

**U.S. Consumer Product Safety Commission
LOG OF MEETING**

SUBJECT: Administration of 16 C.F.R. §1210 and 16 C.F.R. §1212

DATE OF MEETING: January 7, 2004

LOG ENTRY SOURCE:

DATE OF LOG ENTRY: January 8, 2004

LOCATION: U.S. Consumer Product Safety Commission

CPSC ATTENDEE(S): Joseph Vogel, Roy Deppa, James Joholske

NON-CPSC ATTENDEE(S): General Membership, Safety Lighter Association International; Attendee list attached.

SUMMARY OF MEETING: J. Vogel provided information regarding proposed changes in how cigarette and multi-purpose lighter submissions will be handled, and the reasons for those changes. Also discussed were current process and submission issues. Presentation attached.

CPSC (b)(1) CLEARED for PUBLIC

NO MFRS/PRVTLBLRS OR
PRODUCTS IDENTIFIED

EXCEPTED BY: PETITION
RULEMAKING ADMIN. PRCDG

WITH PORTIONS REMOVED:

SWH
2-12-04

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U.S. Consumer Product Safety Commission

16 C.F.R. §1210 and 16 C.F.R. §1212 Administration of the Standards

Presented by: Joseph S. Vogel*
Compliance Officer
Office of Compliance U.S. CPSC
November 10, 2003

* The views I express reflect those of myself and the Office of Compliance. They do not necessarily reflect the views of the Commission.

Introduction

Office of Compliance staff ("staff") has been evaluating processing of reports, submitted in accordance with 16 C.F.R. §1210.17(b) and 16 C.F.R. §1212.17(b) (the "standards"), and has observed that the 'nature of the business' has changed dramatically since the inception of the standards. Staff recognizes that changes are necessary, both in how the firm submits reports and how the reports are processed. Our goals are to streamline the process, and to address technical issues that cause uncertainty about the lighter's conformance with the requirements and/or delays in evaluating the submissions. Presently, we intend to provide guidance in two phases: submission format and requested material first, followed by technical guidance.

A Brief History

(or 'Why changes are necessary')

Many factors have affected processing of reports submitted in accordance with 16 C.F.R. §1210 and §1212 since 1993, including:

- Increase in number of manufacturers and importers
- Increase in amount of lighter models submitted*
(FY) 98: 42; 99:133; 00: 209; 01: 766; 02: 1033; 03: 935
- Variety of lighter styles / CR mechanisms
- CPSC's ongoing experience with lighters
- Firms' understanding of the standards
- Inconsistent and incomplete reporting

* Approximate quantities and may include incident samples.

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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"Issues"

- Which lighters are 'novelties' and, therefore, subject to the standards.
- Specifications:
 - Forces, travel distances and tolerances
 - Lighter's expected life
- Common problems with test results and data provided
 - Measured values vs. production specifications
 - Pre- and post-test forces
 - Drops in forces during testing
 - Errors in child testing and/or reporting
- Incomplete / diverse format submissions

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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“Issues”

- Model qualification based on previously tested models
- Changes that could adversely affect child resistance
- Characteristics of the surrogate lighters which affect CR must be identical to production lighters.
- Assurance that the child-resistant mechanism(s) will remain effective for the reasonably expected life of the lighter as required at §1210.3(b)(3) or §1212.3(b)(2)

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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Proposed Changes

- Standard report format
- Requested information and material:
 - Multiple samples for new models
 - Specifications and measurements
 - Pre- and post-test forces
 - Production specifications
 - Images
- Narrowing the view of ‘additional models’ to be qualified based on previously tested models

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

6

Submissions

1. The name, address, and principal place of business of the manufacturer or importer.
 - The **U.S. based** firm that will import and/or distribute the lighters in commerce
 - **Each importer must submit a report**, even if others import the same model.

2. A detailed description of the lighter model and the child-resistant feature(s) used in that model.
 - Narrative description of the child-resistant feature(s)
 - **Complete specifications** (with dimensions, **specified** forces, travel distances, button / switch dimensions and tolerances, as appropriate)
 - Average forces as well as individual measurements
 - Travel distances to **operation**, if less than full travel
 - Digital images of front and rear of each model lighter
 - Descriptions of all markings on the lighter
 - Explanations of all codes used on the lighter.

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

7

Submissions

3. A description of the qualification testing, including a description of the surrogate lighters tested, the specification of the surrogate lighter required by §1210.15*, a summary of the results of all such tests, the dates the tests were performed, the location(s) of such tests, and the identity of the organization that conducted the tests. (* or §1212.15)
 - Staff will prepare a standard format report, including a template, which we believe will help reduce evaluation time.

4. An identification of the place or places that the lighters were or will be manufactured.
 - List the **complete address(es)** in a format acceptable for postal and/or delivery services.

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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Submissions

5. The location(s) where the records required to be maintained by paragraph (a) of this section are kept.
 - The surrogate lighters and child-test report (or copy of the report) **must** be kept in the U.S. State that **both** of these items are, in fact, kept at the location(s) identified.
 - Provide the location(s) where the production test and quality control records will be kept.

6. A prototype or production unit of that lighter model.
 - Provide at least one (1) lighter with fuel, especially if non-refillable.
 - Provide three (3) samples if the lighter is not being submitted as an additional model, based on the test results of a previously tested and accepted model. That is, send 3 samples if you are submitting a child-test report for that model.
 - Shipment of fueled lighters must comply with DOT, and other, requirements.

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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Importing

- Staff often receives calls from U.S. Customs Inspectors, who are inquiring about shipments currently at ports throughout the U.S. Staff believes that these resource-intensive calls can be minimized if the importing firm ensures the following:
 - Model name and/or number on the shipping documents **MUST** exactly match the submission list.
 - There **MUST** be a model name or number that correlates with the packaging.

- Staff is aware that the Submissions Lists, both publicly available and for official use only, have not been recently updated. Staff is currently working on a system to update the lists more frequently, which should also reduce the volume of calls and emails staff receives regarding acceptance of imports at Customs entry points.

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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Enforcement Activities

Our work does not end when the submission has been evaluated:

- Retail Surveillance
- Internet surveillance
- Department of Homeland Security (Customs)
- Incident reports
- Section 15

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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Where to Send Your Submission

By U.S. Postal Service:

Office of Compliance
U.S. Consumer Product Safety Commission
Washington, DC 20207-0001

By other delivery services:

Office of Compliance
U.S. Consumer Product Safety Commission
Room 613
4330 East West Highway
Bethesda, MD 20814-4408

11/10/03

U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

12

How to Contact Us

- Joe Vogel (Cigarette and Multi-Purpose Lighter Program Manager)
 - 301-504-7599 (phone)
 - 301-504-0359 (fax)
 - jvogel@cpsc.gov
- Roy Deppa (Associate Director, CRC/FER)
 - 301-504-7514 (phone)
 - 301-504-0359 (fax)
 - rdeppa@cpsc.gov
- Internet
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U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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Questions?
Comments?
Concerns?

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U.S. CPSC: 16 C.F.R §1210 and 16 C.F.R §1212
Administration of the Standards

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Attendees at presentation regarding Administration of 16 C.F.R. §1210 and 16 C.F.R. §1212, 01/07/04.

Sue Zhang
Distribution General

George Fang
Easton Enterprises

Mack Patel
East West Trading Corp.

Jim Xiao
Golden Star Group

Yang Sang
JCL Group, Inc.

Xuping Dong
JCL Group, Inc.

Peter Qu
JCL Group, Inc.

Lincoln Lin
Lucky Sales, Inc.

MiMi Hoo Lin
Lucky Sales, Inc.

Daniel Techmanski
NBO Group, Inc.

John Nordstrom
New York Lighter Corporation

Mohamad Nosir
NTC Distributors

Hank Chang
Wing Sale, Inc.

**U.S. Consumer Product Safety Commission
LOG OF MEETING**

SUBJECT: Administration of 16 C.F.R. §1210 and 16 C.F.R. §1212

DATE OF MEETING: November 10, 2003

LOG ENTRY SOURCE:

DATE OF LOG ENTRY: November 17, 2003

LOCATION: Hyatt Regency Atlanta, 265 Peachtree Street NE, Atlanta, GA

CPSC ATTENDEE(S): Joseph S. Vogel

NON-CPSC ATTENDEE(S): General Membership, Lighter Association, Inc.;
Attendee list attached.

SUMMARY OF MEETING: J. Vogel provided information regarding proposed changes in how cigarette and multi-purpose lighter submissions will be handled, and the reasons for those changes. Also discussed were current process and submission issues. Presentation attached.



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Michael Forys
Beacon Power, Inc.

Paul Adams
BIC Corporation

Thomas M. Kelleher
BIC Corporation

Bob Berkeley
Calico Brands, Inc.

Roger Ducharme
Colibri

Scott Ivins
DJEEP, Inc.

Gerald O. Cavallo
Milford Consulting Association

Anush Djahanbani
Ronson Consumer Products Corporation

Fred O. Ashley
Scripto-Tokai Corporation

Matthew McLoughlin
Swedish Match North America Inc.

Jaimison Schellager
Swedish Match North America Inc.

Alfred Hamilton
The Lighter Company, Inc.

David H. Baker
THOMPSON HINE & FLORY LLP

Mr. Gregory W. Booth
Zippo Manufacturing

Charles J. Duke
Zippo Manufacturing