



Federal Register

**Monday,
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Part XLIX

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

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

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by January 31, 2003.

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, Maryland 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 Jacqueline Elder, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, Washington, DC 20207-0001, telephone (301) 504-7645, e-mail jelder@cpsc.gov. 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, 2003.

Todd Stevenson,
Secretary, Consumer Product Safety Commission.

Consumer Product Safety Commission—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3989	Flammability Standard for Upholstered Furniture	3041—AB35
3990	Petition HP 00—2 Requesting a Rule Declaring Natural Rubber Latex a Strong Sensitizer	3041—AB88
3991	Petition CP 02—01 Requesting a Rule Adopting ASTM F400, Safety Standard for Lighters as a Consumer Product Safety Standard	3041—AC01
3992	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
3993	Petition CP 03—1/HP 03—1 Requesting a Standard for Bunk Bed Corner Posts	3041—AC10

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Consumer Product Safety Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3994	Proposed Rule on Baby Bath Seats	3041—AC03

Consumer Product Safety Commission—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3995	Amendment of Safety Regulations for Cribs	3041—AB67
3996	Amendment of the Standard for the Flammability of Clothing Textiles	3041—AB68
3997	Portable Bed Rails	3041—AB91
3998	Proposed Standard To Address Open—Flame Ignition of Mattresses/Bedding	3041—AC02
3999	Test Method for Determining Applicability of Cautionary Labeling and Child—Resistant Packaging to Hydrocarbon—Containing Products in Spray Packaging	3041—AC05
4000	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
4001	Possible Special Packaging Standard for Household Products Containing Hydroxides	3041—AC12
4002	Petition PP 03—1 Requesting an Amendment To Child—Resistance Testing Pass/Fail Criterion for Unit Dose Packaging	3041—AC17
4003	Petition CP 03—3 Requesting the Labeling of Weightlifting Bench Press Benches To Reduce or Prevent Deaths Due to Asphyxia/Anoxia	3041—AC18
4004	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

Consumer Product Safety Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4005	Petition HP 01—1 Requesting the Development of a Performance Standard for Bicycle Handlebars	3041—AB94
4006	Petition HP 01—03 Requesting a Ban on Use of Chromated—Copper—Arsenate (CCA) Treated Wood in Playground Equipment	3041—AB97
4007	Petition CP 02—2 Requesting a Rule To Require a Performance Standard for Auxiliary Hazard Lighting Systems on Snowmobiles	3041—AC09
4008	Requirements for Bicycles—Tests and Test Procedures; Correction	3041—AC20

Consumer Product Safety Commission (CPSC)

Prerule Stage

3989. 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 1997, the staff forwarded a briefing package containing the draft standard and supporting data to the Commission.

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

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Prerule Stage

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 has also worked 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 containing an updated draft standard and supporting data to the Commission. In 2002, the Commission staff held a public meeting to receive any new technical information and recommendations from interested parties on the upholstered furniture 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 start a proceeding to cover both small open flame and cigarette ignition risks.

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	

Action	Date	FR Cite
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 ANPRM	10/17/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End	12/22/03	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Dale R. Ray, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207
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RIN: 3041—AB35

3990. 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 require 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. Before completing the briefing package, the staff asked Federal experts to review the staff's assessment of the health effects related to latex. The staff incorporated comments from this review and has completed a briefing package for consideration by the Commission.

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	
Federal Expert Review Completed	10/28/02	
Staff Sent Briefing Package to Commission	10/16/03	
Notice of Staff Briefing and Public Meeting Held on December 10, 2003	11/14/03	68 FR 64610
Commission Decision	12/00/03	

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

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RIN: 3041—AB88

CPSC

Prerule Stage

**3991. PETITION CP 02—01
REQUESTING A 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 Lighter Association submitted supplemental information in support of the petition on November 19, 2002. The staff is reviewing all information received and 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	12/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Rikki Z. Khanna,
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Safety Commission, Directorate for
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20207

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RIN: 3041—AC01

**3992. PETITION CP 02—3
REQUESTING A STANDARD FOR
HUNTING TREE STANDS AND A 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, Ph.D. 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	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: DeWane J. Ray,
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Safety Commission, Directorate for
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20207

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RIN: 3041—AC07

**3993. 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. The staff is preparing a briefing package for consideration by the Commission.

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	12/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Debra L. Sweet,
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RIN: 3041—AC10

Consumer Product Safety Commission (CPSC)

Proposed Rule Stage

3994. 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 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.

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	

Action	Date	FR Cite
Staff Briefed Commission	07/28/03	
Hearing	07/28/03	
Commission Decision	10/16/03	
Staff Sends Draft NPRM to Commission	11/00/03	

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

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RIN: 3041—AC03

Consumer Product Safety Commission (CPSC)

Long-Term Actions

3995. 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 consider written comments received in response to the ANPRM, and 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	

Action	Date	FR Cite
Staff Completes Monitoring Adequacy and Conformance	To Be Determined	
Staff Sends Briefing Package to Commission	To Be Determined	
Commission Decision	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, Washington, DC 20207

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RIN: 3041—AB67

3996. 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

CPSC

Long-Term Actions

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 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

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RIN: 3041—AB68**3997. 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. The ASTM standard for bed rails has been revised and staff will evaluate 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 Period End	12/04/00	
Staff Sent Briefing Package to Commission	10/01/01	
Commission Decision	10/30/01	
Staff Evaluates Conformance to Voluntary Standard	To Be Determined	
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, Washington, DC 20207

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RIN: 3041—AB91**3998. 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: In 1995, the Commission staff began a project on mattress fires. Subsequent to that, the Commission docketed two petitions from the Children's Coalition for Fire—Safe Mattresses, FP 00—1 and FP 00—2, requesting certain standards to address 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 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. The staff will address public comments on the ANPRM and prepare a briefing package for Commission consideration with a draft proposed rule for mattresses. The staff is also preparing a briefing package for Commission consideration as to whether to issue an ANPRM to address the flammability of bedding.

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**Small Entities Affected:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Margaret L. Neily, Project Manager, Consumer Product Safety Commission, Directorate for

CPSC

Long-Term Actions

Engineering Sciences, Washington, DC 20207

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RIN: 3041—AC02

3999. 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	

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 3041—AC05

4000. 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

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 2056 Consumer Product Safety Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Consumer Federation of America and several other groups requests that the Commission ban adult—sized four—wheel, all—terrain vehicles (ATVs) that are sold for the use of children under age 16. The petitioners assert that these ATVs pose an unreasonable risk of injury and death to children. In January 2003, the Commission released a risk analysis of ATV use. The Commission held a public hearing on June 5, 2003, in Morgantown, West Virginia. The staff is reviewing available information and preparing a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
Petition Docketed	09/26/02	
Notice	10/18/02	67 FR 64353
Comment Period End	12/17/02	
Comment Period Extended	12/26/02	67 FR 78776
Comment Period End	03/16/03	
Notice of Public Hearing	04/23/03	68 FR 19975
Public Hearing	06/05/03	

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Elizabeth W. Leland, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207

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RIN: 3041—AC11

4001. POSSIBLE SPECIAL PACKAGING STANDARD FOR HOUSEHOLD PRODUCTS CONTAINING HYDROXIDES

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

Unfunded Mandates: 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: 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 numerous 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.

Based upon new injury and toxicity information, the staff is considering whether to recommend: (1) requiring

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special packaging for all hydroxides, and (2) decreasing the percentage of sodium and potassium hydroxide for special packaging to be required. The staff is preparing a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
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—AC12

**4002. • PETITION PP 03—1
REQUESTING AN AMENDMENT TO
CHILD—RESISTANCE TESTING
PASS/FAIL CRITERION FOR UNIT
DOSE PACKAGING**

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

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1471, Poison Prevention Packaging Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Healthcare Compliance Packaging Council (HCPC) requests that the Commission amend the regulatory definition of a child—resistance test failure for unit dose, i.e., non—reclosable, packaging under the Poison Prevention Packaging Act, 15 U.S.C. 1471—1476. Specifically, the HCPC requests that the Commission eliminate the current criterion related to the toxicity of the substance to be packaged and define a unit dose packaging failure to be a child gaining access to more than eight individual unit doses. The staff is reviewing available information and will prepare a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Petition Docketed	05/12/03	

Action	Date	FR Cite
Other/Notice	06/16/03	68 FR 35614
Other/Comment Period End	08/15/03	
Staff Sends Briefing Package to Commission	To Be	Determined
Commission Decision	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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RIN: 3041—AC17

**4003. • PETITION CP 03—3
REQUESTING THE LABELING OF
WEIGHTLIFTING BENCH PRESS
BENCHES TO REDUCE OR PREVENT
DEATHS DUE TO ASPHYXIA/ANOXIA**

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: V. Patteson Lombardi, Ph.D., requests that the Commission issue a rule requiring a warning label on both uprights of weightlifting bench press benches. He asserts that the labeling is necessary to reduce or eliminate deaths due to asphyxia/anoxia caused by being trapped under a bench press barbell. The staff is reviewing available information and will prepare a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Petition Docketed	06/24/03	
Notice	07/18/03	68 FR 42692
Comment Period End	09/16/03	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3041—AC18

**4004. • 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: Messrs. Fanning, Fulmer, and Gass, et al., request that the Commission 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 available information and will prepare 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

Small Entities Affected: Undetermined

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3041—AC19

Consumer Product Safety Commission (CPSC)

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**4005. PETITION HP 01—1
REQUESTING THE DEVELOPMENT OF
A 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

CFR Citation: None

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 Commission denied the petition on July 11, 2003. The staff is working with the ASTM International Task Group on Handlebars to develop voluntary performance requirements to address this risk of injury.

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 Sent Briefing Package to Commission	06/12/03	
Petition Denied	07/11/03	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3041—AB94

**4006. 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.

Unfunded Mandates: 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. 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, this request was not docketed. 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. Commission staff reviewed comments received on the petition and conducted 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 staff's exposure and risk assessment was

reviewed by outside experts.

Commission staff prepared an options briefing package, including its risk assessment, that was sent to the Commission on February 7, 2003, for its consideration. The Commission held a public meeting on March 17—18, 2003, that included a briefing by CPSC staff members on their studies and evaluations, as well as testimony from interested public parties. The Commission's staff analyzed comments received at the hearing and after the hearing and prepared another package for the Commission that responds to these comments. On November 4, 2003, the Commission voted to deny the petition.

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
Comment Period End	10/22/01	
Expert Assessment Completed	12/01/02	
Staff Sent Briefing Package to Commission	02/07/03	
Public Meeting	03/17/03	
Staff Sent Package to the Commission Responding to Public Comments	10/09/03	
Petition Denied	11/04/03	

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 3041—AB97

**4007. PETITION CP 02—2
REQUESTING A RULE TO REQUIRE A
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: None

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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 auxilliary 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 prepared a briefing package for consideration by the Commission. The Commission denied the petition on August 4, 2003.

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	07/17/03	
Petition Denied	08/04/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3041-AC09

4008. • REQUIREMENTS FOR BICYCLES—TESTS AND TEST PROCEDURES; CORRECTION

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

Legal Deadline: None

Abstract: An immediately effective final rule to correct minor obvious typographical errors in equation defining criteria for the reflective tire and rim test in the Commission's bicycle regulations at 16 CFR part 1512.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	08/18/03	
Commission Approved Final Rule for Publication	08/26/03	
Final Rule	09/05/03	68 FR 52690
Final Action Effective	09/05/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3041-AC20

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