

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 July 30, 2004.

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) 504-7923, or delivered to the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814-4408. 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 Lowell Martin, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207-0001, telephone (301) 504-7628. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

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

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

Additionally, Executive Order 12866 requires each agency to publish twice each year a regulatory agenda of regulations under development or review during the next year, and states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda published below lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the December 2003 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, Washington, DC 20207-0001.

Dated: May 10, 2004

Todd Stevenson,

Secretary, Consumer Product Safety Commission.

Consumer Product Safety Commission—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3858	Flammability Standard for Upholstered Furniture	3041-AB35
3859	Proposed Standard To Address Open-Flame Ignition of Mattresses/Bedding	3041-AC02
3860	Petition PP 03-1 Requesting an Amendment To Child-Resistance Testing Pass/Fail Criterion for Unit Dose Packaging	3041-AC17
3861	Petition HP 04-2 Requesting Ban of Sulfuric Acid Drain Openers for Consumer Use	3041-AC23

Consumer Product Safety Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3862	Amendment of Safety Regulations for Cribs	3041-AB67
3863	Amendment of the Standard for the Flammability of Clothing Textiles	3041-AB68
3864	Portable Bed Rails	3041-AB91

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Consumer Product Safety Commission—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3865	Petition CP 02-01 Requesting a Rule Adopting ASTM F400, Safety Standard for Lighters as a Consumer Product Safety Standard	3041-AC01
3866	Proposed Rule on Baby Bath Seats	3041-AC03
3867	Test Method for Determining Applicability of Cautionary Labeling and Child-Resistant Packaging to Hydrocarbon-Containing Products in Spray Packaging	3041-AC05
3868	Petition CP 02-3 Requesting a Standard for Hunting Tree Stands and a Ban of Waist Belt Restraints Used With Hunting Tree Stands	3041-AC07
3869	Petition CP 03-1/HP 03-1 Requesting a Standard for Bunk Bed Corner Posts	3041-AC10
3870	Petition CP 02-4/HP 02-1 Requesting a Ban of All-Terrain Vehicles That Are Sold for the Use of Children Under 16 Years Old	3041-AC11
3871	Possible Special Packaging Standard for Household Products Containing Hydroxides	3041-AC12
3872	Petition CP 03-3 Requesting the Labeling of Weightlifting Bench Press Benches To Reduce or Prevent Deaths Due to Asphyxia/Anoxia	3041-AC18
3873	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
3874	Protection of Human Subjects; Technical Amendments	3041-AC21
3875	Petition CP 04-1/HP 04-1 Requesting Mandatory Fire Safety Standards for Candles and Candle Accessories	3041-AC22

Consumer Product Safety Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3876	Petition HP 00-2 Requesting a Rule Declaring Natural Rubber Latex a Strong Sensitizer	3041-AB88
3877	Safety Standard for Cigarette Lighters; Adjusted Customs Value for Cigarette Lighters.	3041-AC24

Consumer Product Safety Commission (CPSC)

Prerule Stage

3858. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 15 USC 1191, 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. The 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 17, 2003, the Commission voted to issue a new ANPRM to include both small open flame and cigarette ignition risks in the proceeding.

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	