

August 15, 2019

The Honorable Ann Marie Buerkle, Acting Chairman
The Honorable Robert Adler, Commissioner
The Honorable Elliot Kaye, Commissioner
The Honorable Dana Baiocco, Commissioner
The Honorable Peter Feldman, Commissioner

U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

Dear Acting Chairman Buerkle and Commissioners Adler, Kaye, Baiocco, and Feldman:

We, the undersigned 11 national medical, public health, and consumer organizations, write to urge you to swiftly take enforcement action to remove from the market dangerous liquid nicotine products lacking the child-resistant packaging and flow restrictors required under the *Child Nicotine Poisoning Prevention Act of 2015*.

Liquid nicotine is a highly toxic product that poses a serious risk of negative health effects and death for children. Liquid nicotine products often contain high concentrations upwards of 36 mg of nicotine per milliliter of liquid, or over 500 mg of nicotine in a small 15 mL dropper bottle. Given that the estimated lethal dose of nicotine is 1 to 13 mg per kilogram of body weight, a bottle of liquid nicotine at this size and concentration would be enough to kill four toddlers. Since liquid nicotine can be quickly absorbed through the skin, flow restrictors are a critical protective measure to reduce the risk of child nicotine poisoning.

Nearly four years ago, in response to this hazard, Congress passed the *Child Nicotine Poisoning Prevention Act*. The law requires the U.S. Consumer Product Safety Commission (CPSC) to enforce a mandatory child-resistant packaging standard for liquid nicotine containers, including the use of flow restrictors. However, concrete CPSC enforcement measures to remove noncompliant products from the market are long overdue.

Earlier this year, we were encouraged that the CPSC released new guidance to industry outlining the flow restrictor requirement and test for product compliance. Unfortunately, nearly four years after this law's passage, dangerous and clearly noncompliant products remain on store shelves and websites. We are frustrated by the CPSC's slow pace of action to address this serious child health hazard. Our groups urge expeditious enforcement of the child-resistant packaging and flow restrictor requirements of the *Child Nicotine Poisoning Prevention Act* without delay.

This is an urgent public health danger and quick action is needed to protect children from potentially fatal liquid nicotine poisoning. Our organizations stand ready to work with you and CPSC compliance staff to support this critical effort. If you have further questions, you may reach out to Zach Laris with the American Academy of Pediatrics at zlaris@aap.org. Thank you for your consideration.

Sincerely,

American Academy of Pediatrics

American Cancer Society Action Network

American Heart Association

American Lung Association

Campaign for Tobacco-Free Kids

Consumer Federation of America

Consumer Reports

Kids in Danger

Public Citizen

Truth Initiative

U.S. PIRG