



Federal Register

**Monday,
December 11, 2006**

Part XLVI

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

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

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by November 30, 2006

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned "Regulatory Flexibility Agenda" and be e-mailed to 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. 601-612) 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.

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: August 18, 2006.

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

Consumer Product Safety Commission—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3740	Petition HP 06-2 Requesting Labeling Exemption for Mini Sparklers	3041-AC33
3741	Petition HP 06-1 Requesting Ban on Lead Toy Jewelry	3041-AC34
3742	Portable Generators	3041-AC36

Consumer Product Safety Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3743	Flammability Standard for Upholstered Furniture (Reg Plan Seq No. 146)	3041-AB35
3744	Amendment of the Standard for the Flammability of Clothing Textiles	3041-AB68
3745	Portable Bed Rails	3041-AB91
3746	Labeling for Portable Generators	3041-AC37
3747	Flammability Standards for Carpets and Rugs	3041-AC38

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

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Consumer Product Safety Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3748	Amendment of Safety Regulations for Cribs	3041-AB67
3749	Safety Standard for Baby Bath Seats	3041-AC03
3750	Petition CP 03-1/HP 03-1 Requesting a Standard for Bunk Bed Corner Posts	3041-AC10
3751	Petition CP 04-1/HP 04-1 Requesting Mandatory Fire Safety Standards for Candles and Candle Accessories	3041-AC22
3752	Mandatory Safety Standard for Cigarette Lighters	3041-AC25
3753	Proposed Standard To Address Open-Flame Ignition of Bedclothes	3041-AC26
3754	Possible Revocation or Amendment of Standard for the Flammability of Mattresses and Mattress Pads (Cigarette Ignition)	3041-AC27
3755	All Terrain Vehicles	3041-AC28
3756	Regulatory Options for Infant Pillows	3041-AC30
3757	Regulatory Options for Table Saws	3041-AC31
3758	Fireworks Devices	3041-AC35
3759	Civil Penalty Factors	3041-AC40

Consumer Product Safety Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3760	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
3761	Petition HP 05-1 Requesting Amendment to Ban on Infant Pillows	3041-AC29
3762	Commission Involvement in Voluntary Standards	3041-AC32
3763	Substantial Product Hazard Reports	3041-AC39

Consumer Product Safety Commission (CPSC)

Prerule Stage

3740. • PETITION HP 06-2 REQUESTING LABELING EXEMPTION FOR MINI SPARKLERS

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: Octavius Hunt requests that the Commission exempt mini sparkler tubes from the labeling requirement for sparklers that states that they must say "For Outdoor Use Only." The request for the labeling exemption was docketed as petition number HP 06-2 under the Federal Hazardous Substances Act, 15 U.S.C. 1261-1278. A notice requesting comment on the petition was published in the Federal Register on June 27, 2006.

Timetable:

Action	Date	FR Cite
Petition Docketed	06/08/06	
Notice of Comment Period	06/27/06	71 FR 36524
Comment Period End	08/28/06	
Staff Sends Briefing Package to Commission	12/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jonathan Midgett, Engineering Psychologist, Consumer Product Safety Commission, Bethesda, MD 20814
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RIN: 3041-AC33

3741. • PETITION HP 06-1 REQUESTING BAN ON LEAD TOY JEWELRY

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Sierra Club requests a ban on toy jewelry containing more than 0.06% lead by weight. The request was docketed as a petition for rulemaking on May 16, 2006. A notice requesting comment on the petition was published in the Federal Register on June 20, 2006. The comment period closed on August 21, 2006. CPSC staff will prepare a briefing package for Commission consideration as to

CPSC

Prerule Stage

whether to grant, deny or defer action on the petition.

Timetable:

Action	Date	FR Cite
Petition Docketed	05/16/06	
Notice of Comment Period	06/20/06	71 FR 35416
Comment Period End	08/21/06	
Staff Sends Briefing Package to Commission	12/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Kristina Hatlelid, Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, 4330 East-West Highway, Bethesda, MD 20814-4408
Phone: 301 504-7254
Email: khatlelid@cpsc.gov

RIN: 3041-AC34

3742. • PORTABLE GENERATORS

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

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 2051, Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The staff prepared a draft advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators for consideration by the Commission. The ANPRM discusses regulatory and non-regulatory alternatives that could reduce portable generator-related deaths and injuries, particularly those related to carbon monoxide poisoning. On October 12, 2006 staff sent supplemental material to the Commission. On October 26, 2006, staff briefed the Commission and the Commission voted 2-0 to instruct the staff to prepare a draft ANPRM for Commission consideration.

Timetable:

Action	Date	FR Cite
Staff sends ANPRM to Commission	06/29/06	
Staff sent Supplemental Material to Commission	10/12/06	
Staff Briefs Commission	10/26/06	
Commission Decision	10/26/06	
Staff Sends Draft ANPRM to Commission	12/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Janet L. Buyer, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Bethesda, MD 20814
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RIN: 3041-AC36

Consumer Product Safety Commission (CPSC)

Proposed Rule Stage

3743. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Regulatory Plan: This entry is Seq. No. 146 in part II of this issue of the **Federal Register**.

RIN: 3041-AB35

3744. 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 Period End	11/12/02	
Staff Sends Briefing Package to Commission	12/00/06	
Commission Decision	To Be Determined	

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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Email: padair@cpsc.gov

RIN: 3041-AB68

CPSC

Proposed Rule Stage

3745. 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 (ANPRM) 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 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	10/01/05	
Staff Sends Briefing Package to Commission	12/00/06	

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

Phone: 301 504-7577

Email: phackett@cpsc.gov

RIN: 3041-AB91

3746. • LABELING FOR PORTABLE GENERATORS

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

Unfunded Mandates: Undetermined

Legal Authority: 15 USC 2076(e), Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The staff has sent a notice of proposed rulemaking (NPRM) briefing package to the Commission recommending that manufacturers of portable generators be required to label portable generators with performance and technical data which would inform consumers of the potential carbon monoxide poisoning hazard associated with portable generator use. On August 15, 2006, the Commission voted to issue the NPRM

Timetable:

Action	Date	FR Cite
Staff sends NPR Briefing Package to Commission	08/08/06	
Commission Decision	08/15/06	
NPRM	08/24/06	71 FR 50003
NPRM Comment Period End	11/07/06	
Staff Sends Briefing Package to Commission	01/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Janet L. Buyer, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Bethesda, MD 20814

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RIN: 3041-AC37

3747. • FLAMMABILITY STANDARDS FOR CARPETS AND RUGS

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

Legal Authority: 15 USC 1193, Flammable Fabrics Act

CFR Citation: 16 CFR 1630 and 1631

Legal Deadline: None

Abstract: The Consumer Product Safety Commission administers two flammability standards for carpets and rugs: 16 CFR Part 1630 — Standard for the Flammability of Carpets and Rugs, and 16 CFR part 1631 — Standard for the Surface Flammability of Small Carpets and Rugs. The standards establish minimum acceptance criteria for the surface flammability of carpets and rugs when exposed to a standard small source of ignition under prescribed conditions (the “pill test”). The standards define the ignition source in relevant part as a methenamine tablet, sold by the Eli Lilly Company, or an equal tablet. In April 2002, Commission staff learned that the Eli Lilly Company was no longer producing the methenamine tablets specified in the carpet and rug standards. The staff has prepared a briefing package recommending removing the reference to the Eli Lilly Company and amending the standards to address the issue of what is considered an “equal” methenamine tablet for Commission consideration. On October 10, 2006, the Commission voted to instruct the staff to prepare a draft notice of proposed rulemaking (NPRM).

Timetable:

Action	Date	FR Cite
Staff sent Briefing Package to Commission	10/03/06	
Commission Decision	10/10/06	
Staff sends draft NPRM to Commission	10/20/06	
Commission Decision	10/31/06	
NPRM	11/13/06	71 FR 66145
NPRM Comment Period End	01/29/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Patricia K. Adair, Project Manager, Consumer Product

CPSC

Proposed Rule Stage

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RIN: 3041-AC38

Consumer Product Safety Commission (CPSC)

Long-Term Actions

3748. 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	

Action	Date	FR Cite
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	
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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Email: phackett@cpsc.gov

RIN: 3041-AB67

3749. 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

CPSC

Long-Term Actions

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

3750. 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. An ASTM subcommittee ballot addressing vertical protrusions on a top bunk closed on July 3, 2006. CPSC staff provided comments to this ballot; comments will be reviewed at the next subcommittee meeting.

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

3751. 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. On July 10, 2006, CPSC staff sent a briefing package to the Commission for consideration and recommended that the Commission defer action on the petition. On July 19, 2006, the Commission voted 3-0 to defer the petition and directed the staff to provide updates on the progress of voluntary standards activities.

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	07/10/06	
Commission Votes to Defer Action	07/19/06	
Staff Sends Briefing Package to Commission	To Be Determined	

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
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Email: atenney@cpsc.gov

RIN: 3041-AC22

3752. 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 has completed monitoring conformance of lighters with the voluntary standard, and has sent a briefing package to the Commission for consideration.

Timetable:

Action	Date	FR Cite
Staff Sent Draft ANPRM to Commission	03/25/05	
Commission Decision ANPRM	03/31/05	
	04/11/05	70 FR 18339

CPSC

Long-Term Actions

Action	Date	FR Cite
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	05/15/06	
Staff Sent Briefing Package to Commission	10/10/06	
Commission Decision	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Rohit Khanna, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East-West Highway, Bethesda, MD 20814-4408
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RIN: 3041-AC25

3753. 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

3754. 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. The staff is analyzing the public comments. A research project examining the criteria for self-sustained smoldering will begin in late 2006.

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

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RIN: 3041-AC27

3755. ALL TERRAIN VEHICLES

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 a means to reduce

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ATV-related deaths and injuries. The ANPRM was published on October 14, 2005. The staff addressed public comments on the ANPRM and sent a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission on May 31, 2006. A Commission briefing was held on June 15, 2006. On July 12, 2006, the Commission voted 3-0 to approve publication of the draft NPRM in the Federal Register with changes.

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
ANPRM Comment Period Closes	12/13/05	
Staff Sends Briefing Package to Commission	05/31/06	
Commission Decision NPRM	07/12/06	
NPRM	08/10/06	71 FR 45903
NPRM Comment Period Closes	10/24/06	
Staff Sends Briefing Package to Commission	To Be Determined	

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>

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RIN: 3041-AC28

3756. • REGULATORY OPTIONS FOR 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: On July 13, 2006, the Commission voted 3-0 to grant a petition requiring that the Commission amend the ban on infant pillows under 16 CFR 1500.18(a)(16)(i). The staff prepared a draft advance notice of proposed rulemaking (ANPRM) concerning infant pillows to initiate a rulemaking proceeding under the Federal Hazardous Substances Act (FHSA) to identify the product and the risk of injury associated with infant pillows, summarize regulatory alternatives, and invite comments from the public. On September 14, 2006 the Commission voted to issue the ANPRM.

Timetable:

Action	Date	FR Cite
Staff sends Draft ANPRM to Commission	09/07/06	
Commission Decision ANPRM	09/14/06	
ANPRM	09/27/06	71 FR 56418
ANPRM Comment Period Ends	11/27/06	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Suad

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RIN: 3041-AC30

3757. • REGULATORY OPTIONS FOR TABLE SAWS

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: On July 11, 2006, the Commission voted 2-1 to grant a petition requesting 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 preparing an advance notice of proposed rulemaking (ANPRM) concerning table saws initiating a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to identify the product and the risk of injury associated with table saw blade contact injuries, summarize regulatory alternatives, and invite comments from the public.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM to Commission	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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RIN: 3041-AC31

3758. • FIREWORKS DEVICES

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: 16 CFR 1500 and 1507

Legal Deadline: None

Abstract: The staff prepared a draft advance notice of proposed rulemaking (ANPRM) concerning fireworks devices requesting comments on whether there is a need for the agency to update and strengthen its regulation of fireworks devices and sent it to the Commission for consideration on June 26, 2006. On June 30, 2006, the Commission voted 3-0 to issue an advance notice of proposed rulemaking. The ANPRM was issued on July 12, 2006.

Timetable:

Action	Date	FR Cite
Staff sends draft ANPRM to Commission	06/26/06	
Commission Decision ANPRM	06/30/06	
ANPRM	07/12/06	71 FR 39249

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Action	Date	FR Cite
Comment Period Closes	09/11/06	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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3759. • CIVIL PENALTY FACTORS

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

Legal Authority: 15 USC 2069(b) and (c), Consumer Product Safety Act

CFR Citation: 16 CFR Part 1119

Legal Deadline: None

Abstract: Section 20(b) and (c) of the Consumer Product Safety Act, 15 USC 2069(b) and (c), require certain factors to be considered in assessing and compromising civil penalties. The Commission proposed a new interpretive rule that identifies and explains other factors that may be considered by the Commission and staff in evaluating the appropriateness and amount of a civil penalty. On July 12, 2006 the Commission solicited comments on a proposed new interpretive rule. The comment period closed on August 11, 2006. CPSC staff will prepare a briefing package for Commission consideration concerning

the content of a possible final interpretive rule.

Timetable:

Action	Date	FR Cite
Notice of Proposed Interpretive Rule	07/12/06	71 FR 39248
Comment Period End	08/12/06	
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-AC40

Consumer Product Safety Commission (CPSC)

Completed Actions

3760. 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

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2051, Consumer Product Safety Act

CFR Citation: None

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. On June 28, 2006, the staff sent a briefing package to the Commission recommending that the petition be granted. On July 11, 2006, the Commission voted 2-1 to grant the petition and to publish an advance notice of proposed rulemaking (ANPRM).

Timetable:

Action	Date	FR Cite
Petition Docketed	06/10/03	
Notice	07/09/03	68 FR 40912

Action	Date	FR Cite
Comment Period Extended	09/05/03	68 FR 52753
Comment Period End	11/07/03	
Staff Sends Briefing Package to Commission	06/28/06	
Commission Decision	07/11/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3041-AC19

3761. PETITION HP 05-1 REQUESTING AMENDMENT TO BAN ON INFANT PILLOWS

Priority: Substantive, Nonsignificant

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. On June 30, 2006, the staff sent a briefing package to the Commission for Commission consideration. On July 13, 2006, the Commission voted 3-0 to grant the petition to evaluate whether the Boston Billow nursing pillow and other infant cushions/pillows or pillow-like products could result in an amendment to the existing ban.

Timetable:

Action	Date	FR Cite
Petition Docketed	09/15/05	

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Action	Date	FR Cite
Notice of Comment Period	10/13/05	70 FR 59726
Comment Period End	12/12/05	
Staff Sends Briefing Package to Commission	06/30/06	
Commission Decision	07/13/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Suad

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RIN: 3041-AC29**3762. • COMMISSION INVOLVEMENT IN VOLUNTARY STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 553, Administrative Procedure Act; 15 USC 2051, Consumer Product Safety Act**CFR Citation:** 16 CFR 1031**Legal Deadline:** None

Abstract: On July 10, 2006, the Commission issued a final rule revising Commission regulations governing employee involvement in voluntary standards activities. The revisions, approved unanimously by the Commission, reflect current agency practices and strengthen oversight of staff involvement in standards making activities. The revisions also codify existing procedures for Internet disclosure and public comment

regarding standards activities in which Commission staff is actively involved. Because this rule related solely to rules of agency organization, procedure, and practice, pursuant to 5 USC 553(b), notice and other procedures were not required and the rule became effective immediately upon publication.

Timetable:

Action	Date	FR Cite
Final Rule	07/10/06	71 FR 38754

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

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RIN: 3041-AC32**3763. • SUBSTANTIAL PRODUCT HAZARD REPORTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 2064(b), Consumer Product Safety Act**CFR Citation:** 16 CFR 1115**Legal Deadline:** None

Abstract: Section 15(b) of the Consumer Product Safety Act, 15 USC 2064(b), requires manufacturers, distributors and retailers of consumer products to report potential product hazards to the Consumer Product Safety Commission. On May 26, 2006, the Commission solicited comments on a notice of proposed revisions to its

interpretive rules at 16 CFR part 1115 regarding reporting of substantial product hazards. The proposed revisions identified additional factors the Commission and staff consider when assessing whether or not a product is defective. The proposed revisions also clarified that compliance with voluntary and mandatory product safety standards may be considered by the Commission in making certain determinations under section 15. After considering the comments the Commission voted 2-1 to issue a final revised interpretive rule on July 25, 2006.

Timetable:

Action	Date	FR Cite
Notice of Proposed Revisions to Interpretive Rule	05/26/06	71 FR 30350
Comment Period End	06/26/06	
Staff Sends Briefing Package to Commission	07/07/06	
Commission Decision	07/13/06	
Final Interpretive Rule	07/25/06	71 FR 42028

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

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RIN: 3041-AC39

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