



United States
CONSUMER PRODUCT SAFETY COMMISSION
 Washington, D.C. 20207

CPSA/OFFICE OF
 THE SECRETARY

2000 FEB 17 A 9:35

MEMORANDUM

DATE: February 17, 2000

TO : The Commission
 Sadye E. Dunn, Secretary

THROUGH: Pamela Gilbert, Executive Director *PG*

FROM : Michael S. Solender, General Counsel *MSS*
 Stephen Lemberg, Assistant General Counsel *SL*

SUBJECT: April Regulatory Agenda

BALLOT VOTE DUE: FEB 23 2000, 2000

Section 602 of the Regulatory Flexibility Act (RFA) (5 U.S.C. § 602) requires all Federal agencies to publish a regulatory agenda in the Federal Register twice each year. The semi-annual publications must list those rules which are expected to be proposed or issued during the next twelve months and which may have a significant economic impact on a substantial number of small entities, including small businesses.

Additionally, Executive Order 12866, issued on September 30, 1993, requires all agencies, including independent agencies such as the Commission, to publish an agenda of regulatory actions expected to be under development or review by the agency during the next 12 months. That order provides that such an agenda shall be in the format specified by the Office of Management and Budget, and that it may be combined with the regulatory flexibility agenda published in accordance with the RFA.

Attached is a draft Federal Register notice to announce the Commission's current regulatory agenda. This draft, including the preamble, is in the format specified by OMB for inclusion in the Unified Agenda of Federal Regulatory and Deregulatory Actions, to be published in April 2000. That format is generally similar to the one used for previous editions of the Unified Agenda.

(b) **CLASSIFIED:**
 No info identified
 Exempted
 Info Notified
 Comments Processed

SL 2/16/00

2/16/00 *AS*



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(b) C/P/A/B:
 No Min Identified
 Exempted
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SL 2/16/00

2/16/00 *SL*



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(b) Confidential:
 _____ No Info Identified
 _____ Exempted
 _____ Info Required
 _____ Comments Processed

SL 2/16/00

2/16/00 *SL*

April Regulatory Agenda
Ballot vote
February __, 2000

Page 2

The information in the attached draft is current through February 17, 2000. If the Commission approves publication of the attached draft, the draft will be revised to reflect any change in the status of any activity described in the agenda which occurs between February 17, 2000, and the closing date for submission of changes to OMB. Please note that items marked with a number sign ("#") will not print, so they have not been updated or edited from the October 1999 edition.

Please indicate your vote:

- I. Approve the attached draft of the Commission's regulatory agenda without change.

Signature

Date

- II. Approve the attached draft of the Commission's regulatory agenda with the following changes (please specify):

Signature

Date

Attachment

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by June 30, 2000.

ADDRESSES: Comments on the regulatory flexibility agenda should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0800, or delivered to the Office of the Secretary, Room 502, 4330 East West Highway, Bethesda, Maryland 20814. Comments should be captioned "Regulatory Flexibility Agenda." Comments may also be filed by telefacsimile to (301) 504-0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Stephen Lemberg, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0980, ext. 2218. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated that is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda is also required to contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish twice each year a regulatory agenda of regulations under development or review during the next year and states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda published below lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: February 25, 2000.

NAME: Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

TITLE:

Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

REGULATORY PLAN: Yes

PRIORITY: Economically Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

15 USC 1193 Flammable Fabrics Act

CFR CITATION:

16 CFR 1640

LEGAL DEADLINE:

None.

ABSTRACT:

On June 15, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding for development of a flammability standard to address risks of death, injury, and property damage from fires associated with ignition of upholstered furniture by small open-flame sources such as matches, lighters, or candles. This ANPRM was issued after the Commission granted part of a petition requesting development of a mandatory flammability standard to address risks of injury from ignition of upholstered furniture by: (1) small open-flame sources; (2) large open-flame sources; and (3) cigarettes. The Commission voted to deny that part of the petition requesting development of a mandatory standard to address hazards associated with ignition of upholstered furniture by large open-flame sources. The Commission also voted to defer a decision on that part of the petition requesting development of a standard to address cigarette ignition, and directed the staff to report to the Commission on the effectiveness of, and the extent of industry compliance with, a voluntary program to reduce risks of ignition of upholstered furniture by cigarettes. The Commission staff developed a draft standard to address ignition of upholstered furniture by small open-flame sources.

On March 2, 1998, the Commission voted to defer action on small open-flame sources and gather additional information on the potential toxicity of flame-retardant chemicals that might be used to meet a standard. A public hearing on this subject was held on May 5-6, 1998. The staff is analyzing data from the hearing and

TITLE:

Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

completing other technical studies. In CPSC's 1999 appropriations legislation Congress directed the Commission to contract with the National Academy of Sciences (NAS) for a 12-month independent study of potential health hazards associated with the use of flame retardant chemicals that might be used in upholstered furniture fabrics to meet a CPSC standard. This contract was awarded in January 1999. NAS has requested an extension of the study to June 30, 2000. Upon completion of this study, the staff will present alternatives for future action by the Commission.

CPSC is also considering possible impacts of flame retardant chemical use on worker safety and the environment. At the CPSC staff's request, the National Institute of Occupational Safety and Health will assess potential worker exposure to and risks from certain flame retardant chemicals that may be used by textile and furniture producers to comply with an upholstered furniture flammability standard. The CPSC staff is also working with the Environmental Protection Agency to consider possible controls on flame retardant compounds used in residential upholstered furniture fabrics, under that agency's Toxic Substances Control Act Authority.

STATEMENT OF NEED:

In 1996, approximately 650 deaths, more than 1,600 injuries, and about \$250 million in property damage resulted from 13,100 residential fires in the United States in which upholstered furniture was the first item to ignite. This total includes fires ignited by small open-flame sources, large open-flame sources, and cigarettes. Small open-flame fires accounted for an average of approximately 90 deaths, 420 injuries and \$40 million in property losses each year from 1992 to 1996.

The total societal cost attributable to upholstered furniture fires was approximately \$3.75 billion in 1996. A significant portion of that total -- \$560 million -- was associated with upholstered furniture fires ignited by small open-flame sources, such as matches, lighters, or candles. These fires are not addressed by any national standard or voluntary program.

SUMMARY OF THE LEGAL BASIS:

Section 4 of the Flammable Fabrics Act (FFA) (15 USC 1193) authorizes the Commission to issue a flammability standard or other regulation for a product of interior furnishing if the Commission determines that such a standard is "needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage." No aspect of the Commission's regulatory proceeding is required by statute or court order.

TITLE:

Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

The Commission's regulatory proceeding could result in several actions, one of which could be the development of a mandatory standard requiring that upholstered furniture sold in the United States meet mandatory labeling requirements, resist ignition, or meet other performance criteria under test conditions specified in the standard.

ALTERNATIVES:

The ANPRM stated that the Commission was considering the following alternatives:

- (1) The Commission could issue a mandatory flammability standard if the Commission finds that such a standard is needed to address an unreasonable risk of the occurrence of fire from ignition of upholstered furniture by small open-flame sources;
- (2) The Commission could issue mandatory requirements for labeling of upholstered furniture, in addition to, or as an alternative to, the requirements of a mandatory flammability standard;
- (3) The Commission could terminate the proceeding for development of a flammability standard and rely on a voluntary standard if a voluntary standard would adequately address the risk of fire and substantial compliance with such a standard is likely to result; and
- (4) The Commission could terminate the proceeding and withdraw the ANPRM.

ANTICIPATED COSTS AND BENEFITS:

The estimated annual cost of imposing a mandatory standard to address ignition of upholstered furniture by small open-flame sources will depend upon the test requirements imposed by the standard and the steps manufacturers take to meet those requirements. The average annual societal cost of fires involving upholstered furniture ignited by small open-flame sources since 1990 is more than \$500 million. Again, depending upon the test requirements, a small open-flame standard could also reduce cigarette-ignited fire losses, the societal cost of which was over \$2 billion in 1996. For this reason, the potential benefits of a mandatory standard to address the risk of ignition of upholstered furniture by small open-flame sources could be significant, even if the standard did not prevent all such fires started by open-flame sources.

RISKS:

The estimated total cost to society from all residential fires

TITLE:

Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

associated with upholstered furniture was \$3.75 billion in 1996.

Societal costs associated with upholstered furniture fires are among the highest associated with any product subject to the Commission's authority. A standard has the potential to reduce these societal costs.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	06/15/1994	59 FR 30735
ANPRM Comment Period End	08/15/1994	59 FR 30735
Staff Briefing of Commission on NPRM	12/18/1997	
Commission Voted To Defer Action Pending Results of Toxicity Hearing	03/02/1998	
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame Retardant Chemicals	03/17/1998	63 FR 13017
NAS Study Completed (required by Congress)	06/00/2000	
Commission Decision on NPRM	00/00/0000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:**# PROCUREMENT:**

Not procurement-related

ADDITIONAL INFORMATION:**AGENCY CONTACT:**

Dale R. Ray,
Project Manager, Directorate for Economic Analysis,
Consumer Product Safety Commission,
Washington, DC 20207
301 504-0962

TITLE:

Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

- # - WILL NOT PRINT IN AGENDA
- * - MISSING DATA ELEMENT

TITLE:

Baby Walkers

RIN: 3041-AB40 (Proposed Rule)

Specification for Infant Walkers," SF 977-97, published by ASTM. The staff will send that information to the Commission together with options for Commission action, including withdrawal of the ANPRM or further regulatory proceedings.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	08/02/1994	59 FR 39309
ANPRM Comment Period End	10/03/1994	59 FR 39309
Staff Provided Technical Recommendations to Revise Voluntary Standard	12/16/1994	
Revised Voluntary Standard Approved	10/01/1996	
Voluntary Certification Program Began	06/30/1997	
Staff Completes Monitoring Conformance to Revised Voluntary Standard	05/00/2000	
Staff sends Briefing Package to Commission	00/00/0000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Michael Bogumill,
 Consumer Product Safety Commission,
 Office of Compliance,
 Washington, DC 20207
 301 504-0400 Ext.
 1368,
 EMAIL: mbogumill@cpsc.gov

TITLE:

Baby Walkers

RIN: 3041-AB40 (Proposed Rule)

- # - WILL NOT PRINT IN AGENDA
- * - MISSING DATA ELEMENT

TITLE:

Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets

RIN: 3041-AB47 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from the New York City Department of Consumer Affairs requests the Commission to develop a rule to ban certain backyard playsets. The petition asserts that backyard playsets present unreasonable risks of injury to children if they do not meet the requirements of a voluntary standard for home playground equipment published by the American Society for Testing and Materials (ASTM); are not accompanied with adequate information about ground surfacing; or lack specific features described in the petition. On May 21, 1996, the Commission denied those parts of the petition requesting issuance of a rule to ban any backyard playset that does not conform to all requirements of the ASTM voluntary standard; that has an accessible height that exceeds six feet above protective surfacing; that does not have adequate fall zones under climbing structures; or that does not provide adequate space between any item of swinging equipment and any other item of swinging or stationary equipment. The Commission deferred a decision on those parts of the petition requesting a rule to ban backyard playsets that are not accompanied with instructions to use and maintain specified ground surfacing; that do not have handrails on all platforms that are 30 inches or higher above protective surfacing; that have swing seats made of wood, metal, plastic, or other hard material capable of inflicting serious injury to the head; that have free-swinging ropes; and that are unanchored playsets with swings. The staff will transmit additional information to the Commission concerning revisions of

TITLE:

Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets

RIN: 3041-AB47 (Long-Term Action)

the voluntary standard. The Commission will then decide whether to grant, deny, or continue to defer the remaining requests in the petition.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Partial Denial of Petition	05/21/1996	
Revisions to Voluntary Standard Completed	07/10/1998	
Staff Began Monitoring Conformance to Voluntary Standard	08/10/1999	
Staff Completes Monitoring Conformance	00/00/0000	
Staff Sends Additional Information to Commission	00/00/0000	
Commission Decision	00/00/0000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Scott Heh,
 Project Manager,
 Consumer Product Safety Commission,
 Directorate for Engineering Sciences,
 Washington, DC 20207
 301 504-0494

- WILL NOT PRINT IN AGENDA
 * - MISSING DATA ELEMENT

TITLE:

Requirements for Child-Resistant Packaging of Household Products
Containing Petroleum Distillates or Other Hydrocarbons

RIN: 3041-AB57 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801
is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

15 USC 1471 Poison Prevention Packaging Act

CFR CITATION:

16 CFR 1700.14(a)

LEGAL DEADLINE:

None.

ABSTRACT:

Some household products containing ten percent or more by weight of petroleum distillates are subject to requirements for child-resistant packaging by regulations issued under the Poison Prevention Packaging Act and codified at 16 CFR 1700.14(a). These products include liquid furniture polish (section 1700.14(a)(2)), lighter fluid (section 1700.14(a)(7)), and prepackaged solvents for paint (section 1700.14(a)(15)). However, many other household products containing petroleum distillates are not required to be in child-resistant packaging. On February 26, 1997, the Commission published an advance notice of proposed rulemaking (ANPRM) to initiate a proceeding which may result in mandatory requirements for child-resistant packaging of other household products containing petroleum distillates or other hydrocarbons. On April 28, 1997, the Commission extended the period for receipt of written comments on the ANPRM until July 11, 1997. In the Federal Register of July 21, 1997, the Commission reopened the comment period through September 1, 1997. Following consideration of the comments, the Commission decided to propose requirements for child-resistant packaging of additional household products containing petroleum distillates or other hydrocarbons. The notice of proposed rulemaking (NPRM) was published on January 3, 2000 and the comment period ended March 20, 2000.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

TITLE:

Requirements for Child-Resistant Packaging of Household Products
Containing Petroleum Distillates or Other Hydrocarbons

RIN: 3041-AB57 (Long-Term Action)

ALTERNATIVES:# **ANTICIPATED COSTS AND BENEFITS:**# **RISKS:****TIMETABLE:**

ACTION	DATE	FR CITE
ANPRM	02/26/1997	62 FR 8659
Extension of ANPRM Comment Period	04/28/1997	62 FR 22897
ANPRM Comment Period End	05/12/1997	62 FR 8659
Comment Period End	07/11/1997	62 FR 22897
Reopening of ANPRM Comment Period	07/21/1997	62 FR 38948
Comment Period End	09/01/1997	62 FR 38948
NPRM	01/03/2000	65 FR 93
NPRM Comment Period End	03/20/2000	65 FR 93
Staff Sends Briefing Package to Commission	00/00/0000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:# **PROCUREMENT:**

Not procurement-related

ADDITIONAL INFORMATION:**AGENCY CONTACT:**

Dr. Suzanne Barone,
Project Manager,
Consumer Product Safety Commission,
Directorate for Health Sciences,
Washington, DC 20207
301 504-0477

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Requirements for Child-Resistance of Multi-Purpose Lighters

RIN: 3041-AB66 (Completed Action)

REGULATORY PLAN: Yes

PRIORITY: Other Significant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

15 USC 2051 Consumer Product Safety Act

CFR CITATION:

16 CFR 1212; 16 CFR 1145

LEGAL DEADLINE:

Final, Statutory, December 31, 1999, Unless the time is extended by the Commission, this rule must either be issued or the proposal must be withdrawn by December 31, 1999.

ABSTRACT:

On December 22, 1999, the Commission published a final rule requiring multi-purpose lighters to be child resistant. The standard will become effective December 22, 2000 and will apply to multi-purpose lighters manufactured in the United States or imported on or after that date.

The mandatory product safety rule for multi-purpose lighters, also known as grill lighters, utility lighters, and micro-torches, requires these lighters to have a child-resistant mechanism to prevent operation by most children younger than 5 years of age. The standard includes lighters marketed for a wide range of general household uses, such as igniting fuel for fireplaces, charcoal or gas-fueled grills, and camping equipment.

STATEMENT OF NEED:

The Commission staff has obtained information about 178 incidents occurring from January 1988 to August 6, 1998 in which children younger than 5 years of age started fires using multi-purpose lighters. These fires resulted in 29 deaths and 71 injuries. Because these data are actual incidents rather than national estimates, the extent of the total problem may be greater.

TITLE:

Requirements for Child-Resistance of Multi-Purpose Lighters

RIN: 3041-AB66 (Completed Action)

Children younger than 5 years of age usually are incapable of dealing with a fire once it has started. Consequently, they and their families are at special risk of injury from fires started by child-play. About half of all of the fatalities in the fires resulting from children playing with multi-purpose lighters were the children who started the fires. About 25 percent of the 71 persons injured in fires started by children with multi-purpose lighters were hospitalized for treatment.

Annual sales of multi-purpose lighters have grown from one million in 1985 to 20 million in 1998. With sales growing at a rate estimated to be 5 percent to 10 percent a year, it is expected that fires started with these products by children under 5 will also increase. Staff testing of lighters currently on the market indicated child resistance levels ranging from a low of 4 percent to a high of 41 percent, still far below the 85 percent required of cigarette lighters under the Commission's cigarette lighter standard.

Fires started by young children playing with multi-purpose lighters are not addressed by any voluntary standard or other voluntary program.

SUMMARY OF THE LEGAL BASIS:

Sections 7 and 9 of the Consumer Product Safety Act (CPSA) authorize the Commission to issue a consumer product safety standard to eliminate or reduce an unreasonable risk of injury associated with a consumer product. No aspect of this proceeding is required by statute or court order.

ALTERNATIVES:

This proceeding could result in the establishment of requirements for multi-purpose lighters to reduce risks of death and injury associated with fires ignited by multi-purpose lighters operated by young children. The NPRM discussed the following alternatives:

- (1) Establishment of a mandatory standard with performance requirements for multi-purpose lighters to reduce risks of death and injury from fires ignited by multi-purpose lighters operated by young children;
- (2) Establishment of mandatory labeling requirements to warn of the risks of death and injury associated with fires ignited by multi-purpose lighters operated by young children, either instead of, or in addition to, a mandatory standard with performance requirements;
- (3) Development of a voluntary standard containing performance,

TITLE:

Requirements for Child-Resistance of Multi-Purpose Lighters

RIN: 3041-AB66 (Completed Action)

labeling, or other requirements to address risks of death and injury associated with fires ignited by multi-purpose lighters operated by young children; and

(4) The Commission could terminate the proceeding and withdraw the NPRM.

ANTICIPATED COSTS AND BENEFITS:

Based on available fire incident and sales information, the estimated cost to society of fires started by children playing with multi-purpose lighters is about \$35 million a year. This estimate includes the costs associated with loss of life, medical treatment, lost income, pain and suffering, and property damage. A safety standard for multi-purpose lighters with a required child-resistance of 85 percent would provide estimated gross benefits of at least \$27 million a year. Costs of compliance are expected to result in increased consumer expenditures of around \$17 million per year, resulting in net benefits of over \$10 million annually. This annual net benefit will increase if sales of multi-purpose lighters increase.

RISKS:

The Commission has information indicating that from January 1988 through August 6, 1998, children younger than five years of age started at least 178 fires using multi-purpose lighters. These fires resulted in 29 deaths and 71 injuries. Based on available fire incident and sales information, the Commission staff estimates that the total cost to society of these fires is about \$35 million a year.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	01/16/1997	62 FR 2327
ANPRM Comment Period End	03/17/1997	62 FR 2327
NPRM	09/30/1998	63 FR 52397
NPRM Comment Period End	12/14/1998	63 FR 52397
Supplemental NPRM	08/04/1999	64 FR 42302

TITLE:

Requirements for Child-Resistance of Multi-Purpose Lighters

RIN: 3041-AB66 (Completed Action)

Second NPRM Comment Period End	10/18/1999	64 FR 42302
Staff Sends Briefing Package to Commission	11/19/1999	
Final Rule	12/22/1999	64 FR 71854
Final Rule Effective	12/22/2000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No# **SMALL ENTITIES AFFECTED:****GOVERNMENT LEVELS AFFECTED:** Undetermined# **FEDERALISM:** No# **PROCUREMENT:**

Not procurement-related

ADDITIONAL INFORMATION:**AGENCY CONTACT:**

Michael Bogumill,
Consumer Product Safety Commission,
Office of Compliance,
Washington, DC 20207
301 504-0400 Ext.
1368,

EMAIL: mbogumill@cpsc.gov

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Amendment of Safety Regulations for Cribs

RIN: 3041-AB67 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

5 USC 553 Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:

16 CFR 1508; 16 CFR 1509

LEGAL DEADLINE:

None.

ABSTRACT:

On December 16, 1996, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in amendment of the safety regulations for full-size and non-full-size cribs, 16 CFR parts 1508 and 1509. Among the regulatory alternatives under consideration is amendment of the regulations to add tests to assure that slats will not disengage from the side panels of cribs. The Commission began this proceeding after considering information about incidents in which crib slats disengaged from the side panels of cribs, creating a risk that children may become entrapped between the remaining slats or fall out of the crib. At the urging of CPSC staff, in April 1999, the voluntary standard for cribs designated "Specification for Full Size Baby Cribs (ASTM F1169-99)" and published by the American Society for Testing and Materials (ASTM) was revised to include performance requirements for crib slats. The Commission will consider written comments received in response to the ANPRM and assess conformance with the voluntary standard before deciding whether to continue the proceeding by publication of a notice of proposed rulemaking (NPRM) or terminate further proceedings in reliance on the voluntary standard.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

TITLE:

Amendment of Safety Regulations for Cribs

RIN: 3041-AB67 (Long-Term Action)

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Staff Recommended Revisions to Voluntary Standard	09/30/1996	
ANPRM	12/16/1996	61 FR 65996
ANPRM Comment Period End	02/14/1997	
Revisions to Voluntary Standard Approved	04/10/1999	
Voluntary Certification Program Begins	03/01/2000	
Staff Begins Monitoring Conformance to Revised Voluntary Standard	00/00/0000	
Staff Completes Monitoring Conformance	00/00/0000	
Staff Sends Briefing Package to Commission	00/00/0000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Deborah Tinsworth,
 Project Manager,
 Consumer Product Safety Commission,
 Directorate for Epidemiology,
 Washington, DC 20207
 301 504-0470 Ext.
 1276,

EMAIL: dtinsworth@cpsc.gov

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Amendment of the Standard for the Flammability of Clothing
Textiles

RIN: 3041-AB68 (Prerule)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801
is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

15 USC 1191 Flammable Fabrics Act

CFR CITATION:

16 CFR 1610

LEGAL DEADLINE:

None.

ABSTRACT:

The Standard for the Flammability of Clothing Textiles prohibits the manufacture, importation, or sale of clothing, and fabrics and related materials intended for use in clothing, which are dangerously flammable because of rapid and intense burning. The standard prescribes the apparatus, procedure, and criteria to be used for testing to determine compliance with that standard. The standard was made mandatory by the Flammable Fabrics Act of 1953 (Pub. L. 83-88, 67 Stat. 111; June 30, 1953). Some of the equipment and procedures specified by the standard, particularly those for laundering and cleaning of test specimens, have become obsolete, unavailable, or unrepresentative of current practices. The staff is preparing a briefing package describing modifications of the standard that may be needed to assure that the test in the standard is conducted with equipment and procedures representative of conditions to which garments currently are exposed. After consideration of the briefing package, the Commission will decide whether to begin a proceeding for amendment of the standard.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

TITLE:

Amendment of the Standard for the Flammability of Clothing
Textiles

RIN: 3041-AB68 (Prerule)

ACTION	DATE	FR CITE
Staff Sends Briefing Package to Commission	04/00/2000	
Commission Decision	04/00/2000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Margaret Neily,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207
301 504-0508

- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

TITLE:

Amendment of Laundering Procedures in Flammability Standards for Children's Sleepwear, Carpets and Rugs, and Mattress Pads

RIN: 3041-AB69 (Completed Action)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

15 USC 1191 Flammable Fabrics Act

CFR CITATION:

16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

LEGAL DEADLINE:

None.

ABSTRACT:

Flammability standards for children's sleepwear, carpets and rugs, and mattress pads contain procedures for washing and drying specimens before testing to assure that flame retardants used in these products will not be removed by repeated laundering or cleaning. The laundering procedures in all of these standards currently require use of a detergent and washing methods that are no longer representative of those used for home laundering. In November 1998 the staff provided the Commission with a briefing package concerning the laundering procedures in these standards. It included modifications that may be needed to assure that the effect of laundering on the flammability of the products covered by these standards is assessed with equipment and methods currently used by consumers. Supplemental information on a suggested laundering procedure was submitted by the staff in February 1999. The Commission published proposed amendments to the standards, to represent more realistic laundering conditions. In February 2000, after a review of comments, the Commission voted to issue the proposed amendments in a final rule.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

TITLE:

Amendment of Laundering Procedures in Flammability Standards for Children's Sleepwear, Carpets and Rugs, and Mattress Pads

RIN: 3041-AB69 (Completed Action)

ACTION	DATE	FR CITE
Briefing Package to Commission	11/18/1998	
NPRM for Sleepwear	03/17/1999	64 FR 13126
NPRM for Carpets and Rugs	03/17/1999	64 FR 13132
NPRM for Mattresses and Mattress Pads	03/17/1999	64 FR 13137
NPRM for Sleepwear Comment Period End	06/01/1999	64 FR 13126
NPRM for Carpets and Rugs Comment Period End	06/01/1999	64 FR 13132
NPRM for Mattresses and Mattress Pads Comment Period End	06/01/1999	64 FR 13137
Staff Sends Briefing Package to Commission	01/20/2000	
Commission Decision	02/02/2000	
Final Rule	02/29/2000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM: No

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Margaret Neily,
 Project Manager,
 Consumer Product Safety Commission,
 Directorate for Engineering Sciences,
 Washington, DC 20207
 301 504-0508

- WILL NOT PRINT IN AGENDA
 * - MISSING DATA ELEMENT

TITLE:

Petition CP 97-1 Requesting Development of a Safety Standard for Escalators

RIN: 3041-AB70 (Prerule)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from Scott and Diana Anderson requests development of a safety standard for escalators. The petition asserts that escalators are associated with unreasonable risks of serious injuries resulting from entrapment of feet, toes, and other body parts in openings between the moving stairs and the sides of the escalators. On May 22, 1997, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The industry conducted research to support possible improvements to the escalator code to address side-wall entrapments. The staff is evaluating the results of the industry studies, and injury data, and is preparing a briefing package for consideration by the Commission.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Notice To Solicit Comments on Petition	05/22/1997	62 FR 28005
Comment Period End	07/21/1997	62 FR 28005

TITLE:

Petition CP 97-1 Requesting Development of a Safety Standard for Escalators

RIN: 3041-AB70 (Prerule)

Industry Completes Report and Makes Recommendations to Improve Code 09/30/1999

Staff Sends Briefing Package to Commission 04/00/2000

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Patricia Hackett,
Project Manager,
Consumer Product Safety Commission,
Directorate for Health Sciences,
Washington, DC 20207
301 504-0494

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Requirements for Bunk Beds

RIN: 3041-AB75 (Completed Action)

REGULATORY PLAN: Yes

PRIORITY: Other Significant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

15 USC 2051 Consumer Product Safety Act; 15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:

16 CFR 1213; 16 CFR 1500; 16 CFR 1513

LEGAL DEADLINE:

Final, Statutory, March 3, 2000, Unless the time is extended by the Commission, the NPRM must either be issued as a final rule or the proposal must be withdrawn.

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ABSTRACT:

On December 22, 1999, the Commission published a safety standard that contains performance requirements for bunk beds to reduce the hazard that children can be suffocated or strangled when they become entrapped in the beds' structure or become wedged between the upper bunk and a wall. The final rule contains requirements for the presence of guardrails, the height and extent of guardrails, and the height of, and the openings in, the beds' end structures to address entrapment hazards.

STATEMENT OF NEED:

Bunk beds have been long recognized as a potential cause of children's deaths. From January 1990 through October 23, 1998, CPSC received reports of 89 bunk-bed-related deaths of children under age 15. Of the 89 fatalities, 56 (64%) resulted from entrapment. Over 96% (55 of 57) of those who died in entrapment incidents were age 3 and younger, and all but one were younger than 5. There is an ASTM voluntary standard addressing entrapment deaths in bunk beds. Nevertheless, using statistical methodology, the CPSC estimated that about 10 bunk-bed-related entrapment deaths have occurred in the United States each year since 1990.

TITLE:

Requirements for Bunk Beds

RIN: 3041-AB75 (Completed Action)

Generally, these deaths involve suffocation or strangulation when a child either becomes wedged between the upper bunk's structure or mattress and a wall or becomes trapped by the head when the child's torso slips through an opening in the bed that the head cannot pass through. CPSC is also aware of an incident where a child inserted his head through an opening in the end structure of the bed, moved to another part of the opening where the head could not be pulled directly out, and then lost his footing and was strangled. The proposed standard addresses all these scenarios.

SUMMARY OF THE LEGAL BASIS:

The Federal Hazardous Substances Act (FHSA) authorizes the regulation of unreasonable risks of injury associated with articles intended for use by children that present mechanical (or electrical or thermal) hazards. FHSA sec. 2(f)(1)(D), 15 U.S.C. 1261(f)(1)(D). The hazards associated with bunk beds that are described above are mechanical. See FHSA sec. 2(s), 15 U.S.C. 1261(s). The Consumer Product Safety Act (CPSA) authorizes the regulation of unreasonable risks of injury associated with "consumer products," which include bunk beds -- whether intended for the use of children or adults. CPSA sec. 3(a)(1), 15 U.S.C. sec. 2052(a)(1). Thus, bunk beds intended for the use of adults can be regulated only under the CPSA, while bunk beds intended for the use of children potentially could be regulated under either the FHSA or the CPSA.

ALTERNATIVES:

The Commission considered two alternatives to the proposed rule:

- (a) Defer to the voluntary standard.
- (b) Third-party certification.

ANTICIPATED COSTS AND BENEFITS:

The CPSC estimates that the present value of the benefits of averting the entrapment fatalities addressed by the voluntary standard ranges from about \$175 to \$350 per noncomplying bed. If the standard prevents all of the deaths addressed, the benefits would be much higher than the costs of implementing the standard. In fact, the net benefits per otherwise noncomplying bed, over its expected product life, would range from a low of \$135 (\$175 - \$40) to a high of \$335 (\$350 - \$15). The benefits of these provisions are about 4 to 23 times their costs. The Commission's staff expects a mandatory standard to be highly effective.

RISKS:

The estimated total cost to society from entrapment deaths to

TITLE:

Requirements for Bunk Beds

RIN: 3041-AB75 (Completed Action)

children in the upper bunk and end structures of bunk beds that would be addressed by the proposed rule is from \$6.75 million to \$16.75 million per year.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	01/22/1998	63 FR 3280
ANPRM Comment Period End	04/07/1998	63 FR 3280
Staff Sends Briefing Package to Commission	12/16/1998	
Commission Decision	02/03/1999	
NPRM	03/03/1999	64 FR 10245
NPRM Comment Period End	05/17/1999	64 FR 10245
Staff Sends Briefing Package to Commission	06/16/1999	
Request for Additional Comment	07/09/1999	64 FR 37051
NPRM Comment Period End	09/22/1999	64 FR 37051
Staff Sends Briefing Package to Commission	11/03/1999	
Commission Decision	12/02/1999	
Final Rule	12/22/1999	64 FR 71888
Final Rule Effective	06/19/2000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: None

FEDERALISM: No

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Pamela Major,
Consumer Product Safety Commission,

TITLE:

Requirements for Bunk Beds

RIN: 3041-AB75 (Completed Action)

Office of Compliance,
Washington, DC 20207
301 504-0400 Ext.
1373,

EMAIL: pmajor@cpsc.gov

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Petition HP 99-1 for a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children 5 Years of Age and Under

RIN: 3041-AB79 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY: Other Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
No

LEGAL AUTHORITY:

15 USC 1261 to 1278 Federal Hazardous Substances Act

CFR CITATION:

16 CFR 1500

LEGAL DEADLINE:

None.

ABSTRACT:

The National Environmental Trust and 11 other organizations petitioned the Commission to ban polyvinyl chloride (PVC) in toys and other articles intended for the use of children 5 years and under, based upon concerns they have about the potential for health risks from phthalates (especially diisononyl phthalate (DINP)), lead, and cadmium that can be in PVC. A Federal Register notice was issued on December 22, 1998, requesting comment on the petition. Comments were due on February 22, 1999.

The Commission has established a Chronic Hazard Advisory Panel (CHAP) of independent scientists to study issues related to the chronic toxicity and risk, including the risk of cancer, associated with exposure to (DINP) in children's PVC products. The Commission has begun an extensive exposure study to obtain a broader range of data from which to better define the amount of time children mouth products that could contain phthalates. Following completion of this work, the staff will send a briefing package to the Commission recommending that the Commission grant, deny, or defer the petition.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TITLE:

Petition HP 99-1 for a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children 5 Years of Age and Under

RIN: 3041-AB79 (Long-Term Action)

TIMETABLE:

ACTION	DATE	FR CITE
Notice Advising of Receipt of Petition	12/22/1998	63 FR 70756
Initiated Formation of CHAP	02/16/1999	
Comment Period End	02/22/1999	63 FR 70756
Awarded Contract for Child Observation Study	09/30/1999	
Staff Sends Briefing Package to Commission	00/00/0000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Marilyn L. Wind Ph.D.,
 Project Manager,
 Consumer Product Safety Commission,
 Directorate for Health Sciences,
 Washington, DC 20207
 301 504-0477

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Petition FP 99-1 Requesting Labeling Rule for Polyurethane Foam
in Upholstered Furniture

RIN: 3041-AB81 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801
is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

5 USC 553(e) Administrative Procedure Act; 15 USC 1191 Flammable Fabrics
Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from the National Association of State Fire Marshals (NASFM) requests that the Commission require labels under the Flammable Fabrics Act warning that polyurethane foam in upholstered furniture poses a fire hazard. NASFM asserts that polyurethane foam in upholstered furniture poses an unreasonable risk of fire because once ignited it burns rapidly and emits toxic gases. NASFM asks the Commission to require that upholstered furniture manufacturers and retailers provide flammability warnings to the public. On April 6, 1999, the Commission published a Federal Register notice to solicit public comments on the petition.

The Commission has another ongoing rulemaking proceeding related to the risk of fire associated with upholstered furniture (RIN 3041-AB40) that may bear on the disposition of this petition. In 1994, CPSC published an ANPRM announcing the agency's intent to consider a possible rule or other alternatives to address the risk of upholstered furniture fires ignited by small open-flame sources, e.g., lighters, matches and candles. Such a rule could affect fabrics or other furniture components, including filling materials such as polyurethane foam. The Commission staff is evaluating the technical issues raised in the polyurethane foam petition as part of the larger regulatory development effort. The Commission's consideration of the petition will, therefore, be incorporated into the decision on how to proceed on the small

TITLE:

Petition FP 99-1 Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture

RIN: 3041-AB81 (Long-Term Action)

open-flame matter.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Issuance of Federal Register Notice To Solicit Comments	04/06/1999	64 FR 16711
Comment Period End	06/07/1999	64 FR 16711
Staff Sends Briefing Package to Commission	00/00/0000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Dale R. Ray,
 Project Manager, Directorate for Economic Analysis,
 Consumer Product Safety Commission,
 Washington, DC 20207
 301 504-0962

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Dive Sticks

RIN: 3041-AB82 (Proposed Rule)# **REGULATORY PLAN:** No**PRIORITY:** Substantive, Nonsignificant# **UNFUNDED MANDATES:** No# **MAJOR:** No# **REINVENTING GOVERNMENT:**

No

LEGAL AUTHORITY:

15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:

16 CFR 1500

LEGAL DEADLINE:

None.

ABSTRACT:

On July 16, 1999 the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in a ban of dive sticks with certain characteristics that cause them to be hazardous. Dive sticks are one of several types of devices used for underwater retrieval activities in swimming pools. They are typically made of rigid plastic, and are or can be weighted so that when dropped into water they sink and stand upright on the bottom. Many dive sticks have a cylindrically-shaped profile, while some have novel shapes like sharks or other sea creatures. Such dive sticks are constructed in such a manner that children can become impaled on them when they jump into shallow water where the dive sticks are oriented in an upright position. This impalement has resulted in serious injuries.

The Commission will consider written comments received in response to the ANPRM before deciding whether to continue the proceeding by publication of a notice of proposed rulemaking (NPRM).

STATEMENT OF NEED:# **SUMMARY OF THE LEGAL BASIS:**# **ALTERNATIVES:**# **ANTICIPATED COSTS AND BENEFITS:**# **RISKS:****TIMETABLE:**

TITLE:

Dive Sticks

RIN: 3041-AB82 (Proposed Rule)

ACTION	DATE	FR CITE
ANPRM	07/16/1999	64 FR 38387
ANPRM Comment Period End	09/14/1999	64 FR 38387
Staff Sends Briefing Package to Commission	04/00/2000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Scott Heh,
 Project Manager,
 Consumer Product Safety Commission,
 Directorate for Engineering Sciences,
 Washington, DC 20207
 301 504-0494

- WILL NOT PRINT IN AGENDA
 * - MISSING DATA ELEMENT

TITLE:

Petition CP 99-1 Requesting a Ban of, or Warnings and Instructions for, Steel Electricians' Fish Tapes

RIN: 3041-AB83 (Completed Action)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

5 U.S.C. 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from John C. Stein requesting a ban of, or the requirement of warnings and instructions for, steel electricians' fish tapes. The petition asserts that steel electricians' fish tapes are associated with electrocution and injury resulting from the use of steel, which conducts electricity. On June 7, 1999, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff sent a briefing package to the Commission on February 2, 2000. On February 14, 2000, The Commission voted to deny the petition and approved a letter of denial to the petitioner.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	05/19/1999	
Notice	06/07/1999	64 FR 30323
Comment Period End	08/07/1999	64 FR 30323
Staff Sends Briefing Package to Commission		

TITLE:

Petition CP 99-1 Requesting a Ban of, or Warnings and Instructions for, Steel Electricians' Fish Tapes

RIN: 3041-AB83 (Completed Action)

02/02/2000

Commission Denied Petition

02/14/2000

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: None

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Mohammed Khan,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207
301 504-0508 Ext. 1302

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

Petition CP 99-2 Requesting Safety Standard for Bleachers and Grandstands

RIN: 3041-AB84 (Prerule)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from Representatives Bill Luther and Jim Ramstad requests that the Commission develop a safety standard for bleachers and grandstands. The petitioners assert that there have been several recent incidents of children falling through gaps in bleacher seats at basketball and hockey arenas. They request that the Commission set a national standard that would include minimum spacing requirements for gaps between bleacher guardrails and between seats and footboards and other safety features for new bleachers. They also request guidelines for retrofitting older facilities. On August 26, 1999, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff will prepare a briefing package for the Commission to consider.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	08/10/1999	

TITLE:

Petition CP 99-2 Requesting Safety Standard for Bleachers and Grandstands

RIN: 3041-AB84 (Prerule)

Notice	08/26/1999	64 FR 46657
Comment Period End	10/25/1999	64 FR 46657
Staff Sends Briefing Package to Commission	04/00/2000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM:

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Scott Heh,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207
301 504-0494

- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

TITLE:

+ Petition HP 00-1 Requesting Development of a Child-Resistance Standard for Buckles Used on Child-Restraint Systems

RIN: 3041-AB85 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
No

LEGAL AUTHORITY:

5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; ...

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

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ABSTRACT:

A petition from John A. Galbreath requests that the Commission develop a child-resistance standard for buckles used on child-restraint systems on such products as strollers, high chairs, changing stations, and shopping carts. The petitioner states that existing buckles used on child-restraint systems are ineffective because children can open them and that they present unreasonable risks of serious injuries to children resulting from children falling from strollers, high chairs, changing stations and shopping carts. On January 5, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff is preparing a briefing package for consideration by the Commission.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Notice	01/05/2000	65 FR 439
Comment Period End	03/06/2000	

TITLE:

+ Petition HP 00-1 Requesting Development of a Child-Resistance Standard for Buckles Used on Child-Restraint Systems

RIN: 3041-AB85 (Long-Term Action)

Staff Sends Briefing Package to Commission 00/00/0000

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: None

FEDERALISM: No

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

Deborah Tinsworth,
Project Manager,
Consumer Product Safety Commission,
Directorate for Epidemiology,
Washington, DC 20207
301 504-0470 Ext.
1276,

EMAIL: dtinsworth@cpsc.gov

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TITLE:

+Amendment of the Safety Standard for Automatic Residential Garage Door Operators

RIN: 3041-AB86 (Proposed Rule)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

No

LEGAL AUTHORITY:

PL 101-608 Consumer Product Safety Improvement Act of 1990

CFR CITATION:

16 CFR 1211

LEGAL DEADLINE:

.

ABSTRACT:

The CPSC's safety standard for automatic residential garage door operators protects against entrapment. Death or serious injury can result from entrapment. The entrapment protection requirements come from the UL 325 safety standard for garage door operators. Under the Consumer Product Safety Improvements Act, when UL makes subsequent changes to the entrapment protection provisions of UL 325, UL must notify the Consumer Product Safety Commission of proposed revisions and CPSC must incorporate them into the CPSC rule unless the CPSC notifies UL within 30 days that the CPSC has determined that the revision does not carry out the purposes of the Improvement Act. UL has made changes to its standard to reflect advances in garage door operator technology. The purpose of this regulatory action is to update the product safety rule to include these new requirements made by UL.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION

DATE

FR CITE

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Garage Door Operators

RIN: 3041-AB86 (Proposed Rule)

ACTION	DATE	FR CITE
Staff sends NPRM briefing package to Commission	04/00/2000	
Commission decision	04/00/2000	
REGULATORY FLEXIBILITY ANALYSIS REQUIRED:	Undetermined	

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

FEDERALISM: Undetermined

PROCUREMENT:

Not procurement-related

ADDITIONAL INFORMATION:

AGENCY CONTACT:

John Murphy,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207
301 504-0494 Ext.
1311,

EMAIL: jmurphy@cpsc.gov

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