



Federal Register

**Monday,
December 9, 2002**

Part XLIX

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

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 December 31, 2002.

ADDRESSES: Comments on the regulatory flexibility agenda should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001; telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, MD 20814-4423. 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 20207-0001, 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. This agenda also includes regulatory activities that have been completed by the Commission prior to publication. 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 20207-0001.

Dated: September 11, 2002.

Todd Stevenson,
Secretary, Consumer Product Safety Commission.

Consumer Product Safety Commission—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3940	Amendment of the Standard for the Flammability of Clothing Textiles	3041-AB68
3941	Petition HP 99-1 for a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children Five Years of Age and Under	3041-AB79
3942	Petition HP 00-2 Requesting a Rule Declaring Natural Rubber Latex a Strong Sensitizer	3041-AB88
3943	Petition HP 01-1 Requesting Development of Performance Standard for Bicycle Handlebars	3041-AB94
3944	Petition HP 01-03 Requesting a Ban on Use of Chromated-Copper-Arsenate (CCA) Treated Wood in Playground Equipment	3041-AB97
3945	Petition CP 01-01 Requesting Rule Requiring Product Registration Cards for Products Intended for Children	3041-AB98
3946	Petition CP 02-3 Requesting Standard for Hunting Tree Stands and Ban of Waist Belt Restraints Used With Hunting Tree Stands	3041-AC07
3947	Petition CP 02-2 Requesting Rule to Require Performance Standard for Auxiliary Hazard Lighting Systems on Snowmobiles	3041-AC09

CPSC

Consumer Product Safety Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3948	Flammability Standard for Upholstered Furniture	3041-AB35
3949	Amendment of Safety Regulations for Cribs	3041-AB67
3950	Portable Bed Rails	3041-AB91
3951	Proposed Rule on Baby Bath Seats	3041-AC03

Consumer Product Safety Commission—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3952	Proposed Ban of Candles With Lead-Containing Wicks and Wicks Sold for Candle-Making That Contain Lead	3041-AB96
3953	Proposed Rule Exempting Certain Model Rocket Propellant Devices For Use With Lightweight Surface Vehicles ...	3041-AC00

Consumer Product Safety Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3954	Petition CP 02-01 Requesting Rule Adopting ASTM F400, Safety Standard For Lighters as a Consumer Product Safety Standard	3041-AC01
3955	Proposed Standard To Address Open-Flame Ignition of Mattresses/Bedding	3041-AC02
3956	Test Method for Determining Applicability of Cautionary Labeling and Child-Resistant Packaging to Hydrocarbon-Containing Products in Spray Packaging	3041-AC05
3957	Standards of Conduct for Outside Attorneys Practicing Before the Consumer Product Safety Commission	3041-AC06

Consumer Product Safety Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
3958	Baby Walkers	3041-AB40
3959	Rulemaking to Exempt Hormone Replacement Therapy Products From Special Packaging Requirements	3041-AC04

Consumer Product Safety Commission (CPSC)

Prerule Stage

3940. AMENDMENT OF THE STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

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

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 prepared 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 decided to begin a proceeding for amendment of the standard.

Timetable:

Action	Date	FR Cite
Staff Sent Briefing Package to Commission	06/11/02	
Commission Decision ANPRM	08/28/02	67 FR 57770
	09/12/02	

CPSC

Prerule Stage

Action	Date	FR Cite
ANPRM Comment Period End	11/12/02	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Federalism: Undetermined

Agency Contact: Margaret L. Neily, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0508

Email: mneily@cpsc.gov

RIN: 3041-AB68

3941. PETITION HP 99-1 FOR A BAN OF POLYVINYL CHLORIDE IN TOYS AND OTHER PRODUCTS INTENDED FOR CHILDREN FIVE YEARS OF AGE AND UNDER

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

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 received.

The Commission 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 CHAP submitted its report to the Commission on June 15, 2001. The Commission has completed 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. The staff sent a

briefing package to the Commission in September 2002. The Commission will then decide whether to grant, deny, or defer the petition.

Timetable:

Action	Date	FR Cite
Notice Advising of Receipt of Petition	12/22/98	63 FR 70756
Initiated Formation of CHAP	02/16/99	
Comment Period End	02/22/99	
Awarded Contract for Child Observation Study	09/30/99	
First Meeting of CHAP	05/10/00	
Second Meeting of CHAP	06/20/00	
Third Meeting of CHAP	09/12/00	
CHAP Sent Report to Commission	06/15/01	
Staff Sends Briefing Package to Commission	09/23/02	
Commission Decision	11/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Federalism: Undetermined

Agency Contact: Marilyn L. Wind Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

Phone: 301 504-0477

Email: mwind@cpsc.gov

RIN: 3041-AB79

3942. PETITION HP 00-2 REQUESTING A RULE DECLARING NATURAL RUBBER LATEX A STRONG SENSITIZER

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

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 Debi Adkins, Editor, Latex Allergy News, requests that the Commission issue a rule declaring that natural rubber latex (NRL) and products containing NRL are strong sensitizers under the Federal Hazardous Substances Act (FHSA) and requiring labeling. NRL is in such

consumer products as gloves, adhesives, shoes, balloons, pacifiers, and carpet backing, as well as many medical products. The petitioner states that a portion of the population has developed an allergy to latex that can be debilitating, even causing death. On March 21, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. On May 24, 2000, at the request of several persons, the Commission published a notice extending the original due date for comments of May 22, 2000 for 30 days to June 21, 2000. Eighty-four comments were received. The staff is preparing a briefing package for consideration by the Commission. Before finalizing the briefing package, the staff plans to ask outside experts to review the staff's assessment of the health effects related to latex.

Timetable:

Action	Date	FR Cite
Petition Docketed	03/02/00	
Notice	03/21/00	65 FR 15133
Comment Period End	05/22/00	
Comment Period Extended	05/24/00	65 FR 33525
Comment Period End	06/21/00	
Expert Assessment Completed	12/00/02	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Suzanne Barone Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

Phone: 301 504-0477

Email: sbarone@cpsc.gov

RIN: 3041-AB88

3943. PETITION HP 01-1 REQUESTING DEVELOPMENT OF PERFORMANCE STANDARD FOR BICYCLE HANDLEBARS

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

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CPSC

Prerule Stage

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from Flaura Koplin Winston, M.D., Ph.D., Director, Trauma Link: The Interdisciplinary Pediatric Injury Control Research Center, Children's Hospital of Philadelphia, requests that the Commission develop a performance standard for bicycle handlebars regarding energy dissipation and distribution during impact. The request was docketed as a petition on January 23, 2001. A notice requesting comment on the petition was published in the Federal Register on February 14, 2001. The initial comment period closed on April 16, 2001. The comment period was extended to May 16, 2001. The staff is preparing a briefing package for Commission consideration as to whether to grant, deny, or defer the petition.

Timetable:

Action	Date	FR Cite
Petition Docketed	01/23/01	
Notice	02/14/01	66 FR 10273
Comment Period End	04/16/01	
Notice	04/16/01	66 FR 19429
Comment Period End	05/16/01	
Staff Sends Briefing Package to Commission	10/31/02	
Commission Decision	11/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Barbara J. Jacobson, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207
Phone: 301 504-0477
Email: bjacobson@cpsc.gov

RIN: 3041-AB94

**3944. PETITION HP 01-03
REQUESTING A BAN ON USE OF
CHROMATED-COPPER-ARSENATE
(CCA) TREATED WOOD IN
PLAYGROUND EQUIPMENT**

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

Legal Authority: 15 USC 1262, Federal Hazardous Substance Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Environmental Working Group and Healthy Building Network, docketed June 20, 2001, requests that the Commission enact an immediate ban on the use of chromated copper arsenate (CCA) treated wood in playground equipment. This treatment is used as a pesticide in the wood. The petitioners assert that a ban is necessary because recent research has shown that arsenic is more carcinogenic than was previously recognized, and is present at significant concentrations on CCA treated wood and in underlying soil. They further assert that the health risks posed by this wood are greater than was previously recognized, and that past risk assessments were incomplete. On July 13, 2001, the Commission published a notice in the Federal Register to solicit comments on the petition. The 60-day comment period ended on September 11, 2001. The petitioners also requested that the Commission review the safety of CCA treated wood for general use. Such a review would not require rulemaking to implement. Therefore, the request was not docketed. Commission staff is reviewing comments received on the petition and is conducting studies to obtain exposure data to assess possible health risks to children from the use of CCA-treated wood in playground equipment. The Conference report accompanying the Commission's FY 2002 appropriation directed the CPSC to submit a report to Congress on its work on CCA treated wood and steps taken to inform state and local governments of that work. The report was submitted to the appropriations committees of both houses of Congress on February 15, 2002. Also, in February 2002 the USEPA announced that the manufacturers of CCA had requested that registrations of CCA be cancelled, effective December 31, 2003. The Commission staff is currently preparing an options briefing package for Commission consideration. Before finalizing the briefing package, the staff plans to ask outside experts to review the staff's risk assessment related to CCA-treated wood in playground equipment.

Timetable:

Action	Date	FR Cite
Petition Docketed	06/20/01	
Notice on Petition	07/13/01	66 FR 36756
Comment Period End	09/11/01	
Notice on Protocols	09/20/01	66 FR 48428

Action	Date	FR Cite
Comment Period End	10/22/01	
Expert Assessment Completed	09/30/02	
Staff Sends Briefing Package to Commission	11/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Patricia Bittner, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207
Phone: 301 504-0477
Email: pbittner@cpsc.gov

RIN: 3041-AB97

**3945. PETITION CP 01-01
REQUESTING RULE REQUIRING
PRODUCT REGISTRATION CARDS
FOR PRODUCTS INTENDED FOR
CHILDREN**

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

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2065(b), Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Consumer Federation of America requests that the Commission issue a rule requiring product registration cards with every product intended for children. The petitioner asks for a rule that would "require manufacturers (or distributors, retailers, or importers) of products intended for children provide along with every product a Consumer Safety Registration Card that allows the purchaser to register information, through the mail or electronically." This would enable a manufacturer to contact the purchaser if the product were recalled or otherwise presented a safety hazard. On August 1, 2001, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The comment period closed on October 1, 2001. The staff is preparing a briefing package for consideration by the Commission. The Commission has been considering how best to improve the effectiveness of recalls.

CPSC

Prerule Stage

Timetable:

Action	Date	FR Cite
Petition Docketed	07/10/01	
Notice	08/01/01	66 FR 39737
Comment Period End	10/01/01	
Staff Sends Briefing Package to the Commission	10/31/02	
Commission Decision	11/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Celestine T. Kiss, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0468

Email: ckiss@cpsc.gov

RIN: 3041-AB98

3946. • PETITION CP 02-3 REQUESTING STANDARD FOR HUNTING TREE STANDS AND BAN OF WAIST BELT RESTRAINTS USED WITH HUNTING TREE STANDS

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

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2058(i), Consumer Product Safety Act

CFR Citation: None

Legal Deadline: None

Abstract: A petition from Carol Pollack-Nelson requests that the

Commission issue regulations that would establish a mandatory standard for hunting tree stands to address the risk of falling, and ban waist belt restraints used with the tree stands. On May 1, 2002, 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.

Timetable:

Action	Date	FR Cite
Petition Docketed	04/15/02	
Notice	05/01/02	67 FR 21640
Comment Period End	07/01/02	
Staff Sends Briefing Package to Commission	01/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: DeWane Ray, Project Manager, Consumer Product Safety Commission, Director for Engineering
Phone: 301 504-0508

RIN: 3041-AC07

3947. • PETITION CP 02-2 REQUESTING RULE TO REQUIRE PERFORMANCE STANDARD FOR AUXILIARY HAZARD LIGHTING SYSTEMS ON SNOWMOBILES

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

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2058, Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: In correspondence dated February 8, 2002, Allen J. Lakosky and Michelle Robillard of Snow Glow, Inc., requested that the Commission issue a rule prescribing performance standards for auxiliary lighting systems on snowmobiles. A notice was published in the Federal Register on April 30, 2002, in which the Commission solicited public comments concerning the petition. The staff is preparing a briefing package for consideration by the Commission

Timetable:

Action	Date	FR Cite
Petition Docketed	03/15/02	
Notice	04/30/02	67 FR 21222
Comment Period End	07/01/02	
Staff Sends Briefing Package to Commission	01/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Timothy P. Smith, Project Manager, Consumer Product Safety Commission, Division of Human Factors, Directorate for Engineering Sciences

Phone: 301 504-0468

Email: tsmith@cpsc.gov

RIN: 3041-AC09

Consumer Product Safety Commission (CPSC)

Proposed Rule Stage

3948. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Priority: Economically Significant. Major under 5 USC 801.

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.

In 1998, the Commission deferred action and held a public hearing to

CPSC

Proposed Rule Stage

gather additional information on the potential toxicity of flame-retardant chemicals that might be used to meet a standard. In CPSC's 1999 appropriations legislation, Congress directed the Commission to contract with the National Academy of Sciences (NAS) for an 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. The final NAS report was published in July 2000. The report concluded that of 16 flame-retardant chemicals reviewed, 8 could be used in upholstered furniture fabrics without presenting health hazards to consumers.

A CPSC staff risk assessment concluded that a number of flame-retardant chemicals are available that would not present health risks to consumers, although additional data are needed for some other chemicals. The CPSC staff is also working with the National Institute of Occupational Safety and Health and the Environmental Protection Agency to evaluate possible impacts of flame-retardant chemical use on worker safety and the environment.

In 2001, the CPSC staff forwarded a briefing package to the Commission, and the Commission voted to authorize the staff to conduct a public meeting to present the direction of the staff's draft standard, to discuss supporting technical data, and to receive comments and recommendations from interested parties. The staff is also continuing to cooperate with industry representatives and voluntary standards organizations to develop possible voluntary alternatives to CPSC's regulatory action.

On June 18 and 19, 2002, the Commission staff held a public meeting to receive information on the upholstered furniture project. The staff is analyzing the information received at the hearing and will present the analysis to the Commission.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
ANPRM Comment Period End	08/15/94	
Staff Briefing of Commission on NPRM	12/18/97	

Action	Date	FR Cite
Commission Voted To Defer Action Pending Results of Toxicity Hearing	03/02/98	
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame Retardant Chemicals	03/17/98	63 FR 13017
NAS Study Completed (Required by Congress)	07/10/00	
Staff Sent Briefing Package to Commission	11/01/01	
Meeting Notice	03/20/02	67 FR 12916
Staff Held Public Meeting	06/18/02	
Second Day of Public Meeting	06/19/02	
Staff Analysis of Information From Public Meeting	12/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Federalism: Undetermined

Agency Contact: Dale R. Ray, Project Manager, Directorate for Economic Analysis, Consumer Product Safety Commission, Washington, DC 20207
Phone: 301 504-0962
Email: dray@cpsc.gov

RIN: 3041-AB35**3949. AMENDMENT OF SAFETY REGULATIONS FOR CRIBS**

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

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 ASTM International 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.

Timetable:

Action	Date	FR Cite
Staff Recommended Revisions to Voluntary Standard	09/30/96	
ANPRM	12/16/96	61 FR 65996
ANPRM Comment Period End	02/14/97	
Revisions to Voluntary Standard Approved	04/10/99	
Voluntary Certification Program Begins	03/01/00	
Staff Began Monitoring Conformance to Revised Voluntary Standard	03/27/01	
Staff Completes Monitoring Conformance	10/31/02	
Staff Sends Briefing Package to Commission	11/00/02	
Commission Decision	12/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:**

Undetermined

Federalism: Undetermined

Agency Contact: Patricia L. Hackett, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0494

Email: phackett@cpsc.gov

RIN: 3041-AB67

CPSC

Proposed Rule Stage

3950. PORTABLE BED RAILS

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

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission is considering whether certain portable bed rails present an unreasonable risk of injury that should be regulated. A portable bed rail is a device intended to be installed on an adult bed to prevent a child from falling out of the bed. Such bed rails may be constructed in a manner that children can become entrapped between the portable bed rail and the bed. This entrapment can result in serious injury or death. On October 30, 2001, the Commission instructed the Office of the General Counsel to prepare a draft notice of proposed rulemaking addressing this issue for its consideration.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	06/28/00	
Commission Decision	09/21/00	
ANPRM	10/03/00	65 FR 58968
ANPRM Comment Period End	12/04/00	
Staff Sends Briefing Package to Commission	10/01/01	
Commission Decision	10/30/01	

Action Date FR Cite

Staff Sends Draft NPRM to Commission
 Commission Decision on NPRM

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Patricia L. Hackett, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207
 Phone: 301 504-0494
 Email: phackett@cpsc.gov

RIN: 3041-AB91

3951. PROPOSED RULE ON BABY BATH SEATS

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

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: An advance notice of proposed rulemaking (ANPRM), published in the Federal Register on August 1, 2001, requested comments on a rulemaking proceeding that could result in a mandatory rule addressing baby bath seats. These are consumer

products used to hold an infant in a bathtub while the child is being bathed. The Commission voted to publish the ANPRM and proceed with rulemaking after considering the staff's analysis of available data and information provided by the petitioners, the Consumer Federation of America and other consumer groups who requested that the Commission ban baby bath seats and bath rings. The staff is addressing public comments received in response to the ANPRM and preparing a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/01	66 FR 39692
ANPRM Comment Period End	10/01/01	
Staff Sends Briefing Package to Commission	10/31/02	
Commission Decision	11/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Patricia L. Hackett, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207
 Phone: 301 504-0494
 Email: phackett@cpsc.gov

Related RIN: Related To 3041-AB93

RIN: 3041-AC03

Consumer Product Safety Commission (CPSC)

Final Rule Stage

3952. PROPOSED BAN OF CANDLES WITH LEAD-CONTAINING WICKS AND WICKS SOLD FOR CANDLE-MAKING THAT CONTAIN LEAD

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

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: An advance notice of proposed rulemaking (ANPRM), published in the Federal Register on February 20, 2001, requested comments

on a rulemaking proceeding that could result in a mandatory rule addressing the use of lead in candle wicks. The Commission voted to publish the ANPRM and proceed with rulemaking after considering the staff's analysis of the available data on lead-cored candle wicks as well as information provided by the petitioners Public Citizen, National Apartment Association, and National Multi-Housing Council. The staff recommended that the Commission proceed with rulemaking to ban metal-cored wicks containing more than 0.06 percent lead by weight in the metal. The staff addressed public comments received in response to the

ANPRM and prepared a briefing package for Commission consideration. On April 17, 2002, the Commission voted to issue a notice of proposed rulemaking (NPRM). The NPRM was published in the Federal Register on April 24, 2002. The staff is responding to the public comments received in response to the NPRM, and is preparing a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
ANPRM	02/20/01	66 FR 10863
ANPRM Comment Period End	04/23/01	

CPSC

Final Rule Stage

Action	Date	FR Cite
Staff Sent Briefing Package to Commission	03/20/02	
Commission Decision	04/17/02	
NPRM	04/24/02	67 FR 20062
NPRM Comment Period End	07/08/02	
Staff Sends Briefing Package to Commission	11/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Kristina Hatlelid, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207
Phone: 301 504-0994
Email: khatlelid@cpsc.gov

RIN: 3041-AB96**3953. PROPOSED RULE EXEMPTING CERTAIN MODEL ROCKET PROPELLANT DEVICES FOR USE WITH LIGHTWEIGHT SURFACE VEHICLES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1261(q)(1), Federal Hazardous Substances Act**CFR Citation:** 16 CFR 1500.83(a)(36); 16 CFR 1500.85(a)(14)**Legal Deadline:** None

Abstract: A notice of proposed rulemaking (NPRM), published in the Federal Register on January 30, 2002, proposed to exempt from banning under the Federal Hazardous Substances Act certain model rocket propellant devices for model rocket ground vehicles if they meet requirements similar to those presently required for flyable model rockets. The Commission voted to publish the NPRM and proceed with rulemaking after considering a petition filed by Centuri Corporation that requested an exemption covering two prototype model rocket cars. The Commission decided to grant the petition in part and issue a proposed rule exempting only model rocket propellant devices to

be used with surface vehicles like the smaller prototype car. The staff is addressing public comments received in response to the NPRM and is preparing a briefing package for the Commission to determine whether to issue a final rule.

Timetable:

Action	Date	FR Cite
NPRM	01/30/02	67 FR 4373
NPRM Comment Period End	04/15/02	
Staff Sends Briefing Package to Commission	10/31/02	
Commission Decision	11/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Terrance R. Karels, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207

Phone: 301 504-0962
Email: tkarels@cpsc.gov

Related RIN: Related To 3041-AB95**RIN:** 3041-AC00

Consumer Product Safety Commission (CPSC)

Long-Term Actions

3954. PETITION CP 02-01 REQUESTING RULE ADOPTING ASTM F400, SAFETY STANDARD FOR LIGHTERS AS A CONSUMER PRODUCT SAFETY STANDARD**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 553(e), Administrative Procedure Act; 15 USC 2058, Consumer Product Safety Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: A petition from the Lighter Association, Inc. requests that the Commission issue a rule adopting an ASTM voluntary standard for lighters as a consumer product safety standard. The voluntary standard contains numerous safety requirements for cigarette lighters. On January 17, 2002, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The comment period closed on

March 18, 2002. The staff is preparing a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Petition Docketed	12/26/01	
Notice	01/17/02	67 FR 2420
Comment Period End	03/18/02	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Barbara J. Jacobson, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207
Phone: 301 504-0477
Email: bjacobson@cpsc.gov

RIN: 3041-AC01**3955. PROPOSED STANDARD TO ADDRESS OPEN-FLAME IGNITION OF MATTRESSES/BEDDING****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 1193, Flammable Fabrics Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Commission published an advance notice of proposed rulemaking (ANPRM) in the Federal Register of October 11, 2001 that requested comments on a rulemaking proceeding that could result in a mandatory flammability standard addressing open flame ignition of mattresses/bedding. In 1995, the Commission staff began a project on mattress fires, and the ANPRM reflects information obtained from that research. The ANPRM also addresses two subsequently filed petitions from the Children's Coalition for Fire-Safe Mattresses, FP 00-1 and FP 00-2, requesting certain standards to address

CPSC

Long-Term Actions

the open flame ignition hazard with mattresses/bedding. On October 2, 2001, the Commission voted to grant these two petitions and issue an ANPRM addressing this mattress flammability hazard. The staff will address public comments on the ANPRM and prepare a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/01	66 FR 51886
ANPRM Comment Period End	12/10/01	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Margaret L. Neily, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0508

Email: mneily@cpsc.gov

Related RIN: Related To 3041-AB89

RIN: 3041-AC02

3956. TEST METHOD FOR DETERMINING APPLICABILITY OF CAUTIONARY LABELING AND CHILD-RESISTANT PACKAGING TO HYDROCARBON-CONTAINING PRODUCTS IN SPRAY PACKAGING

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

Legal Authority: 15 USC 1471, Poison Prevention Packaging Act; 15 USC 1261(p), Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On January 3, 2000 CPSC issued a notice of proposed rulemaking under the Poison Prevention Packaging Act (PPPA) to require child-resistant packaging of prepackaged products that contain liquid hydrocarbons of low viscosity, including aerosol/trigger/pump packaged products (spray products) that expel product in a stream. The final rule issued on October 25, 2001 covered liquid hydrocarbon-containing products other than these spray products.

Under current CPSC guidance, special cautionary labeling under the Federal Hazardous Substances Act (FHSA) would also be required for most hydrocarbon-containing spray products that expel product as a stream. The staff has now developed a quantitative test method to identify those hydrocarbon-containing spray products that pose an aspiration hazard. The staff is preparing a briefing package for the Commission's consideration that may recommend using this test method to determine applicability of the FHSA special cautionary labeling and PPPA child-resistant packaging requirements to spray products that expel product in a stream.

Timetable:

Action	Date	FR Cite
NPRM	01/03/00	65 FR 93
NPRM Comment Period End	03/20/00	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Suzanne Barone Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

Phone: 301 504-0477

Email: sbarone@cpsc.gov

Related RIN: Related To 3041-AB57

RIN: 3041-AC05

3957. STANDARDS OF CONDUCT FOR OUTSIDE ATTORNEYS PRACTICING BEFORE THE CONSUMER PRODUCT SAFETY COMMISSION

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission voted to publish a notice of proposed rulemaking (NPRM) to revise its regulations to extend their coverage to attorneys representing clients before the Commission in matters other than formal adjudication. Attorney conduct in adjudicative matters is already covered by Commission regulations. The Commission is presently considering whether there is any need to extend the coverage of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/06/00	65 FR 66515
NPRM Comment Period End	01/05/01	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Melissa V. Hampshire, Attorney, Consumer Product Safety Commission, Office of the General Counsel, Washington, DC 20207

Phone: 301 504-0980

Fax: 301 504-0403

Email: mhampshire@cpsc.gov

RIN: 3041-AC06

Consumer Product Safety Commission (CPSC)

Completed Actions

3958. BABY WALKERS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act; 15 USC 1262, Federal Hazardous Substances Act

CFR Citation: None

Legal Deadline: None

Abstract: On August 2, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) that began a proceeding that

could result in the issuance of mandatory design or performance requirements for baby walkers. A baby walker is a device that supports a child so that the child can use his or her feet to move about before or while learning to walk. Typically, a baby

CPSC

Completed Actions

walker consists of a fabric seat that has leg openings and is mounted to a rigid plastic deck. The deck is attached to a base that is mounted on wheels to allow mobility.

In 1994, an estimated 25,500 children younger than 15 months of age were treated in hospital emergency rooms for injuries associated with baby walkers. The majority of these injuries resulted from falls down stairs. In response to the Commission's work in this area, ASTM International published revisions to the voluntary standard for baby walkers in 1997 to address the hazard of falling down stairs. In 2000, baby walker injuries to children under 15 months of age had dropped to 7,400. Based on this and the staff's assessment of the extent of industry conformance with that voluntary standard, designated "Standard Consumer Safety Specification for Infant Walkers," SF 977-97, published by ASTM, the staff recommended that the Commission terminate further regulatory proceedings. The Commission voted to do so and a Federal Register notice announcing the termination was published on May 9, 2002.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/94	59 FR 39309
ANPRM Comment Period End	10/03/94	
Staff Provided Technical Recommendations to Revise Voluntary Standard	12/16/94	
Revised Voluntary Standard Approved	10/01/96	

Action	Date	FR Cite
Voluntary Certification Program Began	06/30/97	
Staff Completed Monitoring Conformance to Revised Voluntary Standard	05/31/00	
Staff Completed Special Study of Injury Data	09/29/00	
Staff Completed Testing of New Walker Designs	05/01/01	
Staff Sent Briefing Package to Commission	04/25/02	
Commission Decision to Terminate Proceeding	05/01/02	
Notice of Termination	05/09/02	67 FR 31165

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Barbara J. Jacobson,
Directorate for Health Sciences,
Consumer Product Safety Commission,
Washington, DC 20207
Phone: 301 504-0477
Email: bjacobson@cpsc.gov

RIN: 3041-AB40

3959. RULEMAKING TO EXEMPT HORMONE REPLACEMENT THERAPY PRODUCTS FROM SPECIAL PACKAGING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1471, Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14(a)(10)

Legal Deadline: None

Abstract: The Commission has proposed a rule to exempt hormone replacement therapy (HRT) products from the child-resistant packaging requirements of the Poison Prevention Packaging Act. HRT refers to the use of estrogen alone or estrogen and progestin to treat menopausal symptoms. The proposed exemption is based on the low acute toxicity of these products. The Commission received one comment in favor of the proposed rule. On October 24, 2002, the Commission voted to issue a final rule exempting HRT products from poison prevention packaging requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/19/02	67 FR 7319
NPRM Comment Period End	05/06/02	
Staff Sends Briefing Package to Commission	10/09/02	
Commission Decision	10/24/02	
Final Rule	11/01/02	67 FR 66550
Final Rule Effective	11/01/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Jacqueline Ferrante
Ph.D., Project Manager, Consumer
Product Safety Commission, Directorate
for Health Sciences, Washington, DC
20207
Phone: 301 504-0477
Email: jferrante@cpsc.gov

RIN: 3041-AC04

[FR Doc. 02-23901 Filed 12-06-02; 8:45 am]

BILLING CODE 6355-01-S