

February 28, 2025

The Honorable Matthew Ruby, Chair  
House Human Services Committee  
North Dakota State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Re: Senate Bill SB 2195 (Lee): Restricting the Sale of Aerosol Dusters – OPPOSE

Dear Chair Ruby, Vice-Chair Frelich, and Members of the Committee:

The Household & Commercial Products Association (HCPA)<sup>1</sup> appreciates the opportunity to provide written comments on SB 2195, which seeks to impose additional restrictions on the sale of aerosol dusters. HCPA respectfully opposes this legislation and wishes to work with the committee on addressing this important issue.

### **Federal Activity Underway**

The Federal Consumer Product Safety Commission (CPSC) is currently engaged in rulemaking regarding aerosol dusters and inhalant abuse. Any state-level legislation that imposes new sales restrictions or labeling requirements risks conflicting with or duplicating the forthcoming federal rules, leading to overregulation. HCPA urges North Dakota leaders to engage with the CPSC process to ensure a consistent national approach before pursuing state-specific measures.

### **Conflicting State Rules**

Last year, Governor Tim Walz signed legislation establishing the nation's first labeling requirements for aerosol dusters at the state level. Manufacturers are actively working to comply with these new labels, which will take effect this summer. SB 2195 introduces additional labeling mandates, placing manufacturers in an untenable position where they must navigate conflicting requirements between Minnesota and North Dakota. Companies do not have the capacity to produce state-specific labels, as the design and printing processes are streamlined for national distribution. Requiring different labels for individual states creates unnecessary logistical and financial impossibilities.

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<sup>1</sup> 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.

Aerosol product labels already contain vital information, including product identification, usage instructions, federally mandated warnings, first aid details, emergency contact information, and, in some cases, Spanish translations. The limited space available on these labels makes it impractical to accommodate state-specific requirements without displacing critical consumer information. Importantly, there is no evidence to suggest that additional label warnings under SB 2195 would further deter inhalant abuse beyond the robust existing federal standards, industry standards, and the additional new requirements under Minnesota.

### **Ambiguity in Business-to-Business Transactions**

The language in SB 2195 regarding business-to-business transactions is ambiguous. Products often change hands multiple times — between manufacturers, distributors, wholesalers, and retailers — as well as other businesses or entities that purchase aerosol dusters for operational use. It is critical to clarify that these are not consumer-facing transactions. Should the committee choose to advance this bill, we strongly urge that this language be refined to prevent unintended consequences for legitimate business operations- in addition to striking the labeling verbiage.

### **Addressing Inhalant Abuse**

HCPA recognizes the seriousness of inhalant abuse and is committed to preventing the misuse of household and commercial products. Our industry has proactively educated consumers about safe product use through clear labeling and supports outreach initiatives aimed at raising awareness. Aerosol dusters already carry explicit warnings about the dangers of intentional misuse, including the risk of serious injury or death.

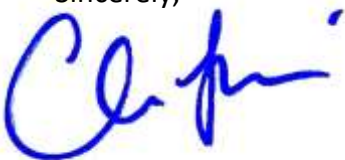
We believe effective solutions lie in addressing the root causes of inhalant abuse. HCPA has previously supported legislation allowing law enforcement to prosecute individuals driving under the influence of inhaled substances — a measure adopted in multiple states and being considered in others. Rather than initiating a patchwork of divergent state rules to regulate legitimate consumer products, we encourage collaborative efforts among parents, businesses, and community leaders to educate young people about the dangers of inhalant abuse.

### **Conclusion**

Given the ongoing federal rulemaking process and the recent enactment of Minnesota's new labeling law, HCPA opposes SB 2195. We remain committed to working with lawmakers to combat inhalant abuse through education and enforcement strategies that address misuse, rather than the products themselves.

HCPA welcomes the opportunity to engage with you and the committee to develop practical solutions that protect public health while ensuring consistency with federal regulations.

Sincerely,



Christopher Finarelli  
Sr. Director, State Government Relations & Public Policy