



U.S. CONSUMER PRODUCT SAFETY COMMISSION

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May 24, 2010

Erika Z. Jones
Counsel to Bicycle Product Suppliers Association
Mayer Brown LLP
1999 K Street, N.W.
Washington, D.C. 20006-1101

Dear Ms. Jones,

This responds to your petition, dated April 1, 2010, on behalf of the Bicycle Product Suppliers Association (BPSA). The petition requested an extension of the stay of enforcement of the testing and certification requirements related to 16 CFR part 1512 imposed by section 14 of the Consumer Product Safety Act (CPSA), as amended by the Consumer Product Safety Improvement Act of 2008 (CPSIA).

The Consumer Product Safety Commission (Commission or CPSC) has decided to extend the stay related to 16 CFR part 1512 (other than 16 CFR § 1512.16, as discussed below) until August 14, 2010. Manufacturers and importers of products subject to 16 CFR part 1512 that are manufactured on or after August 14, 2010, will need to certify that their product complies with 16 CFR part 1512. Certifications of bicycles designed or intended primarily for children 12 years of age or younger must be based on tests conducted by a third party conformity assessment body whose accreditation has been accepted by the CPSC. As you are aware the CPSC maintains a list of third party conformity assessment bodies on its website. Certifications of nonchildren's bicycles must be based on a test of each product or upon a reasonable testing program.

The Commission is aware that there are currently no CPSC-accepted conformity assessment bodies accredited to test reflectors for compliance with 16 CFR § 1512.16. Commission staff will be discussing this issue with conformity assessment bodies in the coming weeks. We encourage BPSA members to work diligently to inform the conformity assessment body industry of the bicycle industry's need for CPSC-accepted third party conformity assessment bodies that will be capable of testing reflectors. Nevertheless, because there are not currently any CPSC-accepted third party conformity assessment bodies accredited to perform reflector tests, a stay related solely to 16 CFR § 1512.16 will remain in effect until November 14, 2010. Reflectors on children's bicycles manufactured on or after November 14, 2010, must be third-party tested, absent a finding by the Commission that conformity assessment body capacity remains insufficient.

The Commission is aware that bicycles with non-quill-type stems may not be able to comply with the insertion mark requirement of 16 C.F.R. § 1512.6(a). Until this issue can be addressed by revision of the regulations, therefore, the insertion mark requirement for non-quill-type stems is hereby excluded from the certification requirement.

Thus, with respect to 16 CFR part 1512, the Commission expects that, for children's bicycles, the requirements of 16 CFR part 1512 that do not pertain to reflectors will be tested by CPSC-accepted third party conformity assessment bodies. For nonchildren's products, the requirements of 16 CFR part 1512 that do not pertain to reflectors will be subject to either a test of each product or a reasonable testing program. For reflectors, the Commission will continue the stay until November 14, 2010. Additionally, as stated in the previous paragraph, for all bicycles with non-quill-type stems, the insertion mark requirement is excluded from the certification requirement.

The Commission is also aware that part 1512 does not adequately address some of the technologies and designs used in conjunction with today's bicycles. The Commission is beginning the process of reviewing its regulations to determine what revisions are necessary. The Compliance staff requests that manufacturers who believe they are unable to certify current designs to part 1512 provide, no later than June 4, 2010, specific information as to which provisions of the current regulation are problematic, which models or classes of bicycles are affected, and an explanation of the issue. The staff will provide certification guidance on these issues as soon as feasible thereafter.

The Commission will publish a notice in the *Federal Register* that will communicate to the public the decision expressed in this letter. We appreciate the BPSA meeting with Commission staff on May 3, 2010, to discuss the issues involved in the petition, and we look forward to continuing to work with the BPSA.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd A. Stevenson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd A. Stevenson
Secretary