. L. 92-573, § 30(a), Oct. 27, 1972, 86 Stat. 1231; Pub. L. 94-284, § 17(c), May 11, 1976, 90 Stat. 513; renumbered § 7, Pub. L. 97-35, title XII, § 1205(c), Aug. 13, 1981, 95 Stat. 716.)

#### REFERENCES IN TEXT

For classification to the Code of “this Act”, referred to in text, see References in Text note set out under section 1471 of this title.

#### AMENDMENTS

1976—Pub. L. 94-284 substituted “(a) Except as provided in subsections (b) and (c), whenever” for “Whenever” in existing provision, and added subsecs. (b) and (c).

#### TRANSFER OF FUNCTIONS

“Commission” substituted for “Secretary” in subsec. (a) pursuant to section 30(a) of Pub. L. 92-573, which is classified to section 2079(a) of this title and which transferred functions of Secretary of Health, Education, and Welfare under this chapter to Consumer Product Safety Commission.

#### PREEMPTION

The provisions of this section establishing the extent to which the Poison Prevention Packaging Act of 1970 [15 U.S.C. 1471 et seq.] preempts, limits, or otherwise affects any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law not to be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation under the Poison Prevention Packaging Act of 1970, 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, see section 231 of Pub. L. 110-314, set out as a note under section 2051 of this title.

### § 1477. Enforcement by State Attorneys General

The attorney general of a State, or other authorized State officer, alleging a violation of a standard or rule promulgated under section 1472 of this title that affects or may affect such State or its residents, may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to obtain appropriate injunctive relief. The procedural requirements of section 2073(b) of this title shall apply to any such action.

(Pub. L. 91-601, § 9, as added Pub. L. 110-314, title II, § 218(b)(1), Aug. 14, 2008, 122 Stat. 3062.)

#### PRIOR PROVISIONS

A prior section 9 of Pub. L. 91-601 was renumbered section 8 and is set out as a note under section 1471 of this title.

### CHAPTER 40—DEPARTMENT OF COMMERCE

Sec.

- 1501. Establishment of Department; Secretary; seal.
- 1502, 1503. Omitted.
- 1503a. Under Secretary of Commerce for Economic Affairs.
- 1503b. Under Secretary of Commerce for Oceans and Atmosphere; duties; appointment; compensation.
- 1504. Repealed.
- 1505. Additional Assistant Secretary; duties, rank of Assistant Secretaries.
- 1506. Additional Assistant Secretary; appointment; applicability of section 1505.
- 1507. Additional Assistant Secretary; appointment; compensation; duties.
- 1507a. Repealed.
- 1507b. Assistant Secretary of Commerce; appointment; compensation; duties.
- 1507c. Assistant Secretary of Commerce for Oceans and Atmosphere; duties; appointment; compensation.
- 1508. General Counsel.
- 1509. Designation of officer to sign routine papers.
- 1510. Clerical assistants.
- 1511. Bureaus in Department.
- 1511a. Repealed.
- 1511b. United States fishery trade officers.
- 1511c. Estuarine Programs Office.
- 1511d. Chesapeake Bay Office.
- 1511e. Repealed.
- 1512. Powers and duties of Department.
- 1513. Duties and powers vested in Department.
- 1513a. Cost estimates for National Oceanic and Atmospheric Administration programs included in Department budget justification.
- 1513b. Cost estimates for National Institute of Standards and Technology construction projects included in Department budget justification.
- 1514. Basic authority for performance of certain functions and activities of Department.
- 1515. Records, etc., of bureaus transferred to Department of Commerce.
- 1516. Statistical information.
- 1516a. Statistics relating to social, health, and economic conditions of Americans of Spanish origin or descent.
- 1517. Transfer of statistical or scientific work.
- 1518. Custody of buildings; officers transferred.
- 1519. Annual and special reports.
- 1519a, 1520. Repealed.
- 1521. Working capital fund; establishment; amount; uses; reimbursement.
- 1522. Acceptance of gifts and bequests for purposes of the Department; separate fund; disbursements.