

in article 10, section 7, of the Arizona Constitution, I share his view that Congress need not provide consent.

Mr. McCAIN. I thank the Senator from Alaska for her response.

CHILD NICOTINE POISONING PREVENTION ACT OF 2015

Ms. MURRAY. Mr. President, today I wish to engage in a colloquy with my colleague from Florida to speak briefly about the Senate's recent passage of S. 142, the Child Nicotine Poisoning Prevention Act of 2015, which was introduced by Senator NELSON and which I cosponsored, along with many of our colleagues on both sides of the aisle.

Liquid nicotine is very dangerous: even a small amount on the skin is enough to make a small child very ill. A 15-milliliter bottle, like those sold in stores and online—often without any verification that the buyer is not a minor—contains enough liquid nicotine to kill four children. This substance is marketed in bright colors and sweet flavors, so it is no surprise that it finds its way into the hands of our children. In 2014 alone, the American Association of Poison Control Centers reported over 1,500 liquid nicotine exposures. These exposures resulted in many serious injuries and at least one tragic death of a child in New York.

Mr. NELSON. I agree with my colleague from Washington—we cannot stand by and allow this harm to continue. The U.S. Government requires child-resistant packaging on other products, including over-the-counter medications and cleaning supplies. These rules have prevented countless injuries and deaths, and this important legislation will ensure we have the same protections in place when it comes liquid nicotine.

Ms. MURRAY. That is why my colleague, the ranking member of the Committee on Commerce, Science, and Transportation, and I, as ranking member of the Committee on Health, Education, Labor and Pensions, urge the Consumer Product Safety Commission, CPSC, to act swiftly to implement S. 142.

At the same time, we note that Congress is aware that the Food and Drug Administration has indicated a commitment to addressing the important public health issue of protecting children from the dangers of liquid nicotine. The agency's proposed tobacco deeming rule when finalized will extend FDA's tobacco authorities to products like e-cigarettes not marketed for therapeutic purposes and liquid nicotine.

Mr. NELSON. Like my colleague, I urge FDA to act as quickly as possible to address this important public health issue as soon as they have jurisdiction over these products, and we understand they intend to do so. On July 1, 2015, FDA issued an Advance Notice of Proposed Rule Making, ANPRM, titled, "Nicotine Exposure Warnings and Child-Resistant Packaging for Liquid

Nicotine, Nicotine-Containing E-Liquid(s), and Other Tobacco Products; Request for Comments."

This ANPRM sought comments, data, and research results that will inform future regulatory action. As the regulating agency of these products, FDA must use all of its regulatory tools to protect children from the harms of e-cigarettes and liquid nicotine, including the regulation of liquid nicotine packaging.

I look forward to working with Senator MURRAY and our colleagues at the FDA and at the CPSC on this important issue. Together, we can ensure that every measure is taken to prevent more harm to our children from these dangerous products.

FAA COMMUNITY INVOLVEMENT

Ms. COLLINS. Mr. President, I wish to join my colleague from Arizona, Senator McCAIN, in a colloquy regarding an aviation noise concern of particular interest to his constituents in the Phoenix area.

During the floor debates on the transportation and housing appropriations bills in both the House and the Senate, there were a number of amendments adopted related to the Federal Aviation Administration's air traffic procedures and, in particular, the noise that FAA-approved flight patterns create in communities. The Senator from Arizona offered an amendment dealing with this issue, which I was happy to accept during the abbreviated consideration of the THUD bill on the Senate floor.

As a result, the omnibus includes bill language requiring the Federal Aviation Administration to update its "community involvement manual" related to new air traffic procedures in order to improve public outreach and community involvement. The FAA is directed to complete and implement a plan which enhances community involvement and proactively addresses concerns associated with performance-based navigation projects.

I know this is an important issue for you, Senator McCAIN, and I appreciate you joining me on the floor today so that we can send a clear message to the FAA about the importance of involving your constituents.

Mr. McCAIN. Mr. President, I wish to thank the Senator from Maine for her consideration. I wish to provide further detail on the provision included in the omnibus requiring the Federal Aviation Administration to improve community involvement policies and address concerns stemming from changes associated with performance based navigation projects, including what we expect the FAA to do to provide relief for impacted communities, and what that means for the people of Arizona.

I appreciate the Senator from Maine for acknowledging that community outreach on the part of the FAA to date has been lacking, and that efforts underway at the FAA to update their

community involvement practices have not been sufficient. I look forward to working with her to continue to accomplish the intent of the language I introduced which was adopted by unanimous consent earlier this year during Senate consideration of the transportation and housing appropriations bills.

Since September 2014, residents in Arizona around the Phoenix Sky Harbor Airport have had their daily lives impacted by changes to flight paths made without formal notification to the airport or community engagement before the changes were implemented. The intent the language included in the omnibus is to improve outreach to the community and airport, providing an opportunity for notification and consultation with the operator of an affected airport and the community before making future flight path decisions.

Furthermore, for changes that have already been implemented, as is the case in Phoenix, the Administrator shall review those decisions to grant a categorical exclusion under Section 213(c) of the FAA Modernization and Reform Act of 2012 to implement procedures in which the changed procedure has had a significant effect on the human environment in the community in which the airport is located, if the airport can demonstrate that the implementation has had such an effect. If this review indicates that the flight path changes have had such an impact, the FAA shall consult with the operator of the airport to identify measures to mitigate the effect of the procedure on the human environment, including considering the use of alternative flight paths.

This would not impede the efforts to modernize our Nation's airspace through NextGen or substantially undermine efficiencies and safety improvements realized through those efforts. It does create a long-awaited, much-needed opportunity for residents around Phoenix Sky Harbor International Airport negatively impacted by flight noise to have their voices heard by the FAA.

Ms. COLLINS. To be clear, the FAA should be ensuring that local communities have a voice when decisions that affect them directly are being made by the agency.

REQUIRED STATE PREEMPTION PROVISION IN THE FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Mr. WHITEHOUSE. Mr. President, today, with my colleagues Senator CORY BOOKER and Senator JEFF MERKLEY, I wish to discuss the Frank R. Lautenberg Chemical Safety for the 21st Century Act, S. 697. Some opponents claim it creates a regulatory void that will prohibit States from creating or enforcing State policies while EPA assesses chemicals for safety. We opposed the bill as introduced because that was the case. Since then, we