



Federal Register

**Monday,
May 16, 2005**

Part XLVII

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 June 8, 2005.

ADDRESSES: Comments on the regulatory flexibility agenda should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001; Telephone (301) 504-7923, or delivered to the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, MD 20814-4408. Comments should be captioned "Regulatory Flexibility Agenda." Comments may also be filed by fax to (301) 504-0127, or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Barbara Parisi, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207-0001; 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. This agenda also includes regulatory activities that appeared in the December 2004 agenda that have been completed by the Commission prior to publication of this agenda.

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, Washington, DC 20207-0001.

Dated: March 18, 2005.

Todd A. Stevenson,
Secretary.

Consumer Product Safety Commission—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3663	Petition CP 02-4/HP 02-1 Requesting a Ban of All-Terrain Vehicles That Are Sold for the Use of Children Under 16 Years Old	3041-AC11
3664	Possible Special Packaging Standard for Household Products Containing Hydroxides	3041-AC12
3665	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
3666	Petition CP 04-1/HP 04-1 Requesting Mandatory Fire Safety Standards for Candles and Candle Accessories	3041-AC22
3667	Petition HP 04-2 Requesting a Ban of Sulfuric Acid Drain Openers for Consumer Use	3041-AC23
3668	Mandatory Safety Standard for Cigarette Lighters	3041-AC25

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Consumer Product Safety Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3669	Flammability Standard for Upholstered Furniture	3041-AB35
3670	Amendment of the Standard for the Flammability of Clothing Textiles	3041-AB68
3671	Portable Bed Rails	3041-AB91

Consumer Product Safety Commission—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3672	Proposed Standard To Address Open-Flame Ignition of Mattresses/Foundation Sets	3041-AC02
3673	Safety Standard for Baby Bath Seats	3041-AC03

Consumer Product Safety Commission—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3674	Amendment of Safety Regulations for Cribs	3041-AB67
3675	Test Method for Determining Applicability of Cautionary Labeling and Child-Resistant Packaging to Hydrocarbon-Containing Products in Spray Packaging	3041-AC05
3676	Petition CP 03-1/HP 03-1 Requesting a Standard for Bunk Bed Corner Posts	3041-AC10
3677	Proposed Standard to Address Open-Flame Ignition of Bedclothes	3041-AC26

Consumer Product Safety Commission—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3678	Petition CP 02-01 Requesting a Rule Adopting ASTM F400, Safety Standard for Lighters as a Consumer Product Safety Standard	3041-AC01
3679	Petition PP 03-1 Requesting an Amendment to Child-Resistance Testing Pass/Fail Criterion for Unit Dose Packaging	3041-AC17

Consumer Product Safety Commission (CPSC)

Prerule Stage

3663. PETITION CP 02-4/HP 02-1 REQUESTING A BAN OF ALL-TERRAIN VEHICLES THAT ARE SOLD FOR THE USE OF CHILDREN UNDER 16 YEARS OLD

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 2056, Consumer Product Safety Act; 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Consumer Federation of America and several other groups requests that the Commission ban adult-sized four-wheel, all-terrain vehicles (ATVs) that are sold for the use of children under age 16. The petitioners assert that these ATVs pose an unreasonable risk of injury and death to children. In January 2003, the Commission released a risk analysis of ATV use. The Commission held a public hearing on June 5, 2003, in Morgantown, WV. The staff sent a briefing package to the Commission on February 4, 2005. A staff briefing and public meeting to receive comments

concerning the petition was held on March 22, 2005.

Timetable:

Action	Date	FR Cite
Petition Docketed	09/26/02	
Notice	10/18/02	67 FR 64353
Comment Period End	12/17/02	
Comment Period Extended	12/26/02	67 FR 78776
Comment Period End	03/16/03	
Notice of Public Hearing	04/23/03	68 FR 19975
Public Hearing	06/05/03	
Staff Sends Briefing Package to Commission	02/04/05	

CPSC

Prerule Stage

Action	Date	FR Cite
Notice of Public Meeting	02/11/05	70 FR 7247
Public Meeting	03/22/05	
Commission Decision	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Elizabeth W. Leland, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207

Phone: 301 504-7706

Email: eleland@cpsc.gov

RIN: 3041-AC11**3664. POSSIBLE SPECIAL PACKAGING STANDARD FOR HOUSEHOLD PRODUCTS CONTAINING HYDROXIDES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 15 USC 1471, Poison Prevention Packaging Act; 15 USC 1261(p), Federal Hazardous Substances Act**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: Sodium and potassium hydroxide are caustic substances found in many household products. In addition to sodium and potassium hydroxide, other hydroxides, such as calcium, lithium, and ammonium hydroxide are also found in consumer products. There are numerous reports of injuries, ranging from minor irritation to second degree burns of the oral cavity, esophagus, eyes, and skin resulting from exposure to these products. Because of the potential for injury to children, household substances in dry forms containing 10 percent or more by weight of free or chemically unneutralized sodium and/or potassium hydroxide, and all other household substances containing 2 percent or more by weight of free or chemically unneutralized sodium and/or potassium hydroxide currently require child-resistant packaging under the Poison Prevention Packaging Act.

Based upon new injury and toxicity information, the staff is considering

whether to recommend: (1) requiring special packaging for all hydroxides, and (2) decreasing the percentage of hydroxide for special packaging to be required. The staff is preparing a briefing package for Commission consideration.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** John W. Boja, Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207
Phone: 301 504-7300
Email: jboja@cpsc.gov**RIN:** 3041-AC12**3665. 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. 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: Messrs. Fanning, Fulmer, and Gass, et al., petitioned the Commission to 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 reviewing comments received and preparing a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Petition Docketed	06/10/03	
Notice	07/09/03	68 FR 40912
Comment Period Extended	09/05/03	68 FR 52753
Comment Period End	11/07/03	
Staff Sends Briefing Package to Commission	07/00/05	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Caroleene Paul, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-7540

Email: cpaul@cpsc.gov

RIN: 3041-AC19**3666. 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. CPSC staff will prepare a briefing package for Commission consideration as to whether to grant, deny, or defer action on the petition.

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	08/00/05	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Allyson Tenney, Project Manager, Directorate for

CPSC

Prerule Stage

Engineering Sciences, Consumer Product Safety Commission, Washington, DC 20207
Phone: 301 504-7567
Email: atenny@cpsc.gov

RIN: 3041-AC22

3667. PETITION HP 04-2 REQUESTING A BAN OF SULFURIC ACID DRAIN OPENERS FOR CONSUMER USE

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 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Mr. Michael Fox requests that the Commission issue a ban on sulfuric acid drain openers (SADOs) for use by consumers or, in the alternative, that the Commission require that SADOs for consumers "be packaged in one-shot containers" and be limited to a maximum sulfuric acid concentration of 84 percent. The request was docketed as a petition for rulemaking on April 1, 2004. A notice requesting comment on the petition was published in the Federal Register on May 5, 2004. The comment period closed on July 6,

2004. CPSC staff will prepare a briefing package for Commission consideration as to whether to grant, deny, or defer action on the petition.

Timetable:

Action	Date	FR Cite
Petition Docketed	04/01/04	
Notice	05/05/04	69 FR 25069
Comment Period End	07/06/04	
Staff Sends Briefing Package to Commission	07/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Kristina Hatlelid, Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

Phone: 301 504-7254
Email: khatlelid@cpsc.gov

RIN: 3041-AC23

3668. • 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.

Timetable:

Action	Date	FR Cite
Staff Sent Draft ANPRM to Commission	03/25/05	
Commission Decision ANPRM	03/31/05	
ANPRM	04/11/05	70 FR 18339
ANPRM Comment Period End	06/10/05	

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, Washington, DC 20207

Phone: 301 504-7546
Email: rkhanna@cpsc.gov

RIN: 3041-AC25

Consumer Product Safety Commission (CPSC)

Proposed Rule Stage

3669. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 15 USC 1193, Flammable Fabrics Act; 5 USC 801

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. CPSC staff conducted research and developed a

draft flammability performance standard. The draft standard was first presented to stakeholders at a 1996 ASTM voluntary standards meeting. The staff also worked with industry and voluntary standards groups to develop possible alternatives to a federal rule.

In 1998, the Commission held a public hearing to gather additional information beyond that available to the agency on the potential toxicity, health risks, and environmental effects associated with flame-retardant chemicals that might be used to meet a standard. In CPSC's 1999 appropriations legislation, Congress directed the Commission to contract with the National Academy of Sciences (NAS) for an 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. The final NAS report was published in July 2000. The report concluded that of 16 flame-retardant chemicals reviewed, 8 could be used in upholstered furniture fabrics without presenting health hazards to consumers.

In 2002, the staff held a public meeting to receive any new technical information and recommendations from interested parties on the project. In 2003, the staff forwarded a package to the Commission analyzing the information received at the meeting and a package recommending that the Commission expand its proceeding to

CPSC

Proposed Rule Stage

cover both small open flame and cigarette ignition risks.

On October 23, 2003, the Commission issued a new ANPRM expanding the scope of the proceeding to include both cigarette and small open flame-ignited fire risks. The staff held a public meeting to discuss public comments on April 9, 2004. The staff developed a revised draft standard addressing both cigarette and small open flame ignition, and held a public meeting on October 28, 2004 to present the revised draft. The staff is currently analyzing comments and preparing alternatives for Commission consideration.

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 for Occupational Safety and Health studied 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. NIOSH preliminarily concluded that significant worker health effects were unlikely. CPSC staff is also working with the Environmental Protection Agency to (a) develop a significant new use rule (SNUR) for flame-retardant compounds used in residential upholstered furniture fabrics under that agency's Toxic Substances Control Act Authority, and (b) identify and encourage the use of environmentally-friendly flame retardants under a Design for the Environment industry/government partnership.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
ANPRM Comment Period End	08/15/94	
Staff Briefing of Commission on NPRM	12/18/97	
Commission Voted To Defer Action Pending Results of Toxicity Hearing	03/02/98	
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame Retardant Chemicals	03/17/98	63 FR 13017
NAS Study Completed (Required by Congress)	07/10/00	

Action	Date	FR Cite
Staff Sent Briefing Package to Commission	11/01/01	
Meeting Notice	03/20/02	67 FR 12916
Staff Held Public Meeting	06/18/02	
Second Day of Public Meeting	06/19/02	
Staff Sent Analysis of Information From Public Meeting to the Commission	02/06/03	
Staff Sent Regulatory Options to Commission	07/12/03	
Notice of September 24 Public Meeting	08/27/03	68 FR 51564
Commission Decision	10/17/03	
ANPRM	10/23/03	68 FR 60629
ANPRM Comment Period End	12/22/03	
Staff Held Public Meeting	10/28/04	
Staff Holds Public Meeting	05/00/05	
Staff Sends Briefing Package to Commission	09/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Dale R. Ray, Project Manager, Consumer Product Safety Commission, Directorate for Economic Analysis, Washington, DC 20207
Phone: 301 504-7704
Email: dray@cpsc.gov

RIN: 3041-AB35

3670. 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	09/00/05	

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, Washington, DC 20207
Phone: 301 504-7536
Email: padair@cpsc.gov

RIN: 3041-AB68

3671. 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

CPSC

Proposed Rule Stage

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 addressing this issue. The ASTM standard for bed rails has since been revised and staff will evaluate 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	06/00/05	

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	10/00/05	

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, Washington, DC 20207

Phone: 301 504-7577
Email: phackett@cpsc.gov

RIN: 3041-AB91

Consumer Product Safety Commission (CPSC)

Final Rule Stage

3672. PROPOSED STANDARD TO ADDRESS OPEN-FLAME IGNITION OF MATTRESSES/FOUNDATION SETS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 15 USC 1193, Flammable Fabrics Act; 5 USC 801

CFR Citation: 16 CFR 1633

Legal Deadline: None

Abstract: On October 11, 2001, 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 mattresses/bedding by small open-flame sources such as lighters, candles, or matches. This ANPRM was issued after the Commission staff conducted a field investigation study of these incidents and worked with industry members to improve consumer information programs and conducted research to define and measure the fire hazard presented by mattress/bedding ignitions in residential fires.

The Commission also received four petitions from the Children's Coalition for Fire-Safe Mattresses proposing (1) an open flame standard similar to the full-scale test set forth in California Technical Bulletin 129, (2) an open flame standard similar to the component test set forth in British

Standard 5852, (3) a warning label for mattresses warning of polyurethane foam fire hazards, and (4) a permanent, fire-proof mattress identification tag. The Commission granted the first two petitions and denied the others.

The Commission staff reviewed public comments on the ANPRM and continued working with the Sleep Products Safety Council (representing manufacturers and suppliers to the industry), the National Institute of Standards and Technology, the State of California Bureau of Home Furnishings, and others to complete the development of an appropriate test method and criteria for a standard to address open flame ignition of mattresses. In 2004, the staff prepared a decision package for Commission consideration, including a draft proposed standard with supporting materials, draft notice of proposed rulemaking (NPRM), and possible options to separately address the bedclothes contribution to mattress fires. On December 22, 2004, the Commission voted to publish the NPRM for mattresses (and to separately address bedclothes by publishing an ANPRM for bedclothes). The staff will evaluate public comments received on the NPRM and prepare a briefing package for Commission decision on publishing a final mattress standard.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/01	66 FR 51886
ANPRM Comment Period End	12/10/01	
Staff Sends Briefing Package to Commission	11/01/04	
Staff Briefs Commission on NPRM Draft	12/09/04	
Commission Decision	12/22/04	
NPRM	01/13/05	70 FR 2470
Public Hearing	03/03/05	
NPRM Comment Period End	03/29/05	
Staff Sends Briefing Package to Commission	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Margaret L. Neily, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-7530
Email: mneily@cpsc.gov

RIN: 3041-AC02

CPSC

Final Rule Stage

3673. 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 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	

Action	Date	FR Cite
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 Evaluates Adequacy of Voluntary Standard	06/00/05	
Staff Sends Briefing Package to Commission	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Patricia L. Hackett, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-7577

Email: phackett@cpsc.gov

Related RIN: Related to 3041-AB93

RIN: 3041-AC03

Consumer Product Safety Commission (CPSC)

Long-Term Actions

3674. 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	
Revisions to Voluntary Standard Approved	04/10/99	

Action	Date	FR Cite
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	To Be Determined	
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, Washington, DC 20207

Phone: 301 504-7577

CPSC

Long-Term Actions

Email: phackett@cpsc.gov

RIN: 3041-AB67

3675. TEST METHOD FOR DETERMINING APPLICABILITY OF CAUTIONARY LABELING AND CHILD-RESISTANT PACKAGING TO HYDROCARBON-CONTAINING PRODUCTS IN SPRAY PACKAGING

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

Legal Authority: 15 USC 1471, Poison Prevention Packaging Act; 15 USC 1261(p), Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: On January 3, 2000, CPSC issued a notice of proposed rulemaking under the Poison Prevention Packaging Act (PPPA) to require child-resistant packaging of prepackaged products that contain liquid hydrocarbons of low viscosity, including aerosol/trigger/pump packaged products (spray products) that expel product in a stream. The final rule issued on October 25, 2001, covered liquid hydrocarbon-containing products other than these spray products.

Under current CPSC guidance, special cautionary labeling under the Federal Hazardous Substances Act (FHSA) would also be required for most hydrocarbon-containing spray products that expel product as a stream. The staff has now developed a quantitative test method to identify those hydrocarbon-containing spray products that pose an aspiration hazard. The staff is preparing a briefing package for the Commission's consideration that may recommend using this test method to determine applicability of the FHSA special cautionary labeling and PPPA child-resistant packaging requirements to spray products that expel product in a stream.

Timetable:

Action	Date	FR Cite
NPRM	01/03/00	65 FR 93
NPRM Comment Period End	03/20/00	
Staff Sends Briefing Package to Commission	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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Related RIN: Related to 3041-AB57

RIN: 3041-AC05

3676. 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 a performance requirement to address strangulation hazards with vertical protrusions.

Timetable:

Action	Date	FR Cite
Petition Docketed	10/23/02	
Notice	11/08/02	67 FR 68107
Comment Period End	01/07/03	

Action	Date	FR Cite
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

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RIN: 3041-AC10

3677. • 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 to identify and measure 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	

CPSC

Long-Term Actions

Action	Date	FR Cite	Regulatory Flexibility Analysis Required:	Engineering Sciences, Consumer Product Safety Commission, Washington, DC 20207 Phone: 301 504-7567 Email: atenney@cpsc.gov
Staff Sends Briefing Package to Commission	To Be	Determined	Undetermined	
Commission Decision	To Be	Determined	Government Levels Affected: Undetermined Federalism: Undetermined	
			Agency Contact: Allyson Tenney, Project Manager, Directorate for	RIN: 3041-AC26

Consumer Product Safety Commission (CPSC)

Completed Actions

3678. PETITION CP 02-01 REQUESTING A RULE ADOPTING ASTM F400, SAFETY STANDARD FOR LIGHTERS AS A CONSUMER PRODUCT SAFETY STANDARD

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2058, Consumer Product Safety Act

CFR Citation: None

Legal Deadline: None

Abstract: A petition from the Lighter Association, Inc. requests that the Commission issue a rule adopting an ASTM voluntary standard for lighters as a consumer product safety standard. The voluntary standard contains numerous safety requirements for cigarette lighters. On January 17, 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 March 18, 2002. The Lighter Association submitted supplemental information in support of the petition on November 19, 2002. The staff reviewed available information and sent a briefing package to the Commission on May 27, 2004. The Commission held a public meeting on the petition on September 14, 2004. The Commission voted to grant the petition on November 30, 2004.

Timetable:

Action	Date	FR Cite
Petition Docketed	12/26/01	
Notice	01/17/02	67 FR 2420

Action	Date	FR Cite
Comment Period End	03/18/02	
Staff Sent Briefing Package to Commission	05/27/04	
Notice of September 14 Public Meeting	08/16/04	69 FR 50363
Public Meeting on Petition	09/14/04	
Commission Decision	11/30/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3041-AC01

3679. PETITION PP 03-1 REQUESTING AN AMENDMENT TO CHILD-RESISTANCE TESTING PASS/FAIL CRITERION FOR UNIT DOSE PACKAGING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1471, Poison Prevention Packaging Act

CFR Citation: None

Legal Deadline: None

Abstract: The Healthcare Compliance Packaging Council (HCPC) requests that the Commission amend the regulatory definition of a child-resistance test

failure for unit dose, i.e., nonreclosable, packaging under the Poison Prevention Packaging Act, 15 U.S.C. 1471-1476. Specifically, the HCPC requests that the Commission eliminate the current criterion related to the toxicity of the substance to be packaged and define a unit dose packaging failure to be a child gaining access to more than eight individual unit doses. The staff reviewed available information and the 28 comments received and prepared a briefing package recommending that the Commission deny the petition. On December 21, 2004, the Commission voted to deny the petition.

Timetable:

Action	Date	FR Cite
Petition Docketed	05/12/03	
Notice	06/16/03	68 FR 35614
Comment Period End	08/15/03	
Staff Sends Briefing Package to Commission	11/19/04	
Commission Decision	12/21/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3041-AC17

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