

103D CONGRESS
1ST SESSION

S. 799

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 SENATE OF THE UNITED STATES

APRIL 20 (legislative day, APRIL 19), 1993

Mr. METZENBAUM (for himself and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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. FINDINGS.**

7 The Congress finds that:

1 (1) Since 1985, approximately 400 infants have
2 drowned in 4-gallon to 6-gallon buckets, or nearly 1
3 child a week.

4 (2) Children drowning or hospitalized as a re-
5 sult of falling into a bucket of liquid ranged in age
6 from 1 month to 28 months although nearly 80 per-
7 cent of all victims were 8 to 13 months old.

8 (3) Where race was reported in connection with
9 such drownings, African-American infants accounted
10 for more of the drowning deaths than any other ra-
11 cial group followed by Caucasians and then His-
12 panics. In approximately 14 percent of the inves-
13 tigated deaths, Spanish was reported to be the spo-
14 ken language.

15 (4) Only about 10 percent of 5-gallon buckets
16 manufactured annually are voluntarily labeled, and
17 States are beginning to establish their own labeling
18 standards. There is no mandatory Federal labeling
19 standard regarding buckets.

20 (5) To prevent infant drownings in buckets and
21 to assure uniformity in bucket labels and a minimal
22 impact on interstate commerce, it is appropriate to
23 establish a Federal labeling standard.

1 (6) To address the bucket drowning problem in
2 a more permanent way, it is appropriate to establish
3 performance standards.

4 **SEC. 3. LABELING STANDARD REQUIREMENTS.**

5 Effective 180 days following the date of the enact-
6 ment of this Act, there is established a consumer product
7 safety standard under section 9 of the Consumer Product
8 Safety Act (15 U.S.C. 2058), to eliminate or reduce the
9 risk of injury or death resulting from children falling into
10 4-gallon to 6-gallon buckets containing liquid. Such stand-
11 ard, when effective, shall require straight sided or slightly
12 tapered, open head containers with a capacity of more
13 than 4 gallons and less than 6 gallons (referred to in this
14 Act as a “bucket”), to bear 2 warning labels, 1 in English
15 and 1 in Spanish. The labels shall meet the following re-
16 quirements:

17 (1) Each label shall be permanent so that such
18 label cannot be removed, torn or defaced without the
19 aid of tools or solvents.

20 (2) Each label shall be at least 7 inches in
21 height, and 5 inches in width, or any larger size as
22 the labeler may choose. The information on the label
23 shall be proportionate to the label’s size.

24 (3) A label shall be centered on each side of the
25 bucket just below the point where the handle is in-

1 serted. The label on 1 side shall be in English and
2 the label on the other side shall be in Spanish.

3 (4) Each label shall have a border or other form
4 of contrast around its edges to delineate it from any
5 other information on the bucket.

6 (5) Each label shall bear (A) the signal word
7 “WARNING” in bold uppercase lettering, in black
8 ink, on an orange background, and (B) in upper and
9 lower case lettering in black ink on a white back-
10 ground, the words “Children Can Fall Into Bucket
11 and Drown—Keep Children Away From Buckets
12 With Even a Small Amount of Liquid”. The signal
13 word panel shall be preceded by a safety alert sym-
14 bol consisting of an orange exclamation mark on a
15 black triangle.

16 (6) Each label shall include a picture of a child
17 falling into a bucket containing liquid. A red prohibi-
18 tion symbol shall be superimposed over, and totally
19 surround the pictorial. The picture shall be posi-
20 tioned between the signal word panel and the mes-
21 sage panel.

22 **SEC. 4. PROHIBITED ACTS.**

23 (a) REMOVAL OF LABEL.—Once placed on a bucket
24 pursuant to the standard provided pursuant to section 3,
25 it shall be a prohibited act under section 19 of the

1 Consumer Product Safety Act for any person in the chain
2 of distribution of the bucket to intentionally cover, ob-
3 struct, tear, deface or remove the label.

4 (b) CONSUMER PRODUCT SAFETY STANDARD.—The
5 standard established pursuant to section 3 of this Act
6 shall be considered a consumer product safety standard
7 established under the Consumer Product Safety Act.

8 **SEC. 5. EXISTING LABELS.**

9 Any bucket label in use on September 1, 1993, which
10 is substantially in conformance with the requirements in
11 section 3, may continue to be used until 12 months after
12 the date of the enactment of this Act. Notwithstanding
13 the preceding sentence, buckets subject to this Act must
14 bear both an English and Spanish language label after the
15 effective date of the standard established pursuant to sec-
16 tion 3.

17 **SEC. 6. AMENDMENTS.**

18 Section 553 of title 5, United States Code, shall apply
19 with respect to the Consumer Product Safety Commis-
20 sion's issuance of any amendments or changes to the buck-
21 et labeling standard required by section 3 of this Act. Sec-
22 tions 7 and 9 of the Consumer Product Safety Act shall
23 not apply to such amendments or changes.

1 **SEC. 7. RESPONSIBILITY FOR LABELING.**

2 (a) LABELING.—The standard established by section
3 3 requires the labeling of buckets covered by such stand-
4 ard to be the responsibility of the manufacturer or dis-
5 tributor of any such bucket without regard to whether or
6 not such bucket is intended for sale by a retailer in an
7 empty state for use as a consumer product, or is intended
8 for sale by a retailer, together with its contents.

9 (b) TIME FOR PLACING LABELS.—The required label
10 must be on the bucket at the time it is sold or delivered
11 to the end user of the bucket's contents or, in the case
12 of a bucket intended to be sold to the public in an empty
13 state, at the time it is shipped to a retailer for sale to
14 the public.

15 **SEC. 8. PERFORMANCE STANDARD.**

16 Within 30 days following the date of enactment of
17 this Act, the Commission shall commence a proceeding
18 under the Consumer Product Safety Act for the issuance
19 of a performance standard for buckets to address the
20 drowning hazard associated with this product. Section 553
21 of title 5, United States Code, shall apply with respect
22 to the issuance of such standard. Sections 7 and 9 of the
23 Consumer Product Safety Act shall not apply to the issu-
24 ance of such standard. Such standard shall take effect at
25 such time as may be prescribed by the Consumer Product

- 1 Safety Commission, but in no event later than 180 days
- 2 following the date of the enactment of this Act.

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