

September 30, 2024
Office of the Secretary
Consumer Product Safety Commission
4330 East West Highway, Room 820
Bethesda, MD 20814
Submitted via www.regulations.gov

Comments of Consumer Federation of America to the U.S. Consumer Product Safety Commission on the Notice of Proposed Rulemaking, Banned Hazardous Substances: Aerosol Duster Products Containing More than 18 mg in Any Combination of HFC-152a and/or HFC-134a (Docket No. CPSC-2021-0015)

Consumer Federation of America (CFA) submits the following comments in response to the U.S. Consumer Product Safety Commission’s (“CPSC” or “Commission”) request for comments in the above-referenced matter.¹

CFA supports the CPSC proposed rule to ban any aerosol duster product containing more than 18 mg of either of two hydrofluorocarbon propellants—1,1-difluoroethane (HFC-152a, CAS # 75-37-6) and 1,1,1,2-tetrafluoroethane (HFC-134a, CAS # 811-97-2)—or of a combination of these propellants. These two toxic substances are common aerosol duster propellants and both hydrofluorocarbons are intentionally inhaled to experience a euphoric high, resulting in numerous deaths. CFA also supports CPSC’s proposal to prohibit the stockpiling of aerosol duster products that are subject to the proposed ban.

Injury and Fatality Data

Aerosol duster products can cause significant toxicity or death if used as inhalants. However, as CPSC staff identified, there is no clear dose-response evident in the medical literature, and death from abusing aerosol duster products is not dose dependent.

¹ Notice for Proposed Rulemaking, Banned Hazardous Substances: Aerosol Duster Products Containing More Than 18 mg in Any Combination of HFC-152a and/or HFC-134a, <https://www.federalregister.gov/documents/2024/07/31/2024-16716/banned-hazardous-substances-aerosol-duster-products-containing-more-than-18-mg-in-any-combination-of> (July 31, 2024).



While the identified number of deaths and injuries related to the inhalation of aerosol duster products is large and alarming, it is an underestimate of the problem's scope. CPSC's CPSRMS database contains reports for 1,039 unique fatal incidents involving inhalation hazards from aerosol duster products that occurred between January 1, 2012, and December 31, 2021. CPSC staff also identified a large number of toxicity deaths from unspecified aerosol products or deaths without sufficient information to determine whether the product was an aerosol duster product. Further, CPSC staff estimate 21,700 ED-treated injuries in the United States resulting from inhalation of aerosol duster products between 2012-2021.

Why Proposed Rule Is Necessary

There are two existing voluntary standards related to this consumer product, ASTM D3061-97, Standard Guide for Three-Piece Steel and Tinplate Straight-Wall and Necked-In Aerosol Cans, and DIN EN 15008:2017, Aerosol Containers – Aluminum Containers – Dimensions of One-Piece Cans with 25.4 mm Aperture, apply to aerosol duster products. Neither standard addresses the hazard of intentional inhalant abuse.

Further, there is no reasonable way to make current products safe from the hazard. First, as CPSC explained, many aerosol duster products already on bitterants. This has not led to a decline in deaths or injuries. Second, most aerosol duster products already carry Federal Hazardous Substance Act (FHSA) required labeling, as well as statements identifying the hazards of inhalant abuse. Again, this has not led to a decline in death or injuries.

Finally, there are alternative products, not subject to the proposed ban, that consumers can use for the same purposes, including vacuums, aerosol duster products with HFO-1234ze, compressed air dusters which use corded or cordless electric pumps, or CO2 cartridge dusters which use disposable CO2 cartridges to blow CO2 through a nozzle.

CFA Supports CPSC Proposed Rule

The CPSC proposes to ban any aerosol duster product containing more than 18 mg of either of two hydrofluorocarbon propellants—1,1-difluoroethane (HFC-152a, CAS # 75-37-6) and 1,1,1,2-tetrafluoroethane (HFC-134a, CAS # 811-97-2)—or of a combination of these propellants, pursuant to the FHSA. The CPSC further proposes to prohibit stockpiling of aerosol duster products containing HFC-152a and/or HFC-134a that are subject to the proposed ban.

The issues associated with inhalant abuse of aerosol duster products is well documented. The fatalities, which are certainly underestimates, demonstrate the scale of this problem. Despite the use of bitterants and warnings, there as been no decline in the number of deaths



and injuries. Further, there are easily accessible alternative products that do not present the same hazardous. As such, CFA supports the CPSC's proposed rule.

Courtney Griffin
Director of Consumer Product Safety
Consumer Federation of America
202-567-7240
cgriffin@consumerfed.org