United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

CPSC/OFFICE OF THE SECRETARY
1999 AUG 11 P 1:18

BALLOT VOTE

DATE: AUG 11 1999

TO : The Commission
Sadye E. Dunn, Secretary

THROUGH: Pamela Gilbert, Executive Director PG

FROM : Jeffrey S. Bromme, General Counsel
Stephen Lemberg, Assistant General Counsel

SUBJECT: Fiscal Year 2000 Regulatory Plan

BALLOT VOTE due: AUG 17 1999

Executive Order 12866 directs each agency of the Federal government, including independent regulatory agencies, to prepare a Regulatory Plan. A draft of the FY 2000 Regulatory Plan, as recommended by the Office of Hazard Identification and Reduction, for approval by the Commission and transmittal to the Office of Management and Budget, is contained in the attached Federal Register notice. The FY 2000 Regulatory Plan includes a statement of the Commission's regulatory priorities, and covers the most important significant regulatory actions the agency reasonably expects to issue in proposed or final form in the upcoming fiscal year (2000).

The information in the attached draft is current through August 9, 1999. If the Commission approves publication of the attached draft, the draft will be revised to reflect any changes in the status of any activity described in the plan that occurs between August 10, 1999, and the closing date for submission of changes to OMB.

Please indicate your vote on the following options.

I Approve the draft Regulatory Plan without change.

Signature Date

CPSA 6 (b)(1) Cleared
8/11/99
No Mfrs/PrvtLblrs or Products Identified
Excepted by
Firms Notified,
Comments Processed.

NOTE: This document has not been reviewed or accepted by the Commission.
Initial mh Date 8/11/99

II Approve the draft Regulatory Plan with the following changes (please specify):

Signature Date

III Do not approve the draft Regulatory Plan.

Signature Date

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, the Commission:

- participates in the development or revision of voluntary product safety standards;
- develops mandatory product safety standards or banning rules when other, less restrictive, efforts are inadequate to address a safety hazard;
- obtains repair, replacement, or refund of the purchase price for defective products that present a substantial product hazard; and
- develops information and education campaigns about the safety of consumer products.

When deciding which of these approaches to take in any specific case, the Commission gathers the best available data about the nature and extent of the hazard presented by the product. The Commission then analyzes this information to determine the best way to reduce the hazard in each case. The Commission's rules require the Commission to consider, among other factors, the following criteria when deciding the level of priority for any particular project:

- frequency and severity of injury;
- causality of injury;
- chronic illness and future injuries;
- costs and benefits of Commission action;
- unforeseen nature of the risk;
- vulnerability of the population at risk;

• probability of exposure to the hazard.

Additionally, if the Commission proposes a mandatory safety standard for a particular product, the Commission is generally required to make statutory cost/benefit findings and adopt the least burdensome requirements that adequately protect the public.

The Commission's statutory authority requires it to rely on voluntary standards rather than mandatory standards whenever a voluntary standard is likely to result in the elimination or adequate reduction of the risk of injury and it is likely that there will be substantial compliance with the voluntary standard. As a result, much of the Commission's work involves cooperative efforts with other participants in the voluntary standard-setting process rather than promulgating mandatory standards.

In fiscal year 2000, the Commission's significant rulemaking activities will involve addressing risks of fire associated with ignition of upholstered furniture by small open flames, a standard for multi-purpose lighters to make those products resistant to operation by young children, and entrapment risks to young children in bunk beds. These projects are described in detail below.

All three of the rulemaking proceedings in the Commission's FY 2000 regulatory plan are related to protection of vulnerable populations. Upholstered furniture fires disproportionately kill and injure children, the elderly, and families and individuals with lower incomes.

With regard to multi-purpose lighters, children younger than five usually are incapable of dealing with a fire once it has started. Consequently, they and their families are at special risk of injury from fires started by children playing with multi-purpose lighters. Most fatalities reported to the Commission from the fires resulting from children playing with multi-purpose lighters were the children who started the fires. The proposed bunk bed rule is intended to reduce the hazard that young children can be suffocated or strangled when they become entrapped in the beds' structure or become wedged between the bed and a wall.

The emphasis on these three rulemaking activities in the Commission's FY 2000 regulatory plan is consistent with the Commission's statutory mandate and its criteria for setting priorities. Additionally, the Commission's FY 2000 regulatory plan supports the President's goal to reduce costs of health care by preventing injuries to individuals who are among the most vulnerable to being injured in incidents associated with the use of consumer products.

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TITLE:
Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

REGULATORY PLAN: Yes

PRIORITY: Economically Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
No

LEGAL AUTHORITY:
15 USC 1193 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. This ANPRM was issued after the Commission granted part of a petition requesting development of a mandatory flammability standard to address risks of injury from ignition of upholstered furniture by: (1) small open-flame sources; (2) large open-flame sources; and (3) cigarettes. The Commission voted to deny that part of the petition requesting development of a mandatory standard to address hazards associated with ignition of upholstered furniture by large open-flame sources. The Commission also voted to defer a decision on that part of the petition requesting development of a standard to address cigarette ignition, and directed the staff to report to the Commission on the effectiveness of, and the extent of industry compliance with, a voluntary program to reduce risks of ignition of upholstered furniture by cigarettes. The Commission staff developed a draft standard to address ignition of upholstered furniture by small open-flame sources. On March 2, 1998, the Commission voted to defer action on small open-flame sources and gather additional information on the potential toxicity of flame-retardant chemicals that might be used to meet a standard. A public hearing on this subject was held on May 5-6, 1998. The staff is analyzing data from the hearing and completing other technical studies. In CPSC's 1999 appropriations legislation Congress directed the Commission

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to contract with the National Academy of Sciences for a 12-month independent study of potential health hazards associated with the use of flame retardant chemicals that might be used in upholstered furniture fabrics to meet a CPSC standard. This contract was awarded in January 1999. Upon completion of this study, the staff will present alternatives for future action by the Commission. CPSC is also considering possible impacts of flame retardant chemical use on worker safety and the environment. At the CPSC staff's request, the National Institute of Occupational Safety and Health will assess potential worker exposure to and risks from certain flame retardant chemicals that may be used by textile and furniture producers to comply with an upholstered furniture flammability standard. The CPSC staff is also working with the Environmental Protection Agency to consider possible controls on flame retardant compounds used in residential upholstered furniture fabrics, under that agency's Toxic Substances Control Act Authority.

STATEMENT OF NEED:

In 1996, approximately 650 deaths, more than 1,600 injuries, and about $250 million in property damage resulted from 13,100 residential fires in the United States in which upholstered furniture was the first item to ignite. This total includes fires ignited by small open-flame sources, large open-flame sources, and cigarettes. Small open-flame fires accounted for an average of approximately 90 deaths, 420 injuries and $40 million in property losses each year from 1992 to 1996.

The total societal cost attributable to upholstered furniture fires was approximately $3.75 billion in 1996. A significant portion of that total -- $560 million -- was associated with upholstered furniture fires ignited by small open-flame sources, such as matches, lighters, or candles. These fires are not addressed by any national standard or voluntary program.

SUMMARY OF THE LEGAL BASIS:

Section 4 of the Flammable Fabrics Act (FFA) (15 USC 1193) authorizes the Commission to issue a flammability standard or other regulation for a product of interior furnishing if the Commission determines that such a standard is "needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage." No aspect of the Commission's regulatory proceeding is required by statute or court order.

The Commission's regulatory proceeding could result in several actions, one of which could be the development of a mandatory standard requiring that upholstered furniture sold in the United

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States meet mandatory labeling requirements, resist ignition, or meet other performance criteria under test conditions specified in the standard.

ALTERNATIVES:
The ANPRM stated that the Commission was considering the following alternatives:

(1) The Commission could issue a mandatory flammability standard if the Commission finds that such a standard is needed to address an unreasonable risk of the occurrence of fire from ignition of upholstered furniture by small open-flame sources;

(2) The Commission could issue mandatory requirements for labeling of upholstered furniture, in addition to, or as an alternative to, the requirements of a mandatory flammability standard;

(3) The Commission could terminate the proceeding for development of a flammability standard and rely on a voluntary standard if a voluntary standard would adequately address the risk of fire and substantial compliance with such a standard is likely to result; and

(4) The Commission could terminate the proceeding and withdraw the ANPRM.

ANTICIPATED COSTS AND BENEFITS:
The estimated annual cost of imposing a mandatory standard to address ignition of upholstered furniture by small open-flame sources will depend upon the test requirements imposed by the standard and the steps manufacturers take to meet those requirements. The average annual societal cost of fires involving upholstered furniture ignited by small open-flame sources since 1990 is more than $500 million. Again, depending upon the test requirements, a small open-flame standard could also reduce cigarette-ignited fire losses, the societal cost of which was over $2 billion in 1996. For this reason, the potential benefits of a mandatory standard to address the risk of ignition of upholstered furniture by small open-flame sources could be significant, even if the standard did not prevent all such fires started by open-flame sources.

RISKS:
The estimated total cost to society from all residential fires associated with upholstered furniture was $3.75 billion in 1996.

Societal costs associated with upholstered furniture fires are

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among the highest associated with any product subject to the Commission's authority. A standard has the potential to reduce these societal costs.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	06/15/1994	59 FR 30735
ANPRM Comment Period End	08/15/1994	59 FR 30735
Staff Briefing of Commission on NPRM	12/18/1997	
Commission Voted To Defer Action Pending Results of Toxicity Hearing	03/02/1998	
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame Retardant Chemicals	03/17/1998	63 FR 13017
NAS Study Completed (required by Congress)	01/00/2000	
Commission Decision on NPRM	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT:
Not procurement-related

ADDITIONAL INFORMATION:

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- WILL NOT PRINT IN AGENDA
* - MISSING DATA ELEMENT

TITLE:
Requirements for Child-Resistance of Multi-Purpose Lighters

RIN: 3041-AB66 (Final Rule)

REGULATORY PLAN: Yes

PRIORITY: Other Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
No

LEGAL AUTHORITY:
15 USC 2051 Consumer Product Safety Act

CFR CITATION:
16 CFR 1212

LEGAL DEADLINE:
Final, Statutory, December 31, 1999.
Unless extended by the Commission, this rule must either issue or have its proposal withdrawn by December 31, 1999..

ABSTRACT:
On January 16, 1997, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding which may result in a mandatory consumer product safety rule requiring multi-purpose lighters to resist operation by children. The Commission began this proceeding after granting a petition.

A mandatory product safety rule for multi-purpose lighters, also known as grill lighters, utility lighters, and micro-torches, would require these lighters to have a child-resistant mechanism to prevent operation by most children younger than 5 years of age. Child resistance would be measured by a panel of children who would attempt to operate lighters that would not produce a flame. The standard would include lighters marketed for a wide range of general household uses, such as igniting fuel for fireplaces, charcoal or gas-fueled grills, and camping equipment.

On September 30, 1998, a notice of proposed rulemaking (NPRM) was published in the Federal Register. On August 4, 1999, a supplemental NPRM was published, seeking comment on a change that would require the test lighters to be given to the panel of children with the lighters' on-off switches in the on, or unlocked position.

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Requirements for Child-Resistance of Multi-Purpose Lighters

RIN: 3041-AB66 (Final Rule)

STATEMENT OF NEED:

The Commission staff has obtained information about 178 incidents occurring from January 1988 to August 6. 1998 in which children younger than 5 years of age started fires using multi-purpose lighters. These fires resulted in 29 deaths and 71 injuries. Because these data are actual incidents rather than national estimates, the extent of the total problem may be greater.

Children younger than 5 years of age usually are incapable of dealing with a fire once it has started. Consequently, they and their families are at special risk of injury from fires started by child-play. About half of all of the fatalities in the fires resulting from children playing with multi-purpose lighters were the children who started the fires. About 25 percent of the 71 persons injured in fires started by children with multi-purpose lighters were hospitalized for treatment.

Annual sales of multi-purpose lighters have grown from one million in 1985 to 20 million in 1998. With sales growing at a rate estimated to be 5 percent to 10 percent a year, it is expected that fires started with these products by children under 5 will also increase. Staff testing of lighters currently on the market indicated child resistance levels ranging from a low of 4 percent to a high of 41 percent, still far below the 85 percent required of cigarette lighters under the Commission's cigarette lighter standard.

Fires started by young children playing with multi-purpose lighters are not addressed by any voluntary standard or other voluntary program.

SUMMARY OF THE LEGAL BASIS:

Sections 7 and 9 of the Consumer Product Safety Act (CPSA) authorize the Commission to issue a consumer product safety standard to eliminate or reduce an unreasonable risk of injury associated with a consumer product. No aspect of this proceeding is required by statute or court order.

ALTERNATIVES:

This proceeding could result in the establishment of requirements for multi-purpose lighters to reduce risks of death and injury associated with fires ignited by multi-purpose lighters operated by young children. The NPRM discussed the following alternatives:

(1) Establishment of a mandatory standard with performance requirements for multi-purpose lighters to reduce risks of death and injury from fires ignited by multi-purpose lighters operated by young children;

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(2) Establishment of mandatory labeling requirements to warn of the risks of death and injury associated with fires ignited by multi-purpose lighters operated by young children, either instead of, or in addition to, a mandatory standard with performance requirements;

(3) Development of a voluntary standard containing performance, labeling, or other requirements to address risks of death and injury associated with fires ignited by multi-purpose lighters operated by young children; and

(4) The Commission could terminate the proceeding and withdraw the NPRM.

ANTICIPATED COSTS AND BENEFITS:
Based on available fire incident and sales information, the estimated cost to society of fires started by children playing with multi-purpose lighters is about $35 million a year. This estimate includes the costs associated with loss of life, medical treatment, lost income, pain and suffering, and property damage. A safety standard for multi-purpose lighters with a required child-resistance of 85 percent would provide estimated gross benefits of at least $27 million a year. Costs of compliance are expected to result in increased consumer expenditures of around $17 million per year, resulting in net benefits of over $10 million annually. This annual net benefit will increase if sales of multi-purpose lighters increase.

RISKS:
The Commission has information indicating that from January 1988 through August 6, 1998, children younger than five years of age started at least 178 fires using multi-purpose lighters. These fires resulted in 29 deaths and 71 injuries. Based on available fire incident and sales information, the Commission staff estimates that the total cost to society of these fires is about $35 million a year.

TIMETABLE:

ACTION	DATE	FR CITE

TITLE:
Requirements for Child-Resistance of Multi-Purpose Lighters

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ACTION	DATE	FR CITE
ANPRM	01/16/1997	62 FR 2327
ANPRM Comment Period End	03/17/1997	62 FR 2327
NPRM	09/30/1998	63 FR 52397
NPRM Comment Period End	12/14/1998	63 FR 52397
Supplemental NPRM	08/04/1999	64 FR 42302
Second NPRM Comment Period End	10/18/1999	64 FR 42302
Staff Sends Briefing Package to Commission	11/00/1999	
Final Action	12/00/1999	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT:
Not procurement-related

ADDITIONAL INFORMATION:

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* - MISSING DATA ELEMENT

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TITLE:
Requirements for Bunk Beds

RIN: 3041-AB75 (Final Rule)

REGULATORY PLAN: Yes

PRIORITY: Other Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
No

LEGAL AUTHORITY:
15 USC 2051 Consumer Product Safety Act; 15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:
16 CFR 1213; 16 CFR 1500; 16 CFR 1513

LEGAL DEADLINE:
Final, Statutory, March 03, 2000.
Unless extended by the Commission, the NPRM must either issue as a final rule or have its proposal withdrawn..

ABSTRACT:
On March 3, 1999, the Commission published a notice of proposed rulemaking (NPRM) and proposed mandatory rules that would contain performance requirements for bunk beds to reduce the hazard that children can be suffocated or strangled when they become entrapped in the beds' structure or become wedged between the bed and a wall. The proposed rule contains requirements for the presence of guardrails, the height and extent of guardrails, and the height of, and the openings in, the beds' end structures to address entrapment hazards.

On July 9, 1999, the Commission published a notice requesting comment on an additional requirement addressing entrapment in end structures.

STATEMENT OF NEED:
Bunk beds have been long recognized as a potential cause of children's deaths. From January 1990 through October 23, 1998, CPSC received reports of 89 bunk-bed-related deaths of children under age 15. Of the 89 fatalities, 56 (64%) resulted from entrapment. Over 96% (55 of 57) of those who died in entrapment incidents were age 3 and younger, and all but one were younger than 5. There is an ASTM voluntary standard addressing entrapment

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deaths in bunk beds. Nevertheless, using statistical methodology, the CPSC estimated that about 10 bunk-bed-related entrapment deaths have occurred in the United States each year since 1990.

Generally, these deaths involve suffocation or strangulation when a child either becomes wedged between the bed's structure or mattress and a wall or becomes trapped by the head when the child's torso slips through an opening in the bed that the head cannot pass through. CPSC is also aware of an incident where a child inserted his head through an opening in the end structure of the bed, moved to another part of the opening where the head could not be pulled directly out, and then lost his footing and was strangled. The proposed standard addresses all these scenarios.

SUMMARY OF THE LEGAL BASIS:
The Federal Hazardous Substances Act (FHSA) authorizes the regulation of unreasonable risks of injury associated with articles intended for use by children that present mechanical (or electrical or thermal) hazards. FHSA sec. 2(f)(1)(D), 15 U.S.C. 1261(f)(1)(D). The hazards associated with bunk beds that are described above are mechanical. See FHSA sec. 2(s), 15 U.S.C. 1261(s). The Consumer Product Safety Act (CPSA) authorizes the regulation of unreasonable risks of injury associated with "consumer products," which include bunk beds -- whether intended for the use of children or adults. CPSA sec. 3(a)(1), 15 U.S.C. sec. 2052(a)(1). Thus, bunk beds intended for the use of adults can be regulated only under the CPSA, while bunk beds intended for the use of children potentially could be regulated under either the FHSA or the CPSA.

Section 30(d) of the CPSA, however, provides that a risk associated with a consumer product that can be reduced to a sufficient extent by action under the FHSA can be regulated under the CPSA only if the Commission, by rule, finds that it is in the public interest to do so. 15 U.S.C. 2079(d). There appears to be no strong reason why it would be in the public interest to regulate bunk beds only under the CPSA. Accordingly, the requirements are proposed as two separate rules, one under the CPSA for "adult" bunk beds (that commonly are used by children) and the other under the FHSA for beds intended for use by children.

The Commission may not issue a standard under either the CPSA or the FHSA if an industry has adopted and implemented a voluntary standard to address the risk, unless the Commission finds that "(i) compliance with such voluntary ... standard is not likely to result in the elimination or adequate reduction of such risk of injury; or (ii) it is unlikely that there will be substantial

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compliance with such voluntary ... standard." See Sec. 9(f)(3)(D) of the CPSA, 15 U.S.C. 2058(f)(3)(D), and sec. 3(i)(2) of the FHSA, 15 U.S.C. 1262(i)(2). The percentage of currently produced bunk beds that conform to the ASTM standard is high. However, the Commission's staff believes that a mandatory standard will be more effective in reducing entrapment deaths from bunk beds than will the voluntary standard and, therefore, that there is not substantial compliance with the voluntary standard. The Commission has taken no position on the staff's interpretation of substantial compliance.

The proposed rule goes beyond the provisions of the ASTM voluntary standard. Therefore, the Commission preliminarily found that compliance with the voluntary standard would not be likely to result in the elimination or adequate reduction of the risk of entrapment injury or death.

ALTERNATIVES:
The Commission considered two alternatives to the proposed rule.

(a) Defer to the voluntary standard. One alternative to a mandatory rule would be to decide that a mandatory regulation is not necessary, because the current voluntary standard addresses about 70% of reported entrapment hazards over the past 8 years. However, this would leave hazardous beds on the market, manufactured by those ignorant of the voluntary standard or who choose not to comply with it. A variation on this alternative, suggested by a commenter, was that bunk beds that conform to the voluntary standard should be so labeled. Consumers could then compare conforming and nonconforming beds at the point of purchase and make their purchase decisions with this safety information in mind. This, however, would not necessarily reduce injuries, because consumers likely do not know there is a voluntary standard and thus would not see any risk in purchasing a bed that was not labeled as conforming to the standard.

(b) Third-party certification. The Commission could have decided to defer to the voluntary standard and, in addition, to encourage third-party testing to the ASTM standard. This alternative also would not likely prevent the deaths from entrapment that could be prevented by a mandatory rule. Firms that are too small and regional to appreciate the importance of complying with the voluntary standard are unlikely to volunteer to obtain third-party certification that their products comply with that standard. In addition, the costs of third-party certification would deter many small firms from using this alternative. Furthermore, small firms

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especially might be reluctant to pay for third-party certification when compliance with the entrapment provisions of the voluntary standard can easily be determined by the manufacturer.

ANTICIPATED COSTS AND BENEFITS:

The costs associated with the proposed rule would include the cost of compliance for any firms not now conforming to the voluntary standard, and the cost of any Commission-added requirements in the final mandatory rule. The proposed standard contains three categories of requirements: (1) that the bunk bed have two guardrails; (2) that one guardrail be continuous from one end of the bed to the other; and (3) that openings in the end structures of the bed be shaped so they do not present the entrapment hazards described above.

The CPSC was informed that the addition of a second guardrail to the upper bunk adds $15 to $40 to the retail price of a bed. Only those firms that do not conform to the voluntary standard would be affected.

The current voluntary standard allows a 15-inch gap at either end of the wall-side guardrail. The proposed continuous guardrail requirement would address two entrapment deaths that occurred between the bed and the wall in the area of a gap in the guardrail during the 105-month study period of January 1990 through mid-October 1998. This should prevent about 0.23 deaths per year (2 divided by 8.75 years).

The precise cost of eliminating the allowance of a 15-inch gap in the guardrail for the wall side of the upper bunk is unknown. However, the Commission estimates that the cost of materials to extend one guardrail an additional 30 inches (for those bunk beds that incorporated up to a 15-inch gap on both ends of the wall-side guardrail) would be less than the estimated benefits ($2.40 to $3.50 per noncomplying bed).

The Commission is aware of one death over the past 8 years involving entrapment in the end structures of the lower bunk, occurring in a scenario not currently addressed by the voluntary standard. Addressing this death would create costs associated with redesigning the noncomplying beds so that the end structures will not allow the child's head to be inserted into an opening and then moved to a part of the opening where the head cannot be pulled out. Further, the end structure openings must not allow free passage of a wedge block (approximating the size of a child's body) unless they also allow the free passage of a 9-inch sphere (approximating the child's head). Costs to redesign the end structures, where necessary, will be modest and, in any event, can

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be amortized over the total subsequent production of the beds. If these one-time design costs are amortized over the entire production run for these bunks, the estimated costs are likely to be small.

The CPSC estimates that the present value of averting the entrapment fatalities addressed by the voluntary standard ranges from about $175 to $350 per noncomplying bed. If the standard prevents all of the deaths addressed, the benefits would be much higher than the costs of implementing the standard. In fact, the net benefits per otherwise noncomplying bed, over its expected product life, would range from a low of $135 ($175 - $40) to a high of $335 ($350 - $15). Thus, the benefits of these provisions are about 4 to 23 times their costs. The Commission's staff expects a mandatory standard to be highly effective.

The number of nonconforming bunk beds produced annually is not known with precision. Industry sources estimated that there may be as many as 50,000 nonconforming units produced each year. If this estimate is used, the net benefits to society of the proposed rule (if fully effective and all nonconforming beds were made to comply) would be about $6.75 to $16.75 million per year (50,000 x $135 to 50,000 x $335).

RISKS:
The estimated total cost to society from entrapment deaths to children in the upper bunk and end structures of bunk beds that would be addressed by the proposed rule is from $6.75 to $16.75 million per year.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	01/22/1998	63 FR 3280
ANPRM Comment Period End	04/07/1998	63 FR 3280
Staff Sends Briefing Package to Commission	12/16/1998	
Commission Decision	02/03/1999	
NPRM	03/03/1999	64 FR 10245
NPRM Comment Period End	05/17/1999	64 FR 10245

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Staff Sends Briefing Package to Commission	06/16/1999	
Request for Additional Comment	07/09/1999	64 FR 37051
NPRM Comment Period End	09/22/1999	64 FR 37051
Staff Sends Briefing Package to Commission	11/00/1999	
Commission Decision	12/00/1999	
Final Action	12/00/1999	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT:
Not procurement-related

ADDITIONAL INFORMATION:

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