

Consumer Product Safety Commission

§ 1702.3

PART 1702—PETITIONS FOR EXEMPTION FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS; PETITION PROCEDURES AND REQUIREMENTS

Sec.

- 1702.1 Purpose and policy.
- 1702.2 Procedural requirements and recommendations.
- 1702.3 Substantive requirements.
- 1702.4 Petitions with insufficient or incomplete information.
- 1702.5 Failure to supply adverse information.
- 1702.6 Trade secrets and other confidential information.
- 1702.7 Justification for the exemption.
- 1702.8 Human experience data.
- 1702.9 Relevant experimental data.
- 1702.10 Human experimental data involving the testing of human subjects.
- 1702.11 Product specifications.
- 1702.12 Packaging specifications.
- 1702.13 Labeling and packaging samples.
- 1702.14 Marketing history.
- 1702.15 Petitions alleging the incompatibility of child resistant packaging with the particular substance petitioned for exemption.
- 1702.16 Petitions requesting an exemption for a drug or a new drug.
- 1702.17 Granting petitions.
- 1702.18 Denying petitions.
- 1702.19 Effect of filing petition.

AUTHORITY: 15 U.S.C. 1471(4), 1472, 1474, 1269(a), 2079(a); 21 U.S.C. 371(a).

SOURCE: 45 FR 13064, Feb. 28, 1980, unless otherwise noted.

§ 1702.1 Purpose and policy.

(a) Section 1700.14(a) of part 1700 lists household substances the Consumer Product Safety Commission requires, under section 3(a)(1) of the Poison Prevention Packaging Act of 1970, 15 U.S.C. 1472, to be contained in special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances. There may be occasions, however, when the Commission determines that a particular substance should be exempt from special packaging requirements.

(b) The Commission may, either on its own initiative or upon the petition of any interested person, amend the regulation at §1700.14(a) by exempting a substance or category of substances from special packaging requirements.

The purpose of these rules is to provide procedures and requirements for submitting petitions for exemption from special packaging requirements.

§ 1702.2 Procedural requirements and recommendations.

(a) *Requirements.* To be considered a petition for exemption from special packaging requirements under this part a document filed under this part must:

(1) Be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814,

(2) Be written in the English language,

(3) Contain the name and address of the petitioner,

(4) Contain an explicit request for exemption from special packaging requirements,

(5) Identify the category of substances under §1700.14(a) from which the exemption is sought, and

(6) Identify the particular substance for which the exemption is sought.

(b) *Failure to meet requirements.* Where a submission fails to meet all of the requirements of paragraph (a) of this section, the Office of the Secretary shall notify the person submitting it, describe the deficiency, and explain that the petition may be resubmitted when the deficiency is corrected.

(c) *Procedural recommendations.* The following are procedural recommendations to help the Commission in its consideration of petitions. The Commission requests, but does not require, that petitions filed under this part:

(1) Be typewritten,

(2) Include the word "petition" in a heading preceding the text,

(3) Include the telephone number of the petitioner, and

(4) Be accompanied by at least five

(5) copies of the petition.

[45 FR 13064, Feb. 28, 1980, as amended at 62 FR 46668, Sept. 4, 1997]

§ 1702.3 Substantive requirements.

(a) A petition filed under this part shall include the information required