

809.

FOR THE PURPOSES OF THIS SUBTITLE, THE TERM "HAZARDOUS SUBSTANCE" MEANS:

(1) ANY SUBSTANCE OR MIXTURE OF SUBSTANCES WHICH (I) IS TOXIC, (II) IS CORROSIVE, (III) IS AN IRRITANT, (IV) IS A STRONG SENSITIZER, (V) IS FLAMMABLE OR COMBUSTIBLE, OR (VI) GENERATES PRESSURE THROUGH DECOMPOSITION, HEAT, OR OTHER MEANS, IF THE SUBSTANCE OR MIXTURE OF SUBSTANCES MAY CAUSE SUBSTANTIAL PERSONAL INJURY OR SUBSTANTIAL ILLNESS DURING OR AS A PROXIMATE RESULT OF ANY CUSTOMARY OR REASONABLE FORESEEABLE HANDLING OR USE, INCLUDING REASONABLE FORESEEABLE INGESTION BY CHILDREN;

(2) ANY SUBSTANCE THE SECRETARY OF HEALTH AND MENTAL HYGIENE BY REGULATION FINDS, PURSUANT TO § 810 OF THIS SUBTITLE, MEETS THE REQUIREMENTS OF PARAGRAPH (1) ABOVE; OR

(3) ANY TOY OR OTHER ARTICLE INTENDED FOR USE BY CHILDREN WHICH THE SECRETARY BY REGULATION FINDS, PURSUANT TO § 810, PRESENTS AN ELECTRICAL, MECHANICAL, OR THERMAL HAZARD.

(4) THE TERM "HAZARDOUS SUBSTANCE" SHALL NOT APPLY TO ECONOMIC POISON SUBJECT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, NOR TO FOODS, DRUGS, AND COSMETICS SUBJECT TO THE FEDERAL OR STATE FOOD, DRUG, AND COSMETIC ACT, NOR TO SUBSTANCES INTENDED FOR USE AS FUELS WHEN STORED IN CONTAINERS AND USED IN THE HEATING, COOKING, OR REFRIGERATION SYSTEM OF A HOUSE, BUT SUCH TERM SHALL APPLY TO ANY ARTICLE WHICH IS NOT ITSELF AN ECONOMIC POISON WITHIN THE MEANING OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT BUT WHICH IS A HAZARDOUS SUBSTANCE WITHIN THE MEANING OF SUBPARAGRAPH 1 OF THIS PARAGRAPH BY REASON OF BEARING OR CONTAINING SUCH AN ECONOMIC POISON.

810.

(A) IF IN THE JUDGMENT OF THE SECRETARY THIS ACTION WILL PROMOTE THE OBJECTIVES OF THIS SUBTITLE BY AVOIDING OR RESOLVING UNCERTAINTY AS TO ITS APPLICATION, THE SECRETARY BY REGULATION MAY DECLARE TO BE A HAZARDOUS SUBSTANCE, FOR THE PURPOSES OF THIS SUBTITLE, ANY SUBSTANCE OR MIXTURE OF SUBSTANCES WHICH HE FINDS MEETS THE REQUIREMENTS OF § 809.

(B) THE SECRETARY BY REGULATION MAY ESTABLISH REASONABLE LABEL REQUIREMENTS HE FINDS NECESSARY FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY; AND ANY HAZARDOUS SUBSTANCE INTENDED OR PACKAGED IN A FORM SUITABLE FOR USE IN THE HOUSEHOLD OR BY CHILDREN, WHICH FAILS TO BEAR A LABEL IN ACCORDANCE WITH THESE REGULATIONS SHALL BE DEEMED TO BE A MISBRANDED HAZARDOUS SUBSTANCE.