

**PART 1401—SELF PRESSURIZED
CONSUMER PRODUCTS CON-
TAINING
CHLOROFLUOROCARBONS: RE-
QUIREMENTS TO PROVIDE THE
COMMISSION WITH PERFORM-
ANCE AND TECHNICAL DATA;
REQUIREMENTS TO NOTIFY CON-
SUMERS AT POINT OF PURCHASE
OF PERFORMANCE AND TECH-
NICAL DATA**

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AUTHORITY: Secs. 2(b), 27(e), Pub. L. 92-573, 86 Stat. 1208, 1228 (15 U.S.C. 2051(b), 2076(e)).

SOURCE: 42 FR 42783, Aug. 24, 1977, unless otherwise noted.

§ 1401.1 Scope.

This part 1401 establishes requirements under section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)) for marketers and importers of self-pressurized consumer products that contain chlorofluorocarbons as propellants to provide notification of certain performance and technical data to prospective purchasers of such products at the time of original purchase and to the first purchaser of such products for purposes other than resale. The notification shall consist of a label on the product stating that it contains a chlorofluorocarbon that may harm the public health and environment by reducing the ozone in the upper atmosphere. Also, manufacturers and importers must provide the commission with reports identifying which of the self-pressurized consumer products sold by them contain chlorofluorocarbon propellants.

§ 1401.2 Purpose.

Chlorofluorocarbons are used as propellants in self-pressurized containers of a variety of products subject to the Commission's jurisdiction. Scientific research has indicated that chlorofluorocarbons may pose a risk of depletion of ozone in the stratosphere.

The stratospheric ozone shield is of great importance in protecting life on earth from shortwave ultra-violet rays of the sun. Ozone depletion allows more of these rays to reach the earth, and the consequences include a possibility of a significant increase in human skin cancer and other effects of unknown magnitude on man, animals, and plants. Chlorofluorocarbon release may also cause climatic change, both by reducing stratospheric ozone and by increasing infrared absorption in the atmosphere. The Commission believes that the requirements of this part 1401 will enable consumers to make a conscious choice of whether to use products that contain chlorofluorocarbon propellants. The Commission also believes that these requirements are necessary in order to carry out the purposes of the Consumer Product Safety Act of (a) helping to protect the public against unreasonable risks of injury associated with consumer products and (b) assisting consumers in evaluating the comparative safety of consumer products.

§ 1401.3 Definitions.

For the purposes of this part 1401:

(a) *Chlorofluorocarbon* means any fully halogenated chlorofluoroalkane.

(b) *Finished product* means a product which has been completely manufactured, packaged, and labeled.

(c) *Initially introduced into interstate commerce* means the first shipment of the product into interstate commerce by the firm marketing the product. There must be both physical movement in interstate commerce and passage of title to the product. Thus, mere shipment of a product across state lines from a contract filler to the marketer of the product would not constitute initial introduction into interstate commerce. All products initially introduced into interstate commerce before the effective date may continue to be distributed and sold even though they do not bear the warning statement.

(d) *Manufacturer* means any person who manufactures or imports a consumer product. The term includes both a person who manufactures the product at the direction of another (such as a contract filler of aerosol products) and