

February 27, 2024

The Honorable Kelly Moller, Chair
House Public Safety Finance and Policy Committee
Minnesota State Capitol
St. Paul, MN 55155

Re: House File 3539 (Edelson): Restricting the Sale of Aerosol Dusters - OPPOSE

Dear Chair Moller and Members of the Committee on Public Safety Finance and Policy:

The Household & Commercial Products Association (HCPA)¹ appreciates the opportunity to provide written comments on House File 3539 related to aerosol dusters.

HCPA is the premier trade association representing the interests of companies engaged in the manufacture, formulation, distribution, and sale of more than \$180 billion annually of familiar consumer products that help household and institutional customers create cleaner and healthier environments. Products our organization represents include disinfectants that kill germs in homes, hospitals and restaurants; air fresheners, room deodorizers; cleaning products and polishes for use throughout the home and institutions; products used to protect and improve the performance and appearance of automobiles; aerosol products and a host of other products used every day. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division.

The Federal Consumer Product Safety Commission (CPSC) is currently in the process of rulemaking² for dusters as it relates to inhalant abuse. Any state activity related to sales restrictions or labeling could conflict with, or unnecessarily layer over the final rules established by that process. Minnesota legislators should engage in the CPSC process at the national level before considering state-level legislation.

When household and commercial products are used as intended, these products have a useful purpose in creating clean and healthy homes and lifestyles. When they are intentionally misused,

¹ The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

² Consumer Product Safety Commission, CPSC Grants Petition for Federal Rule to End Huffing Deaths from Aerosol Dusters, August 2, 2023.

they can be not only harmful, but deadly. Inhalant abuse is a lesser-recognized form of substance abuse, but it is no less dangerous.

That is why the household and commercial products industry educates consumers on the proper use of products through carefully worded labeling on all products, detailing how to properly use the product, and supports educational outreach programs and materials. Aerosol products not only state on the label to follow the directions but also come with a warning that intentional misuse of the products can be harmful or fatal. Therefore, the detailed and overly prescriptive labeling requirements in HF 3539 are unnecessary and redundant.

HCPA-represented aerosol products include a lot of important consumer information for consumers on the front and back of the label. This includes a set of claims so the nature of the product is clear, directions for safe usage, required warnings under the Consumer Product Safety Commission, first aid information, UPC code, emergency response phone number, company contact information, and in some instances the aforementioned safety information translated into Spanish. All of this information is important for consumers and as a result, the space on labels of relatively small products like aerosols is extremely limited. The labeling requirements under this bill will crowd out this information with no evidence that it will deter behavior beyond existing label warnings.

While restricting access to products such as duster aerosol products and labeling changes may seem like good ideas for addressing inhalation abuse, these strategies may lead to unintended consequences.³ Modifications to labeling make substances easier to identify and reducing the availability of products can increase the use of more available products or create a black market. There is limited information on the actual effectiveness of legislating inhalant abuse, but one study⁴ analyzed available data from studies on inhalant abuse and concluded that with the data available legislating inhalant abuse had no statistically significant effects on abuse rates. The available data leads us to conclude that HF 3539 will only serve to impose expensive compliance burdens on manufacturers and retailers while not solving the core issues around inhalant abuse.

HCPA believes that inhalation abuse and the intentional misuse of household and consumer products is a serious issue. In prior years, HCPA proudly supported legislation allowing the state to prosecute individuals driving under the influence of intoxicating substances for a DWI. However, treating common household and office products at the retail level like a tobacco product or other restricted substance will not have the desired effect. Our communities need parents, businesses, and community leaders to come together to educate youth about the dangers of inhalant abuse.

Therefore, HCPA supports legislation at the state level that is focused on the criminal conduct of intentionally misusing legitimate consumer products and will continually support strong programs for the education of youth, parents, schools, first responders, and law enforcement officials on the dangers and signs of inhalation abuse. We do not believe that legislation that seeks to prohibit or restrict the sale of legitimate consumer products is the appropriate response.

³ Rachel N. Lipari, Ph.D. ,Understanding Adolescent Inhalant Use, National Survey on Drug Use and Health

⁴ Jeffery C Batis , Effectiveness of Inhalant Abuse Legislation, Subst Use Misuse, 2017 Jan 28;52(2):175-181.

HCPA welcomes the opportunity to engage with you and your staff on this issue in order to find a solution to prevent inhalation abuse.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Finarelli', with a large, stylized initial 'C'.

Christopher Finarelli

Sr. Director, State Government Relations & Public Policy - Western Region