



# Federal Register

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**Monday,  
April 24, 2006**

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**Part XLVI**

**Consumer Product  
Safety Commission**

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**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 May 24, 2006.

**ADDRESSES:** Comments on the regulatory flexibility agenda should be captioned "Regulatory Flexibility Agenda" and be e-mailed to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov) or filed by fax to (301) 504-0127. Comments may also be mailed or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, MD 20814-4408.

**FOR FURTHER INFORMATION CONTACT:** For further information on the agenda in

general, contact Barbara E. Parisi, Office of the General Counsel, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814-4408; Telephone (301) 504-7879. 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 to 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. This agenda also includes regulatory activities that appeared in the October 2005 agenda that have been completed by the Commission prior to publication of this agenda.

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, 4330 East-West Highway, Bethesda, MD 20814-4408.

**Dated:** February 23, 2006.

**Todd A. Stevenson,**  
*Secretary, Consumer Product Safety Commission.*

**Consumer Product Safety Commission—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
3662	Petition CP 04-1/HP 04-1 Requesting Mandatory Fire Safety Standards for Candles and Candle Accessories .....	3041-AC22
3663	Petition HP 05-1 Requesting Amendment to Ban on Infant Pillows .....	3041-AC29

**Consumer Product Safety Commission—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3664	Flammability Standard for Upholstered Furniture .....	3041-AB35
3665	Amendment of the Standard for the Flammability of Clothing Textiles .....	3041-AB68
3666	Portable Bed Rails .....	3041-AB91
3667	Mandatory Safety Standard for Cigarette Lighters .....	3041-AC25
3668	All Terrain Vehicles; Advance Notice of Proposed Rulemaking; Request for Comments and Information .....	3041-AC28

**CPSC**

**Consumer Product Safety Commission—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3669	Amendment of Safety Regulations for Cribs .....	3041-AB67
3670	Safety Standard for Baby Bath Seats .....	3041-AC03
3671	Petition CP 03-1/HP 03-1 Requesting a Standard for Bunk Bed Corner Posts .....	3041-AC10
3672	Petition CP 03-2 Requesting Performance Standards for a System to Reduce or Prevent Injuries From Contacting the Blade of a Table Saw .....	3041-AC19
3673	Proposed Standard To Address Open-Flame Ignition of Bedclothes .....	3041-AC26
3674	Possible Revocation or Amendment of Standard for the Flammability of Mattresses and Mattress Pads (Cigarette Ignition) .....	3041-AC27

**Consumer Product Safety Commission—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3675	Proposed Standard To Address Open-Flame Ignition of Mattresses/Foundation Sets .....	3041-AC02
3676	Possible Special Packaging Standard for Household Products Containing Hydroxides .....	3041-AC12
3677	Petition HP 04-2 Requesting a Ban of Sulfuric Acid Drain Openers for Consumer Use .....	3041-AC23

**Consumer Product Safety Commission (CPSC)**

**Prerule Stage**

**3662. PETITION CP 04-1/HP 04-1 REQUESTING MANDATORY FIRE SAFETY STANDARDS FOR CANDLES AND CANDLE ACCESSORIES**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 5 USC 553(e), Administrative Procedure Act; 15 USC 2051, Consumer Product Safety Act; 15 USC 1261, Federal Hazardous Substances Act

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The National Association of State Fire Marshals requests that the Commission issue mandatory safety standards for candles and candle accessories such as candleholders. The request was docketed as a petition for rulemaking on March 10, 2004. A notice requesting comment on the petition was published in the Federal Register on April 6, 2004. The comment period closed on June 7, 2004. CPSC staff will prepare a briefing package for Commission consideration as to whether to grant, deny, or defer action on the petition.

**Timetable:**

Action	Date	FR Cite
Petition Docketed	03/10/04	
Notice	04/06/04	69 FR 18059
Comment Period End	06/07/04	
Staff Sends Briefing Package to Commission	06/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Allyson Tenney, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East-West Highway, Bethesda, MD 20814-4408  
Phone: 301 504-7567  
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**RIN:** 3041-AC22

**3663. PETITION HP 05-1 REQUESTING AMENDMENT TO BAN ON INFANT PILLOWS**

**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 1500.18(a)(16)(i)

**Legal Deadline:** None

**Abstract:** Boston Billows, Inc., requests that the Commission amend the ban on infant pillows under 16 CFR 1500.18(a)(16)(i) to permit the use of such infant pillows when the pillow is designed, intended, and promoted for a mother's use during nursing, and when such pillows are requested by a pediatrician or a board certified lactation consultant. The request was docketed as a petition for rulemaking on September 15, 2005. A notice requesting comment on the petition was published in the Federal Register on October 13, 2005. The comment period closed on December 12, 2005. The staff is preparing a briefing package for Commission consideration as to whether to grant, deny, or defer action on the petition.

**Timetable:**

Action	Date	FR Cite
Petition Docketed	09/15/05	
Notice of Comment Period	10/13/05	70 FR 59726
Comment Period End	12/12/05	
Staff Sends Briefing Package to Commission	06/00/06	

## CPSC

## Prerule Stage

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined  
**Agency Contact:** Suad Wanna-Nakamura, Ph.D, Project Manager, Consumer Product Safety Commission, Directorate for Health

Sciences, 4330 East-West Highway, Bethesda, MD 20814-4408  
 Phone: 301 504-7252  
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**RIN:** 3041-AC29

## Consumer Product Safety Commission (CPSC)

## Proposed Rule Stage

**3664. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 15 USC 1193, Flammable Fabrics Act; 5 USC 801

**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. CPSC staff conducted research and developed a draft flammability performance standard. The draft standard was first presented to stakeholders at a 1996 ASTM voluntary standards meeting. The staff also worked with industry and voluntary standards groups to develop possible alternatives to a Federal rule.

In 1998, the Commission held a public hearing to gather additional information beyond that available to the agency on the potential toxicity, health risks, and environmental effects associated with 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.

In 2002, the staff held a public meeting to receive any new technical

information and recommendations from interested parties on the project. In 2003, the staff forwarded a package to the Commission analyzing the information received at the meeting and a package recommending that the Commission expand its proceeding to cover both small open flame and cigarette ignition risks.

On October 23, 2003, the Commission issued a new ANPRM expanding the scope of the proceeding to include both cigarette and small open flame-ignited fire risks. The staff held a public meeting to discuss public comments on April 9, 2004. The staff developed revised drafts of the standard addressing both cigarette and small open flame ignition, and held public meetings on October 28, 2004 and May 18, 2005 to present and discuss the revised drafts. On January 31, 2006, the staff sent a status report to the Commission. The next step is for staff to prepare a briefing package describing regulatory alternatives for 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 for Occupational Safety and Health studied 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. NIOSH preliminarily concluded that significant worker health effects were unlikely. CPSC staff is also working with the Environmental Protection Agency to (a) develop a significant new use rule (SNUR) for flame-retardant compounds used in residential upholstered furniture fabrics under that agency's Toxic Substances Control Act Authority, and (b) identify and encourage the use of environmentally-preferable flame retardants under a Design for the

Environment industry/government partnership.

**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	
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 Sent Analysis of Information From Public Meeting to the Commission	02/06/03	
Staff Sent Regulatory Options to Commission	07/12/03	
Notice of September 24 Public Meeting	08/27/03	68 FR 51564
Commission Decision	10/17/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End	12/22/03	
Staff Held Public Meeting	10/28/04	
Staff Held Public Meeting	05/18/05	
Staff Sends Status Report to Commission	01/31/06	
Staff Sends Briefing Package to Commission	08/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

## CPSC

## Proposed Rule Stage

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Dale R. Ray, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, 4330 East-West Highway, Bethesda, MD 20814-4408  
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Email: dray@cpsc.gov

**RIN:** 3041-AB35**3665. 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. An advance notice of proposed rulemaking was published in the Federal Register on September 12, 2002. The staff is reviewing public comments and will develop proposed amendments for Commission consideration.

**Timetable:**

Action	Date	FR Cite
Staff Sent Briefing Package to Commission	06/11/02	
Commission Decision	08/28/02	
ANPRM	09/12/02	67 FR 57770
ANPRM Comment	11/12/02	
Period End		
Staff Sends Briefing Package to Commission	06/00/06	

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

Undetermined

**Federalism:** Undetermined

**Agency Contact:** Patricia K. Adair, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East-West Highway, Bethesda, MD 20814-4408  
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**RIN:** 3041-AB68**3666. 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 allows children to become entrapped between the portable bed rail and the bed. This entrapment can result in serious injury or death. In October 2000, the Commission issued an advance notice of proposed rulemaking addressing this issue. The ASTM standard for bed rails has since been revised and staff is evaluating the adequacy of, and conformance to, the revised standard. Following this evaluation, the Commission staff will prepare a briefing package for Commission consideration as to whether to continue the rulemaking.

**Timetable:**

Action	Date	FR Cite
Staff Sent Briefing Package to Commission	06/28/00	
Commission Decision	09/21/00	
ANPRM	10/03/00	65 FR 58968
ANPRM Comment	12/04/00	
Period End		
Staff Sent Briefing Package to Commission	10/01/01	
Commission Decision	10/30/01	
Staff Evaluates Conformance to Voluntary Standard	10/01/05	
Staff Sends Briefing Package to Commission	05/00/06	

**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, 4330 East-West Highway, Bethesda, MD 20814-4408  
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**RIN:** 3041-AB91**3667. MANDATORY SAFETY STANDARD FOR CIGARETTE LIGHTERS**

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

**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:** In November 2001, a petition from the Lighter Association, Inc. requested that the Commission issue a rule to adopt an ASTM voluntary safety standard for cigarette lighters. In November 2004, the Commission voted to grant the petition and initiate a rulemaking proceeding. An ANPRM was published in April 2005 and the comment period closed on June 10, 2005. Staff is monitoring conformance of lighters with the voluntary standard.

## CPSC

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
Staff Sent Draft ANPRM to Commission	03/25/05	
Commission Decision ANPRM	03/31/05	
ANPRM	04/11/05	70 FR 18339
ANPRM Comment Period End	06/10/05	
Staff Begins Monitoring of Conformance with Voluntary Standard	10/01/05	
Staff Completes Monitoring of Conformance with Voluntary Standard	05/00/06	
Staff Sends Briefing Package to Commission	08/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3041-AC25

**3668. ALL TERRAIN VEHICLES; ADVANCE NOTICE OF PROPOSED RULEMAKING; REQUEST FOR COMMENTS AND INFORMATION**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Consumer Product Safety Act; 15 USC 1261; Federal Hazardous Substances Act

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** At the direction of the Chairman, the staff prepared a draft advance notice of proposed rulemaking (ANPRM) concerning all terrain vehicles (ATVs) for consideration by the Commission. The staff memorandum accompanying the draft ANPRM discussed regulatory and non-regulatory options. Issuance of the ANPRM initiated a rulemaking proceeding under the Consumer Product Safety Act (CPSA) and the Federal Hazardous Substances Act (FHSA). The draft ANPRM reviewed the history of the Commission's involvement with ATVs and discussed a broad range of regulatory and non-regulatory options that the Commission can consider as means to reduce ATV-related deaths and injuries. The ANPRM was published on October 14, 2005. The staff is addressing public

comments on the ANPRM and preparing a briefing package for further consideration by the Commission.

**Timetable:**

Action	Date	FR Cite
Staff sends draft ANPRM to Commission	09/15/05	
Commission Decision ANPRM	10/05/05	
ANPRM	10/14/05	70 FR 60031
Comment Period Closes	12/13/05	
Staff Sends Briefing Package To Commission	05/00/06	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**URL For Public Comments:**

<http://www.cpsc.gov/library/foia/foia06/pubcom/atvcom1.pdf> through <http://www.cpsc.gov/library/foia/foia06/pubcom/atvcom13.pdf>

**Agency Contact:** Elizabeth W. Leland, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, 4330 East-West Highway, Bethesda, MD 20814-4408  
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Email: eleland@cpsc.gov

**RIN:** 3041-AC28

## Consumer Product Safety Commission (CPSC)

## Long-Term Actions

**3669. 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 could 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 assess the adequacy of and conformance with the voluntary standard before deciding whether to continue the proceeding by publication of a notice of proposed

rulemaking or terminate further proceedings.

**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 Adequacy of and Conformance with Revised Voluntary Standard	03/27/01	

## CPSC

## Long-Term Actions

Action	Date	FR Cite
Staff Completes Monitoring Adequacy and Conformance	12/01/05	
Staff Sends Briefing Package to Commission	To Be Determined	

**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, 4330 East-West Highway, Bethesda, MD 20814-4408  
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**RIN:** 3041-AB67**3670. SAFETY STANDARD FOR 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 briefed the Commission on July 28, 2003, and the Commission received oral comments from the public on the same date. The staff evaluated the comments received at the hearing and sent a briefing package to the Commission. On October 16, 2003, the Commission decided to issue a notice of proposed rulemaking and directed the staff to

prepare it for the Commission's consideration. On December 29, 2003, the NPRM was published in the Federal Register. The comment period closed on March 15, 2004. The staff is presently evaluating the comments and evaluating the adequacy of a revised voluntary standard for bath seats (ASTMF 1967-04), which was approved in July 2004.

**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	05/08/03	
Staff Briefed Commission	07/28/03	
Hearing	07/28/03	
Commission Decision	10/16/03	
NPRM	12/29/03	68 FR 74878
NPRM Comment Period End	03/15/04	
Staff Begins Monitoring Progress of Voluntary Standard	10/01/05	
Staff Completes Monitoring Progress of Voluntary Standard	To Be Determined	

**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, 4330 East-West Highway, Bethesda, MD 20814-4408  
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**Related RIN:** Related to 3041-AB93**RIN:** 3041-AC03**3671. PETITION CP 03-1/HP 03-1 REQUESTING A STANDARD FOR BUNK BED CORNER POSTS**

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

**Legal Authority:** 5 USC 553(e), Administrative Procedure Act; 15 USC 1262(j), Federal Hazardous Substances Act; 15 USC 2058(i), Consumer Product Safety Act

**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** A petition from the Danny Foundation requests that the Commission establish a standard to address an alleged hazard of strangulation posed by bunk bed corner posts. The petitioner asserts that due to the height of bunk beds, corner posts on bunk beds pose a substantial risk to children when the children's clothing, bedding, or other items become caught on the corner posts. On November 8, 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 January 7, 2003. On April 13, 2004, the staff sent a briefing package to the Commission on this issue. On July 30, 2004, the Commission voted to defer action on the petition while the staff continues to work with the ASTM bunk bed subcommittee on this issue. A revised voluntary standard for bunk beds was published in October 2004 that incorporates warning language about hangings associated with bunk beds and attaching items to the bed. CPSC staff is working with the subcommittee to develop requirements to address strangulation hazards with vertical protrusions.

**Timetable:**

Action	Date	FR Cite
Petition Docketed	10/23/02	
Notice	11/08/02	67 FR 68107
Comment Period End	01/07/03	
Staff Sends Briefing Package to Commission	04/13/04	
Commission Votes To Defer Action	07/30/04	
Staff Sends Briefing Package to Commission	To Be Determined	

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

**Agency Contact:** Susan Bathalon, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East-West Highway, Bethesda, MD 20814-4408  
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**RIN:** 3041-AC10

## CPSC

## Long-Term Actions

**3672. PETITION CP 03-2 REQUESTING PERFORMANCE STANDARDS FOR A SYSTEM TO REDUCE OR PREVENT INJURIES FROM CONTACTING THE BLADE OF A TABLE SAW**

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

**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:** The Commission was petitioned to issue a rule prescribing performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The staff is reviewing comments received and preparing a briefing package for consideration by the Commission.

**Timetable:**

Action	Date	FR Cite
Petition Docketed	06/10/03	
Notice	07/09/03	68 FR 40912
Comment Period Extended	09/05/03	68 FR 52753
Comment Period End	11/07/03	
Staff Sends Briefing Package to Commission	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

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**RIN:** 3041-AC19

**3673. PROPOSED STANDARD TO ADDRESS OPEN-FLAME IGNITION OF BEDCLOTHES**

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

**Legal Authority:** 15 USC 1193; Flammable Fabrics Act; 5 USC 801

**CFR Citation:** 16 CFR 1634

**Legal Deadline:** None

**Abstract:** On January 13, 2005, 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 open-flame ignition of bedclothes. Bedclothes are a major contributor to mattress ignition. Commission staff reviewed research indicating that mattresses and bedclothes operate together as a system in fires involving mattresses. Research has suggested that improved flammability performance of some bedclothes can reduce the fire hazard. The Commission staff will review public comments received on the ANPRM and conduct research on the fire hazard presented by burning bedclothes and the relationship with mattresses. Staff will prepare a decision package for Commission consideration.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/13/05	70 FR 2514
ANPRM Comment Period End	03/14/05	
Staff Sends Briefing Package to Commission	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3041-AC26

**3674. POSSIBLE REVOCATION OR AMENDMENT OF STANDARD FOR THE FLAMMABILITY OF MATTRESSES AND MATTRESS PADS (CIGARETTE IGNITION)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 15 USC 1193, Flammable Fabrics Act

**CFR Citation:** 16 CFR 1632

**Legal Deadline:** None

**Abstract:** The Commission published an advance notice of proposed rulemaking (ANPRM) in the Federal Register on June 23, 2005, requesting comments on a rulemaking proceeding that could result in revoking or amending its existing flammability standard that includes a test for cigarette ignition of mattresses and mattress pads (16 CFR Part 1632). On January 13, 2005, the Commission issued a proposed flammability standard for mattresses and mattress and foundation sets that prescribes an open flame ignition test. Some commenters to that rulemaking stated that they believe that once the new mattress standard is in effect the cigarette ignition test currently required in 16 CFR 1632 will not be necessary and conducting both tests will be burdensome for industry. The Commission issued this ANPRM to begin consideration of whether the existing mattress standard should be revoked or amended.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/23/05	70 FR 36357
ANPRM Comment Period End	08/22/05	
Staff Sends Briefing Package to Commission	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Federalism:** Undetermined

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**RIN:** 3041-AC27



## Consumer Product Safety Commission (CPSC)

## Completed Actions

**3675. PROPOSED STANDARD TO ADDRESS OPEN-FLAME IGNITION OF MATTRESSES/FOUNDATION SETS**

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 15 USC 1193, Flammable Fabrics Act; 5 USC 801

**CFR Citation:** 16 CFR 1633

**Legal Deadline:** None

**Abstract:** On October 11, 2001, 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 mattresses/bedding by small open-flame sources such as lighters, candles, or matches. This ANPRM was issued after the Commission staff conducted a field investigation study of these incidents and worked with industry members to improve consumer information programs and conducted research to define and measure the fire hazard presented by mattress/bedding ignitions in residential fires.

The Commission also received four petitions from the Children's Coalition for Fire-Safe Mattresses proposing: (1) an open flame standard similar to the full-scale test set forth in California Technical Bulletin 129; (2) an open flame standard similar to the component test set forth in British Standard 5852; (3) a warning label for mattresses warning of polyurethane foam fire hazards; and (4) a permanent, fire-proof mattress identification tag. The Commission granted the first two petitions and denied the others.

The Commission staff reviewed public comments on the ANPRM and continued working with the Sleep Products Safety Council (representing manufacturers and suppliers to the industry), the National Institute of Standards and Technology, the State of California Bureau of Home Furnishings, and others to complete the development of an appropriate test method and criteria for a standard to address open flame ignition of mattresses. In 2004, the staff prepared a decision package for Commission consideration, including a draft proposed standard with supporting materials, draft notice of proposed rulemaking (NPRM), and possible options to separately address the bedclothes contribution to mattress

fires. On December 22, 2004, the Commission voted to publish the NPRM for mattresses (and to separately address bedclothes by publishing an ANPRM for bedclothes). The NPRM was published January 13, 2005. The staff evaluated public comments received on the NPRM and prepared a briefing package in January 2006 for Commission decision making on publishing a final mattress standard. A public briefing was held on February 1, 2006. The Commission voted to issue a final rule on February 16, 2006.

**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	11/01/04	
Staff Briefs Commission on NPRM Draft	12/09/04	
Commission Decision NPRM	12/22/04	
NPRM	01/13/05	70 FR 2470
Public Hearing	03/03/05	
NPRM Comment Period End	03/29/05	
Staff Sends Briefing Package to Commission	01/13/06	
Staff Briefs Commission on Final Rule Draft	02/01/06	
Commission Decision	02/16/06	
Final Rule	03/15/06	71 FR 13472

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 3041-AC02

**3676. POSSIBLE SPECIAL PACKAGING STANDARD FOR HOUSEHOLD PRODUCTS CONTAINING HYDROXIDES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Sodium and potassium hydroxide are caustic substances found in many household products. In addition to sodium and potassium hydroxide, other hydroxides, such as calcium, lithium, and ammonium hydroxide are also found in consumer products. There are reports of injuries, ranging from minor irritation to second degree burns of the oral cavity, esophagus, eyes, and skin resulting from exposure to these products. Because of the potential for injury to children, household substances in dry forms containing 10 percent or more by weight of free or chemically unneutralized sodium and/or potassium hydroxide, and all other household substances containing 2 percent or more by weight of free or chemically unneutralized sodium and/or potassium hydroxide currently require child-resistant packaging under the Poison Prevention Packaging Act.

**Timetable:**

Action	Date	FR Cite
Withdrawn. No Agency Action Contemplated During this Regulatory Agenda Cycle.	01/31/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

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**RIN:** 3041-AC12

**3677. PETITION HP 04-2 REQUESTING A BAN OF SULFURIC ACID DRAIN OPENERS FOR CONSUMER USE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Mr. Michael Fox requests that the Commission issue a ban on sulfuric acid drain openers (SADOs) for use by consumers or, in the alternative, that the Commission require that SADOs for consumers "be packaged in one-shot

## CPSC

## Completed Actions

containers” and be limited to a maximum sulfuric acid concentration of 84 percent. The request was docketed as a petition for rulemaking on April 1, 2004. A notice requesting comment on the petition was published in the Federal Register on May 5, 2004. The comment period closed on July 6, 2004. CPSC staff prepared a briefing package for Commission consideration as to whether to grant, deny, or defer action on the petition. On March 6, 2006, the Commission voted 2-1 to deny the petition.

**Timetable:**

Action	Date	FR Cite
Petition Docketed	04/01/04	
Notice	05/05/04	69 FR 25069
Comment Period End	07/06/04	
Staff Sends Briefing Package to Commission	10/06/05	
Commission Decision	03/06/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3041-AC23

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