



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Ann Marie Buerkle
Commissioner Robert S. Adler
Commissioner Elliot F. Kaye
Commissioner Dana Baiocco
Commissioner Peter A. Feldman

ITEM:

Petition CP 18-1: Petition for Inflatable Head Protective Devices
(Briefing package dated August 21, 2019, OS# 4951)

DECISION:

The petitioner withdrew the petition by notifying the Secretary of the Commission and individual Commissioners via electronic mail message before a majority vote was reached. The Commission voted 2-2-1. By email, dated September 16, 2019 (4:56 p.m.), Nancy A. Nord, of OFW Law and counsel for the petitioner, Hovding Sweden AB withdrew the petition (see attached email). The petition was filed with the Commission on December 15, 2017.

Commissioners Feldman and Commissioner Baiocco voted to deny the petition and direct staff to draft a letter of denial to the petitioner.

Commissioner Adler and Commissioner Kaye voted to take other action as follows: Grant the petition in part and commence rulemaking under 5 U.S.C. § 553 to propose to amend the bicycle helmet standard 16 C.F.R. Part 1203, to allow the use of inflatable helmets that meet appropriate safety-based performance requirements. The staff shall propose requirements that are substantially the same as SP-method 4439 unless staff determines that additional or different requirements are necessary to address the likelihood of serious injuries and death to bicyclists resulting from impacts to the head.

Acting Chairman Buerkle abstained from the vote. (The Acting Chairman did not submit a vote before withdrawal of the petition and the 5 pm voting deadline.)

For the Commission:

Alberta E. Mills
Secretary

Ballot vote due date September 16, 2019
(Acting Chairman Buerkle extended the ballot vote due date from August 27, 2019; the vote due date was further extended by two Commission polls issued on August 29, 2019 and September 6, 2019).

Attachment: Email from Nancy Nord, OFW Law

From: [Nancy A. Nord](#)
To: [Mills, Alberta E.](#)
Cc: [Buerkle, Ann Marie](#); [Baiocco, Dana](#); [Feldman, Peter](#); [Adler, Robert](#); [Kaye, Elliot](#); "pganz@cpsc.gov"; [Elliot Bellilos](#)
Subject: Withdrawl of Hovding Sweden AB Petition: Docket # CPSC 2018-0003
Date: Monday, September 16, 2019 4:56:15 PM

Dear Secretary Mills:

Hovding Sweden AB hereby requests that its petition, Docket No CPSC 2018-0003, filed with the Commission on December 15, 2017 be withdrawn.

Nancy A. Nord
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Washington, DC 20006
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Direct: (202) 518-6344

Email secured by Check Point