



Ballot Vote Sheet

TO: The Commission
Alberta E. Mills, Secretary

DATE: August 31, 2022

THROUGH: Austin C. Schlick, General Counsel
Jason K. Levine, Executive Director

FROM: Daniel R. Vice, Assistant General Counsel, Regulatory Affairs
Barbara E. Little, Attorney, Regulatory Affairs

SUBJECT: Notice of Proposed Rulemaking to Establish a Safety Standard for OHV
Debris Penetration Hazards; Notice of Extension of Comment Period

BALLOT VOTE DUE September 07, 2022

On August 22, 2022, Greg Knott, Vice President, Standards & Regulatory Affairs, Outdoor Power Equipment Institute (OPEI), submitted a request to the Commission to extend the comment period for the Notice of Proposed Rulemaking to Establish a Safety Standard for OHV Debris Penetration Hazards from September 19, 2022, to October 28, 2022. The Office of the General Counsel is providing for Commission consideration the attached draft *Federal Register* notice that would extend the comment period if the Commission votes to do so. The draft notice summarizes OPEI's request.

Please indicate your vote on the following options:

- I. Approve publication of the attached document in the *Federal Register*, as drafted.

(Signature)

(Date)

- II. Approve publication of the attached document in the *Federal Register*, with the specified changes:

(Signature)

(Date)



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III. Do not approve publication of the attached document in the *Federal Register*, and deny the request for extension.

(Signature)

(Date)

IV. Take other action specified below:

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice: Notice of Proposed Rulemaking Establish a Safety Standard for OHV Debris Penetration Hazards; Notice of Extension of Comment Period

DRAFT

Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1421

[CPSC Docket No. 2021-0014]

Notice of Proposed Rulemaking to Establish a Safety Standard for OHV Debris

Penetration Hazards; Notice of Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of comment period.

SUMMARY: On July 21, 2022, the Consumer Product Safety Commission (Commission or CPSC) published in the *Federal Register* a notice of proposed rulemaking (NPR) to promulgate a consumer product safety standard to address debris penetration hazards in recreational off-highway vehicles (ROVs) and utility terrain or utility task vehicles (UTVs). The NPR invited the public to submit written comments during a 60-day comment period, beginning on the NPR publication date, and ending on September 19, 2022. In response to a request for an extension of the comment period, the Commission is extending the comment period to October 28, 2022.

DATES: Submit comments by October 28, 2022.

ADDRESSES: Submit comments on the proposed rule, identified by Docket No. CPSC–2021–0014, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by electronic mail (e-mail), except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal.

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Mail/hand delivery/courier Written Submissions: Submit comments by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: www.regulations.gov. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier written submissions.

Docket: For access to the docket to read background documents or comments received, go to: www.regulations.gov, and insert the docket number, CPSC–2021–0014, into the “Search” box, and follow the prompts.

SUPPLEMENTARY INFORMATION:

On May 18, 2022, CPSC staff forwarded a briefing package to the Commission, recommending issuance of an NPR to establish a safety standard for ROV and UTV debris penetration hazards. On June 22, 2022, the Commission voted to publish an NPR in the *Federal Register*, to promulgate a consumer product safety standard for ROV and UTV debris penetration hazards. The NPR published on July 21, 2022, with a 60-day comment period, which closes on September 19, 2022. 87 FR 43688.

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On August 22, 2022, Greg Knott, Vice President, Standards & Regulatory Affairs, Outdoor Power Equipment Institute (OPEI), submitted a request to the Commission to extend the comment period until October 28, 2022. OPEI circulated a draft of the OPEI B71.9 revision proposal by email on August 3, 2022, which includes a proposal for debris penetration. OPEI requests more time to be able to discuss CPSC staff's evaluation of OPEI's proposed test methods and to prepare comments for the rulemaking record accordingly.

The Commission has considered this request to extend the comment period. To provide sufficient time for stakeholders to discuss test results and prepare comments for the rulemaking, the Commission will grant an extension of the comment period to October 28, 2022.

Dated: _____

Alberta E. Mills,
Secretary, Consumer Product Safety Commission



Memorandum

TO: The Commission
Alberta E. Mills, Secretary

DATE: August 31, 2022

THROUGH: Austin C. Schlick, General Counsel
Jason K. Levine, Executive Director
DeWane Ray, Deputy Executive Director for Operations

FROM: Duane E. Boniface, Assistant Executive Director,
Office of Hazard Identification and Reduction
Han Lim Mechanical Engineer
Division of Mechanical and Combustion Engineering
Directorate of Engineering Sciences

SUBJECT: Evaluation of request to extend comment period for Notice of Proposed
Rulemaking (NPR) to Establish a Safety Standard for OHV Debris Penetration
Hazards

Introduction

On August 22, 2022, Greg Knott, Vice President, Standards & Regulatory Affairs, Outdoor Power Equipment Institute (OPEI), submitted a request to the Commission to extend the comment period for the Notice of Proposed Rulemaking to Establish a Safety Standard for OHV Debris Penetration Hazards from September 19, 2022, to October 28, 2022.

Staff's evaluation

OPEI's stated justification for its request for an extension of the comment period is to obtain feedback from CPSC's technical staff on the debris penetration test method that was shared with CPSC staff at a voluntary standard meeting on June 7, 2022, and it included in a draft revision of ANSI/OPEI B71.9 that was circulated on August 3, 2022, to canvass members of the voluntary standard. However, the request for comment in the NPR seeks comment, data, views, or arguments on the rule as proposed by the Commission. Technical input from CPSC staff on a different set of proposed requirements for the B71.9 voluntary standard is not necessary for OPEI to provide comment on the Commission's proposed rule. In any event, CPSC technical staff will be considering the draft revision to B71.9 as a canvass member and will provide technical feedback to OPEI on the debris penetration test method when it submits its ballot vote at the proper time. This feedback will become part of the rulemaking record.

Delaying the close of the comment period would likely delay the delivery of a final rule, because

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staff will need time to review and consider comments once the comment period closes; thus, extending the comment period could postpone the safety benefits of the rule.

Recommendation

Based on the factors discussed in staff's evaluation, staff recommends that the Commission deny OPEI's request for an extension of the comment period of the OHV NPR because it has not been justified and would delay the rulemaking.

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