

## PART 1302—BAN OF EXTREMELY FLAMMABLE CONTACT ADHESIVES

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AUTHORITY: Secs. 8, 9; 86 Stat. 1215–1217 as amended; 90 Stat. 506; (15 U.S.C. 2057, 2058).

SOURCE: 42 FR 63731, Dec. 19, 1977, unless otherwise noted.

### § 1302.1 Scope and application.

(a) In this part 1302 the Consumer Product Safety Commission (Commission) declares extremely flammable contact adhesives and similar liquid or semiliquid consumer products to be banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to those extremely flammable contact adhesives and similar liquid or semiliquid consumer products, as defined in §1302.3(b), which are in commerce or are being distributed in commerce on or after the effective date of this regulation, and which are consumer products (as defined in section 3(a) of the Act (15 U.S.C. 2052) customarily produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

(b) An extremely flammable contact adhesive as defined in §1302.3(b) is a banned hazardous product if the manufacturer, distributor, or retailer customarily produces or distributes the product for sale to, or use by consumers, or if the manufacturer, distributor, or retailer fosters or facilitates the product's sale to, or use by, consumers. For example, contact adhesives available in retail stores, such as lumber yards or hardware stores, for sale to consumers would be included in the scope of the ban even though such outlets may sell such products primarily to industrial or professional users. The manufacturer who markets an extremely flammable contact adhesive which would be subject to the ban if sold to consumers has the responsi-

bility for determining the distribution and use patterns of its product and for taking all reasonable steps to ensure that the product is not made available for sale to consumers. The test of whether a contact adhesive is banned shall be whether the product, under any customary or reasonably foreseeable condition of distribution, or sale, is made available for purchase by consumers.

(c) Contact adhesives that are labeled as, marketed, and sold solely for industrial or professional use are not within the scope of this ban. However, merely labeling a contact adhesive for industrial or professional use only would not exclude such products from this ban. In addition, packaging a contact adhesive in a large size container would not in itself exclude the product from this ban.

(d) The Commission has found that the contact adhesives covered by this ban are being, or will be distributed in commerce; and present an unreasonable risk of injury; and that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products.

### § 1302.2 Purpose.

The purpose of this rule is to ban extremely flammable contact adhesives which have been found to present an unreasonable risk of injury to consumers of burns resulting from explosive and flashback fire.

### § 1302.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1302.

(b) The term *extremely flammable contact adhesive and similar liquid or semiliquid consumer products* means consumer products that have each of the following product characteristics:

(1) Show a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue open-cup test method prescribed by 16 CFR 1500.43; and

(2) Are intended to be applied to two surfaces to be bonded together and allowed to dry partially until there is little residual tack, and adhere to themselves instantaneously when the coated

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surfaces are joined under low or moderate pressure; and

(3) Are composed of a high percentage (70-90 percent by weight) of solvents and a low percentage of solids (10-30 percent by weight); and

(4) Are substances that are non-aerosols and are free-flowing, having a wet viscosity within the range of 300-6,000 centipoise at 70 degrees Fahrenheit when measured by an RVF Brookfield viscometer; and

(5) Are packaged in containers of more than one-half pint.

(c) The term *flash point* means the lowest temperature corrected to a pressure of 101.3 RPa (1013 millibars) of a substance at which application of an ignition source causes the vapor above the substance to ignite under specified conditions of test. A blue light (blue halo) or other colored light which sometimes surrounds the test flame should not be confused with the true ignition of the vapors (flash point).

(d) *Initial introduction into commerce* occurs when the manufacturer ships a product covered by this regulation from a facility of the manufacturer to a distributor, retailer, or consumer.

#### § 1302.4 Banned hazardous products.

Any extremely flammable contact adhesive and similar liquid or semiliquid consumer product as defined in §1302.3 (b), which has been manufactured or initially introduced into commerce after January 17, 1978, is a banned hazardous product. In addition, any other extremely flammable contact adhesive and similar liquid or semiliquid consumer product, as defined in §1302.3(b), no matter when manufactured or initially introduced into commerce, is a banned hazardous product after June 13, 1978.

#### § 1302.5 Findings.

(a) *The degree and nature of the risk of injury.* The Commission finds that the risk of injury which this regulation is designed to eliminate or reduce is the risk of injury of burns from explosive vapor ignition and flashback fire associated with extremely flammable contact adhesives as defined in this rule.

(1) *Degree of the risk of injury presented by extremely flammable contact adhesives.* (i) In October 1976, the Commis-

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sion's staff prepared a report entitled Hazard Analysis on Contact Adhesive Fires. According to the Hazard Analysis, three factors that measure burn severity are percent of body burned, days hospitalized, and whether clothing ignition occurs. Injury data sources summarized in the Hazard Analysis reveal that contact adhesive fires often result in a high percent of body burned, result in many days hospitalized, and usually involve clothing ignition burns.

(ii) The American Burn Association (ABA) participated in a special survey with the Commission to obtain an estimate of the incidence and severity of burns associated with the use of contact adhesive cements. In January 1976, the President of the ABA sent a letter to the 1,300 ABA members asking the members to record any thermal injuries or deaths that have occurred between January 1975 and March 1976 associated with contact adhesives. In November 1976, the Chairman of the ABA Committee on Burn Prevention submitted a statement to the Commission estimating that between 45 and 125 contact adhesive related injuries are treated annually in hospital emergency rooms. Although ABA members reported an annual rate of 20 severe burn injuries for the January 1975 to March 1976 period, the actual rate of severe burn injuries may be higher, since only approximately 400 hospitals, less than 10 percent of the country's short-term hospitals, are represented in ABA membership. The results of the ABA survey, as reported by the ABA Chairman, showed that the injuries treated by members resulted in an average hospitalization of 42 days, almost double the length of stay for all burn victims in special facilities for burns. According to the ABA Chairman, when a burn victim experiences such a lengthy stay, it is an indication of very severe injury and predicts a lengthy period of recuperation and potentially permanent physical and psychological consequences.

(iii) The Hazard Analysis prepared by the Commission's staff also contains a summary of the results of the ABA survey. According to the Commission's