

## § 1209.40

## 16 CFR Ch. II (1-1-05 Edition)

certificate of compliance. See paragraphs (b) and (c), below.

(iii) The date of manufacture by day, month, and year.

(iv) The place of manufacture, by city, state, and zip code, or in the case of products manufactured outside the United States, by city and country.

The information required by this § 1209.39(a) may appear anywhere on the bag or container. The information required need not appear at the same place on the bag or container. The information shall be permanent until the bag or container is opened and used. The information shall be conspicuous and must appear in letters and figures at least ¼ inch in height. The date and place of manufacture may be in code, provided the person or firm issuing the certificate maintains a written record of the meaning of the code that can be made available to consumers, persons in the chain of distribution, and the Commission upon request.

(2) *Insulation not sold in bags or containers.* The manufacturer of cellulose insulation subject to the standard which is not sold in bags or other containers shall certify compliance with the standard by accompanying each shipment or delivery of the product, with a document such as an invoice, bill, statement, or separate document, which states the following: "This product meets the amended CPSC standard for flame resistance and corrosiveness of cellulose insulation. This material was manufactured on (insert day, month, and year of manufacture) at (insert city, state, and zip code, or in the case of insulation manufactured outside the United States, city and country)." The certificate of compliance must also contain the name of the manufacturer, private labeler, or importer issuing the certificate. See paragraphs (b) and (c), below. The certificate of compliance must appear in letters and figures which are conspicuous and legible. The date and place of manufacture may be in code, provided the person or firm issuing the certificate maintains a written record of the meaning of the code that can be made available to consumers, persons in the chain of distribution, and the Commission upon request.

(b) *Responsibilities of private labelers.* A private labeler who distributes a product subject to the standard which is manufactured by another person or firm but which is sold under the private labeler's name, brand, or trademark must issue the certificate of compliance required by section 14 of the Consumer Product Safety Act and this section. If the testing required by this subpart has been performed by or for the manufacturer of the product, the private labeler may rely on any such tests to support the certificate of compliance if the records of such tests are maintained in accordance with § 1209.38, above. The private labeler is responsible for ensuring that all testing used to support the certificate of compliance has been performed properly with passing or acceptable results, and that all records of such tests are accurate and complete.

(c) *Responsibilities of importers.* The importer of any product subject to the standard must issue the certificate of compliance required by section 14(a) of the act and this § 1209.39. If the testing required by this subpart B of part 1209 has been performed by or for the foreign manufacturer of the product, the importer may rely on any such tests to support the certificate of compliance if the importer is a resident of the U.S. or has a resident agent in the U.S. and the records are maintained in the U.S. in accordance with § 1209.38 above. The importer is responsible for ensuring that all testing used to support the certificate of compliance has been performed properly with passing or acceptable results, and that all records of such tests are accurate and complete.

### § 1209.40 Certification responsibility, multiple parties.

If there is more than one party (i.e., manufacturer, private labeler, or importer) otherwise subject to the requirements of this subpart B of part 1209 for certain cellulose insulation, only the party closest to the consumer in the distribution chain is required to issue a certificate.

### § 1209.41 Effective date.

The requirements of this subpart B of part 1209 shall become effective on October 16, 1979. Any cellulose insulation

manufactured after October 15, 1979 must be certified as complying with the standard. Cellulose insulation which is sold in bags or other containers is "manufactured" when the insulation is packaged in the bag or other container in which it will be sold. Insulation which is not sold in bags or containers is "manufactured" when the insulation leaves the manufacturing site to be sold.

## PART 1210—SAFETY STANDARD FOR CIGARETTE LIGHTERS

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SOURCE: 58 FR 37584, July 12, 1993, unless otherwise noted.

### Subpart A—Requirements for Child Resistance

AUTHORITY: 15 U.S.C. 2056, 2058, 2079(d).

#### § 1210.1 Scope, application, and effective date.

This part 1210, a consumer product safety standard, prescribes requirements for disposable and novelty lighters. These requirements are intended to make the lighters subject to the standard's provisions resistant to successful operation by children younger than 5 years of age. This standard applies to all disposable and novelty lighters, as defined in § 1210.2, that are manufactured or imported after July 12, 1994.

#### § 1210.2 Definitions.

As used in this part 1210:

- (a) *Cigarette lighter*. See *lighter*.
- (b) *Disposable lighter*—means a lighter that either is:
  - (1) Not refillable with fuel or
  - (2)(i) Its fuel is butane, isobutane, propane, or other liquified hydrocarbon, or a mixture containing any of these, whose vapor pressure at 75 °F (24 °C) exceeds a gage pressure of 15 psi (103 kPa), and
  - (ii) It has a Customs Valuation or ex-factory price under \$2.00, as adjusted every 5 years, to the nearest \$0.25, in accordance with the percentage changes in the appropriate monthly Producer Price Index (Producer Price Index for Miscellaneous Fabricated Products) from June 1993. The adjusted figure, based on the change in that Index since June 1993 as finalized in November 2003, is \$2.25.
- (c) *Lighter*, also referred to as *cigarette lighter*, means a flame-producing product commonly used by consumers to ignite cigarettes, cigars, and pipes, although they may be used to ignite other materials. This term does not include matches or any other lighting device intended primarily for igniting materials other than smoking materials, such as fuel for fireplaces or for charcoal or gas-fired grills. When used in this part 1210, the term *lighter* includes only the disposable and novelty lighters to which this regulation applies.
- (d) *Novelty lighter* means a lighter that has entertaining audio or visual effects, or that depicts (logos, decals, art work, etc.) or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children under 5 years of age. This includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.
- (e) *Successful operation* means one signal of any duration from a surrogate lighter within either of the two 5-minute test periods specified in § 1210.4(f).