

103^D CONGRESS
1ST SESSION

H. R. 3682

To require that 4-gallon to 6-gallon buckets distributed in commerce bear a permanent label warning of a potential drowning hazard to young children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. PALLONE introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require that 4-gallon to 6-gallon buckets distributed in commerce bear a permanent label warning of a potential drowning hazard to young children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bucket Drowning Pre-
5 vention Act of 1993.”

6 **SEC. 2. LABELING STANDARD REQUIREMENTS.**

7 On October 1, 1994, or 240 days after the date of
8 the enactment of this title, whichever first occurs, there

1 is established and effective a consumer product safety
2 standard under section 9 of the Consumer Product Safety
3 Act (15 U.S.C. 2058), to eliminate or reduce the risk of
4 injury or death resulting from infants falling into 4-gallon
5 to 6-gallon buckets containing liquid. Such standard, when
6 established, shall require straight sided or slightly tapered,
7 open head containers with a capacity of more than 4 gal-
8 lons and less than 6 gallons (referred to in this Act as
9 a “bucket”), to bear one warning label in English and
10 Spanish. The label shall meet the following requirements:

11 (1) The label shall be permanent so that such
12 label cannot be removed, torn or defaced without the
13 aid of tools or solvents.

14 (2) The label shall be at least 7 inches in
15 height, and 3½ inches in width, or any larger size
16 as the labeler may choose.

17 (3) The label shall be centered on one side of
18 the bucket just below the point where the handle is
19 inserted.

20 (4) The label shall have a border or other form
21 of contrast around its edges to delineate it from any
22 other information on the bucket.

23 (5) The label shall bear (A) the signal word
24 “WARNING” in both English and Spanish, in bold
25 uppercase lettering, and (B) in upper and lower case

1 lettering the words “Children Can Fall Into Bucket
2 and Drown. Keep Children Away From Buckets
3 With Even a Small Amount of Liquid.”, with an
4 equivalent Spanish translation in at least the same
5 type size as English. The signal word panel shall be
6 preceded by a safety alert symbol consisting of an
7 exclamation mark in a triangle.

8 (6) The label shall be clear and conspicuous
9 and in contrasting colors.

10 (7) The label shall include a picture of a child
11 falling into a bucket containing liquid. An encircled
12 slash symbol shall be superimposed over, and sur-
13 round the pictorial. The picture shall be positioned
14 between the signal word panel and the message
15 panel.

16 **SEC. 3. CERTAIN BUCKETS NOT AFFECTED.**

17 The standard established by section 2 applies only to
18 buckets manufactured or imported on or after the effective
19 date of such standard, and buckets manufactured or im-
20 ported before such effective date may be sold without the
21 warning label required by section 2 even though such sales
22 occur after that date. The Consumer Product Safety Com-
23 mission, by rule, shall prohibit a manufacturer, filler, dis-
24 tributor, and retailer from stockpiling buckets to which
25 consumer product safety standards established by section

1 2 of this title would have applied but for the preceding
2 sentence. For purposes of this section, the term “stock-
3 piling” shall have the same meaning as that provided by
4 section 9(g)(2) of the Consumer Product Safety Act.

5 **SEC. 4. PROHIBITED ACTS.**

6 (a) REMOVAL OF LABEL.—Once placed on a bucket
7 pursuant to the standard provided by section 2, it shall
8 be a prohibited act under section 19 of the Consumer
9 Product Safety Act for any person in the chain of distribu-
10 tion of the bucket to intentionally cover, obstruct, tear,
11 deface or remove the label.

12 (b) CONSUMER PRODUCT SAFETY STANDARD.—The
13 standard established by section 2 of this title shall be con-
14 sidered a consumer product safety standard established
15 under the Consumer Product Safety Act.

16 **SEC. 5. EXISTING LABELS.**

17 Notwithstanding section 2, any bucket label in use
18 on September 1, 1993, may, if such label is substantially
19 in conformance with the requirements of paragraphs (3),
20 (4), (5), and (6) of section 2, continue to be placed on
21 buckets until 12 months after the date of the enactment
22 of this title. Notwithstanding the preceding sentence,
23 buckets subject to the provisions of this section must bear
24 both an English and Spanish language label on and after

1 the effective date of the standard established by section
2 2.

3 **SEC. 6. AMENDMENTS.**

4 Section 553 of title 5, United States Code, shall apply
5 with respect to the Consumer Product Safety Commis-
6 sion's issuance of any amendments or changes to the buck-
7 et labeling standard established by section 2 of this title.
8 Sections 7 and 9 of the Consumer Product Safety Act
9 shall not apply to such amendments or changes.

10 **SEC. 7. RESPONSIBILITY FOR LABELING.**

11 (a) LABELING.—The standard established by section
12 2 requires the labeling of buckets covered by such stand-
13 ard to be the responsibility of the manufacturer of any
14 such buckets, unless otherwise specified by contract be-
15 tween the manufacturer, and either the filler, distributor,
16 or retailer of such buckets. Under no circumstances shall
17 any such bucket enter the stream of commerce without
18 such label.

19 (b) TIME FOR PLACING LABELS.—The required label
20 must be on the bucket at the time it is sold or delivered
21 to the end user of the bucket or its contents or, in the
22 case of a bucket intended to be sold to the public in an
23 empty state, at the time it is shipped to a retailer for sale
24 to the public.

1 **SEC. 8. PERFORMANCE STANDARD.**

2 (a) PERFORMANCE STANDARD.—Within 30 days fol-
3 lowing the date of enactment of this title, the Consumer
4 Product Safety Commission shall commence a proceeding
5 under the Consumer Product Safety Act for the issuance
6 of a performance standard for buckets to address the
7 drowning hazard associated with this product. Section 553
8 of title 5, United States Code, shall apply with respect
9 to the issuance of such standard. Sections 7 and 9 of the
10 Consumer Product Safety Act shall not apply to the issu-
11 ance of such standard. Such standard shall take effect at
12 such time as may be prescribed by the Consumer Product
13 Safety Commission, but in no event later than 15 months
14 following the date of the enactment of this title. The
15 Consumer Product Safety Commission shall consider any
16 American Society for Testing and Materials voluntary per-
17 formance standard in existence prior to such date of enact-
18 ment.

19 (b) LABELING REQUIREMENTS.—The labeling re-
20 quirements under section 2 shall not apply to buckets cer-
21 tified by the Consumer Product Safety Commission as
22 meeting the performance standard in subsection (a).

23 **SEC. 9. CONSULTATION.**

24 To avoid duplicative and conflicting labeling, the
25 Consumer Product Safety Commission shall complete a

1 consultation with relevant Federal agencies within 30 days
2 following the date of enactment of this Act.

3 **SEC. 10. REQUIREMENT FOR CPSC STUDY.**

4 (a) The Consumer Product Safety Commission shall
5 conduct a study to determine:

6 (1) consumer use patterns of new and used 4-
7 to 6- gallon steel and metal buckets; and

8 (2) the prevalence of incidents of death or in-
9 jury to children associated with the use of such con-
10 tainers.

11 The study also shall be designed to identify use patterns
12 that may signify that such containers are being used by
13 consumers in and around a household, residence, school
14 or otherwise. The study shall be completed within 12
15 months of the date of enactment. The study shall be re-
16 peated for two consecutive years following completion of
17 the initial study. The study shall be repeated if necessary
18 to track any changes in use patterns or to identify inci-
19 dents of death or injury.

20 (b) During the pendency of this study and in the ab-
21 sence of any regulation of 4- to 6-gallon containers by the
22 Commission thereafter, metal containers which would oth-
23 erwise be required to comply with the labeling require-
24 ments of section 3 are exempt from such requirements.
25 For the purposes of section 26 of the Consumer Product

1 Safety Act, such exemption shall be considered a consumer
2 product safety standard. Upon review of the results of the
3 study, the CPSC shall decide whether to continue this ex-
4 emption, to require compliance by metal containers, or to
5 consider further study in the future.

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