



UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 WASHINGTON, DC 20207

BALLOT VOTE SHEET

Date: **DEC 21 2006**

TO : The Commission
 Todd Stevenson, Secretary

THROUGH: Patricia Semple, Executive Director *PS*

FROM : Page C. Faulk, General Counsel *PCF*
 Jeffrey R. Williams, Assistant General Counsel
 Patricia M. Pollitzer, Attorney *PM*

SUBJECT : Proposed Revision of Garage Door Operator Standard

Ballot Vote Due: JAN - 3 2007

Attached is a briefing package from the staff recommending that the Commission issue a notice of proposed rulemaking ("NPR") to revise the Commission's garage door operator standard, 16 C.F.R. Part 1211, to reflect changes UL has made to its standard upon which the Commission standard was based. A draft NPR is attached at Tab D.

Please indicate your vote on the following options.

I. Approve the NPR as drafted.

Signature

Date

II. Approve the draft NPR with the following changes (please specify).

Signature

Date

SEPARATE

NO REPRESENTATION OF PRODUCTS USED
 WITH TAB D REMOVED

EXCEPTED BY: *NAZ 12/21/06*
 RULEMAKING ADMIN. PROC.

WITH PORTION REMOVED

CPSC Hotline: 1-800-638-CPSC(2772)

CPSC's Web Site: <http://www.cpsc.gov>

NOTE: This document has not been reviewed or accepted by the Commission.

Date 12/21/06

III. Do not approve the draft NPR.

Signature

Date

IV. Take other action (please specify):

Signature

Date



**Amendment to the Standard for Garage Door Operators
Addressing Entrapments under a Partially Open Garage Door**

December 2006

For Further Information Contact:
John Murphy
Directorate for Engineering Sciences
(301) 504-7541

SPRA 99-101 CLEAR WITH TAB D
NO SPRING/PRODUCTS
EXCEPTED BY NPR 12/21/06
RULEMAKING ADMIN. PROCDD
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NOTE: This document has not been
reviewed or accepted by the Commission.
Initial JK Date 12/21/06



UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 WASHINGTON, DC 20207

Memorandum

Date: **DEC 21 2006**

TO : The Commission
 Todd Stevenson, Secretary

THROUGH: Page C. Faulk, General Counsel *PCF*
 Patricia M. Semple, Executive Director *PS*

FROM : Jacqueline Elder, Assistant Executive Director,
 Office of Hazard Identification and Reduction
 John R. Murphy, Mechanical Engineer
 Directorate for Engineering Sciences *JRM*

SUBJECT : Revision of garage door operator standard, 16 CFR Part 1211

I. Introduction

This memorandum provides background on the U. S. Consumer Product Safety Commission's (CPSC) mandatory standard for garage door operators (16 CFR Part 1211) and recommends the publication of a notice of proposed rulemaking to revise the standard.

II. Background

In the Consumer Product Safety Improvement Act of 1990 (the Improvement Act) Congress mandated that automatic residential garage door operators (GDOs) manufactured on or after January 1, 1991, conform to the entrapment protection requirements of the 1988 version of Underwriters Laboratories Inc. (UL) Standard for Safety for Door, Drapery, Gate, Louver, and Window Operators and Systems-UL 325. A copy of the Improvement Act is provided at Tab A. On June 19, 1991, the Commission issued the garage door operator standard (16 CFR Part 1211).

The Improvement Act provided that whenever UL makes changes to the entrapment protection provisions of UL 325, UL must notify the Commission of the proposed revisions. Those changes must be incorporated into the Commission rule unless the Commission notifies UL within 30 days that the Commission has determined the revisions do not carry out the purposes of the Improvement Act.

III. Discussion

A. The Current Mandatory Standard

The primary provision of the Commission's standard requires that all residential garage door operators sold in the United States have an inherent reversing mechanism capable of reversing the motion of a downward moving garage door within 2 seconds. This system is known as an inherent system because it is physically located within the housing of the garage door operator. In addition, the operator shall be provided with a "means" for connection of an external entrapment-sensing device. Most garage door operators on the market today use an electric eye as the external entrapment-sensing device. The purpose of this device is to monitor the area under the garage door for people who might become entrapped by the garage door. The standard also allows a device known as a door edge sensor, similar to the sensors used on elevator doors, or any other device that provides equivalent protection. These devices are known as external entrapment sensing devices because they are located outside the housing of the garage door operator.

In addition, the standard requires all garage door operators to have a device referred to as a 30-second clock. The 30-second clock is a back-up device that reopens the door if the door cannot close completely within 30 seconds, as would be the case when a person becomes entrapped under the door. The 30-second clock is a backup to the primary inherent entrapment system that must reverse the door within 2 seconds should a person become entrapped under the door.

The standard also requires that every garage door operator be equipped with a "means to manually detach the door operator from the door." The reason for this requirement is to enable a person to quickly detach the operator from the door in the event a person becomes entrapped under the door. For most garage doors, the means of detachment is actuated by pulling on a red handle that hangs below the garage door operator.

B. Recent Revisions to UL 325

CPSC staff identified several incidents (In-depth Investigation reports 000810CCC0940, 010503CWE6002, 011119CWE5016, 020307CEP9004, and 020701CEP9003) in which children became entrapped beneath a garage door that had been left partially open. In most of the incidents a child tried to crawl under the partially open door and became stuck under the door. In each incident a bystander pressed the wall control button thinking that the door would go up and release the child. Instead the garage door moved down, compressing and further entrapping the child. The staff asked UL to modify UL 325 so that the likelihood of these incidents occurring would be diminished.

CPSC staff worked closely with the UL 325 Standard Technical Panel (STP) and participated in an STP working group to develop the revisions to the standard. The standard was modified to require that a residential automatic garage door operator cannot move downward from a partially open position until the operator raises the door a minimum of 2 inches (50.8

mm). The new requirement has been inserted in paragraphs that apply to inherent safety devices, such as a force sensor that is inherent to the GDO (inside the case), and external safety devices, such as electric eyes. A specific obstruction test has been created to test for compliance with these requirements. The changes become effective on February 21, 2008, so that manufacturers have sufficient time to incorporate them into their garage door operators.

The user instructions have been modified to include "NEVER GO UNDER A STOPPED, PARTIALLY OPEN DOOR." The user instructions were implemented first and became effective on September 14, 2004.

CPSC staff received official notification of changes to UL 325 in a letter to Jacqueline Elder dated February 22, 2006, attached at Tab B. The letter was received on Thursday, February 23, 2006. CPSC staff notified the Commission of the revisions to the UL standard in a briefing memo dated March 21, 2006 and of the staff's belief that the revisions do carry out the purposes of the Improvement Act.

C. Economic Impact

The Commission is required by the Regulatory Flexibility Act of 1990 (RFA) to consider the economic effects on small entities. The staff believes that, due to the nature of the revisions, they are unlikely to have any adverse impact on small businesses or other entities (TAB C). The Directorate for Economic Analysis (EC) indicates that, according to industry sources, there are 21 manufacturers of GDOs. These manufacturers produce GDOs that are tested and certified to UL 325. The proposed changes overwhelmingly serve to codify existing industry practices and can be met by modifications to the GDO's microchip templates. EC states that the cost of compliance is expected to be low on a per-unit basis and concludes that the impacts on the firms would be minimal.

The Commission is required by the National Environmental Policy Act (NEPA) to consider the potential environmental impact of the proposed amendment. EC states that the proposed amendment is not expected to result in any increase in materials of manufacture, construction, packaging, or labels of complying GDOs. It would have little or no effect on existing inventories, or require retrofit or disposal of existing inventories, since most inventories now comply with the proposed requirement.

IV. Recommendations

CPSC staff recommends that the Commission issue a notice of proposed rulemaking (NPR) to amend the Commission's standard for automatic residential garage door operators, 16 CFR Part 1211, to reflect changes UL has made to UL 325 the Standard for Safety for Door, Drapery, Gate, Louver, and Window Operators and Systems. A draft NPR is provided at Tab D.

Attachments

TAB A

Public Law 101-608

SEC. 203 AUTOMATIC GARAGE DOOR OPENERS

(a) CONSUMER PRODUCT SAFETY RULE.—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act

(b) REQUIREMENTS —

(1) Effective on and after January 1, 1991, each automatic residential garage door opener manufactured on or after that date for sale in the United States shall conform to the entrapment protection requirements of the American National Standards Institute Underwriters Laboratories, Inc. Standards for Safety—UL 325, third edition, as revised May 4, 1988.

(2)(A) Effective on and after January 1, 1993, all residential automatic garage door openers manufactured on and after such date for sale in the United States shall conform to any additional entrapment protection requirements of the American National Standards Institute Underwriters Laboratories, Inc. Standards for Safety—UL 325, third edition, which were issued after the date of the enactment of this Act to become effective on or before January 1, 1993

(B) If, by June 1, 1992, the Underwriters Laboratories, Inc., has not issued a revision to the May 4, 1988, Standards for Safety—UL 325, third edition, to require an entrapment protection feature or device in addition to that required by the May 4, 1988, Standard, the Consumer Product Safety Commission shall begin a rulemaking proceeding, to be completed no later than October 31, 1992, to require an additional such feature or device on all automatic residential garage door openers manufactured on or after January 1, 1993, for sale in the United States. If such a revision is issued by the Underwriters Laboratories, Inc. after the rulemaking has commenced, the rulemaking shall be terminated and the revision shall be incorporated in the consumer product safety rule under subsection (a) unless the Commission has determined under subsection (c) that such revision does not carry out the purposes of subsection (b).

(c) REVISION OF RULE.—If, after June 1, 1992, or the date of a revision described in subsection (b)(2)(B) if later, the Underwriters Laboratories, Inc. proposes to further revise the entrapment protection requirements of the American National Standards Institute Underwriters Laboratories, Inc. Standards for Safety—UL 325, third edition, the Laboratories shall notify the Consumer Product Safety Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule under subsection (a) unless, within 30 days of such notice, the Commission notifies the Laboratories that the Commission has determined that such revision does not carry out the purposes of subsection (b)

(d) LABELING.—On and after January 1, 1991, a manufacturer selling or offering for sale in the United States an automatic residential garage door opener manufactured on or after January 1, 1991, shall clearly identify on any container of the system and on the system the month or week and year the system was manufactured and its conformance with the requirements of subsection (b). The display of the UL logo or listing mark, and compliance with the date marking requirements of UL 325, on both the container and the system, shall satisfy the requirements of this subsection.

Public Law 101-608

(e) **NOTIFICATION** —Effective on and after July 1, 1991, all manufacturers of automatic residential garage door openers shall, in consultation with the Consumer Product Safety Commission, notify the public of the potential for entrapment by garage doors equipped with automatic garage door openers and advise the public to test their openers for the entrapment protection feature or device required by subsection (b).

(f) **PREEMPTION** —In applying section 26(a) of the Consumer Product Safety Act (15 U.S.C. 2075) with respect to the consumer product safety rule of the Consumer Product Safety Commission under subsection (a), only those provisions of laws of States or political subdivisions which relate to the labeling of automatic residential garage door openers and those provisions which do not provide at least the equivalent degree of protection from the risk of injury associated with automatic residential garage door openers as the consumer product safety rule provides shall be subject to such section.

(g) **REGULATIONS**.—Section 553 of title 5, United States Code, shall apply with respect to the issuance of any regulations by the Consumer Product Safety Commission to implement the requirements of this section and sections 7 and 9 of the Consumer Product Safety Act do not apply to such issuance. Any additional or revised requirement issued by the Commission shall provide an adequate degree of protection to the public.

(h) **CONSTRUCTION** —Nothing in this section shall affect or modify in any way the obligations or liabilities of any person under the common law or any Federal or State law.

TAB B



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 333 Pfingsten Road
 Northbrook, IL 60062-2096 USA
 www.ul.com
 tel: 1 847 272 8800
 fax: 1 847 272 8129
 Customer service: 1 877 854 3577

February 22, 2006

Ms. Jacqueline Elder
 Assistant Executive Director
 U.S. Consumer Product Safety Commission
 Office of Hazard Identification and Reduction
 4330 East-West Highway
 Bethesda, MD 20814

Subject: UL 325 - Published Revisions

Dear Ms. Elder,

In accordance with Public Law 101-608, Underwriters Laboratories Inc. hereby notifies the CPSC regarding published revisions to the fifth edition of the Standard for Door, Drapery, Gate, Louver, and Window Operators and Systems, UL 325.

On March 25, 2005, UL proposed revisions to the residential garage door operator portion of UL 325. Ballots and comments to these proposed revisions were due May 10, 2005. During the course of UL's consensus (STP) process, no changes were made to the proposal, and revisions were published February 21, 2006.

Attached is a copy of the revised pages, related to residential garage door operators, as published in the Standard. If you have any questions, please feel free to contact me.

Yours truly,

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 Secretary for STP 325
 Senior Project Engineer
 Standards Department
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Reviewed by:

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cc: Subject 325
 Ganesh Rao, UL DC
 Joe Musso, UL NBK
 Amy Walker, UL NBK

An independent organization working for a safer world with integrity, precision and knowledge.



TAB C



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Memorandum

Date: October 4, 2006

TO : John R. Murphy, ESME
Project Manager, Garage Door Openers

THROUGH: Gregory R. Rodgers, Ph.D, Associate Executive Director, Economic Analysis *GR*
Deborah V. Aiken, Ph.D, Senior Staff Coordinator *DVA*

FROM : Terrance R. Karels, Directorate for Economic Analysis

SUBJECT : Economic Considerations: Revision to Garage Door Operator Standard

The Commission is considering an amendment to 16 CFR Part 1211, "The Safety Standard for Automatic Residential Garage Door Operators," which is based on Underwriters Laboratories (UL) Standard 325. Under Public Law 101-608, the Commission is required to incorporate any UL revisions to this standard into Part 1211, unless the Commission determines that the revision does not carry out the purposes of the Public Law. The latest UL revision, finalized on February 21, 2006, provides for a modification of the path of travel for residential automatic garage door operators ("GDOs") so that, if the doors are stopped partly open, they cycle upwards before lowering again, within certain defined clearances. The purpose of this memorandum is to examine the regulatory flexibility implications and environmental effects of the amendment.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires that the Commission consider whether a proposal would have a significant effect on a substantial number of small entities, including small business and government entities. A cross-referencing of the UL Directory, the Electrical Testing Laboratory Directory (another testing and certifying body), and the Door and Access Systems Manufacturers Association (DASMA) membership list, reveals 21 manufacturers of

residential garage door operators. According to the Executive Director of DASMA, these firms represent a substantial majority of total U.S. sales of GDOs. These manufacturers' GDOs are tested and certified to UL 325. Therefore, the proposal overwhelmingly serves to codify existing industry practices regarding production of GDOs. While it is possible that there are a few nonmembers of DASMA serving the U.S. market, any marketers of non-certified GDOs would find it difficult to find retailer acceptance, given retailers' product liability concerns. It is likely that any DASMA nonmembers, if they exist, also meet UL 325.

The method of compliance to this revision is through changes in the GDOs operating microchip, which would cause the door to cycle upwards when encountering an obstacle. Modifications to the microchip templates needed to accomplish this task may involve some one-time up-front costs associated with the design of the microchip. However, the cost of compliance is expected to be nil on a per-unit basis, as the modifications can be amortized over several years of production. Thus, to the extent that there are smaller firms supplying GDOs to the U.S. market, it is anticipated that the impacts on these firms would be minimal, even if they are not currently in compliance with UL 325.

National Environmental Policy Act

Under the National Environmental Policy Act (NEPA), there are requirements that the Commission consider the potential environmental impact as a result of the proposed amendment. The additional requirement does not result in any increase in materials of manufacture, as the proposal involves a change in the design of the microchip of the controller for the garage door operators.

This proposal codifies existing industry practices, and will have no incremental effect on the production processes. Similarly, it is not expected to have any impact on the amounts of materials used in construction, packaging, or labels of complying GDOs. It would have little or no effect on existing inventories, or require retrofit or disposal of existing inventories, since most inventories now comply with the proposed requirement.

TAB D

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REMOVED