



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETINGS

January 12, 1983

Third Floor Hearing Room
1111-18th Street, N.W.
Washington, D.C.

The January 12, 1983, meeting of the U.S. Consumer Product Safety Commission was convened by Chairman Nancy Harvey Steorts. Commissioners Stuart Statler, Edith Barksdale Sloan and Sam Zagoria were present.

Ballot Vote Decisions. Chairman Steorts read into the record the following decisions made by ballot vote of the Commissioners since the last open meeting of the Commission.

1. FHSA Preemption Regulation

The Commission by unanimous vote (4-0) approved a Federal Register document which revokes a regulation concerning the preemption of state and local labeling requirements. The regulation is no longer valid because it is based on a provision of the Federal Hazardous Substances Act that was substantially amended in 1976.

2. Extension of Time to Submit Comments on Proposed Section 6(b) Rules

The Commission by unanimous vote (4-0) approved a Federal Register notice granting a request for extension of the comment period on the proposed Section 6(b) rules to February 4, 1983.

3. Oral Arguments In Robertshaw Controls Co., CPSC Docket No. 82-3

The Commission by unanimous vote (4-0) approved scheduling an oral argument on the appeal in CPSC Docket No. 82-3. Each side will have thirty minutes.

4. Public Meeting on Kerosene Heaters

The Commission by unanimous vote (4-0) approved a Federal Register notice inviting members of the public to participate in a meeting concerning the safety of kerosene heaters scheduled for January 27, 1983.

5. Clarifications to Figure of the Foot Probe in Lawn Mower Standard

The Commission by unanimous vote (4-0) approved a Federal Register notice that makes minor changes in the drawing of the foot probe in the Safety Standard for Walk-Behind Power Lawn Mowers, 16 C.F.R. Part 1205.

6. Proposal to Withdraw Certain Portions of the Proposed Lawn Mower Standard

The Commission by unanimous vote (4-0) approved a Federal Register notice to propose to withdraw the portions of the proposed safety standard for power lawn mowers (42 Fed. Reg. 23052; May 5, 1977) that were not issued as part of the Safety Standard for Walk-Behind Power Lawn Mowers, 16 C.F.R. Part 1205.

7. Federal Register Notices of Denial, CP 81-6, CP 81-7 and CP 81-8

The Commission by unanimous vote (4-0) approved Federal Register notices that announce the Commission's previous decision to deny the subject petitions which had requested exemptions to the Safety Standard for Walk-Behind Power Lawn Mowers.

8. PPPA Special Packaging - ANPR

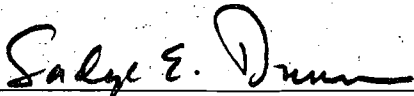
The Commission by unanimous vote (4-0) approved an Advance Notice of Proposed Rulemaking (ANPR) concerning possible changes to the special packaging requirements under the Poison Prevention Packaging Act. The ANPR also provides for an oral presentation on this matter.

The staff then briefed the Commission on the status of the priority project concerning formaldehyde emissions from pressed wood products manufactured with urea-formaldehyde (U.F.) resins. The staff reported that this project is proceeding on schedule, including laboratory work currently underway at Oak Ridge National Laboratory, cooperative work with industry representatives through a recently formed task force, and planned activities to ensure that consumers are kept informed and involved in the staff work on this project. The staff also reviewed its activities in continuing to address the issues raised in a petition filed in August 1982 by the Consumer Federation of America requesting a mandatory standard to control formaldehyde emissions from pressed wood products made with U.F. resins.

There being no further business on the agenda, Chairman Steorts adjourned the meeting.

For the Commission:

February 22, 1983
Date


Sadye E. Dunn
Secretary

16 CFR Part 1500**Federal Preemption of State and Local Labeling Requirements; Revocation of Rule****AGENCY:** Consumer Product Safety Commission.**ACTION:** Revocation of Rule.

SUMMARY: The Commission is revoking a regulation concerning the preemption of state and local labeling requirements. The regulation is no longer valid because it is based on a provision of the Federal Hazardous Substances Act that was substantially amended in 1976.

EFFECTIVE DATE: The revocation will become effective on January 26, 1983.

FOR FURTHER INFORMATION CONTACT: Alan Shakin, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6980.

SUPPLEMENTARY INFORMATION: In 1966 Congress amended the Federal Hazardous Substances Labeling Act, 15 U.S.C. 1261, *et seq.*; Pub. L. 89-756.

Among other changes—including a name change to the Federal Hazardous Substances Act (FHSA)—a preemption provision was added to the statute as section 18(b).

The Food and Drug Administration, the agency that then administered the FHSA, subsequently issued a regulation that implemented this preemption provision, 21 CFR Part 191. When the Consumer Product Safety Commission came into existence in May 1973, it took over the responsibility for administering the FHSA. In September 1973 the Commission re-issued the FHSA preemption regulation, with minor modification, and transferred it to 16 CFR 1500.7, 38 FR 27012, Sept. 27, 1973.

In May 1976 Congress amended the FHSA preemption provision, section

18(b), significantly. Consumer Product Safety Commission Improvements Act of 1976; Pub. L. 94-284. The regulation that implemented the 1966 version, 16 CFR 1500.7, became incompatible with the new statutory provision. Therefore, the Commission is now revoking this regulation.

Under the Administrative Procedure Act, the issuance of rules must generally be preceded by a notice of proposed rulemaking and an opportunity for submission of written comments. An exception exists when "the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impractical, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b). In this case, the Commission finds that a notice and comment rulemaking procedure is unnecessary because the statutory basis of the existing FHSA preemption regulation no longer exists.

PART 1500—[AMENDED]**§ 1500.7 [Removed and reserved]**

Therefore, pursuant to provisions of the Administrative Procedure Act, 5 U.S.C. 553, § 1500.7 of Title 16, Chapter II, Subchapter C of the Code of Federal Regulations is revoked, removed, and reserved. *Effective date:* The revocation shall become effective on January 26, 1983.

(5 U.S.C. 553; 15 U.S.C. 1261 *et seq.*)

List of Subjects in 16 CFR Part 1500

Consumer protection, Labeling, Preemption.

Dated: December 21, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 82-38045 Filed 12-23-82; 8:45 am]

BILLING CODE 6355-01-M

**CONSUMER PRODUCT SAFETY
COMMISSION****16 CFR Part 1205****Walk-Behind Power Lawn Mowers;
Change to Drawing of Foot Probe****AGENCY:** Consumer Product Safety
Commission.**ACTION:** Clarification of drawing.

SUMMARY: The Commission amends the drawing of the foot probe device in its consumer product safety standard for walk-behind power lawn mower to eliminate an ambiguity in the drawing and to give dimensions that are more useful in fabricating the device than were the original dimensions.

EFFECTIVE DATE: The changes to the drawing are effective March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Galvydis, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6400.

SUPPLEMENTARY INFORMATION: On February 15, 1979, the Commission published a final consumer product safety standard to reduce the estimated 77,000 injuries that occur each year from contact with the moving blades of walk-behind power lawn mowers (44 FR 9990; 16 CFR Part 1205).

A detailed explanation of the background and rationale for the standard is given in the Federal Register notice that issued the standard. Briefly, the standard reduces the risk of injury from blade contact with rotary power lawn mowers by mandating two main performance requirements. First, in order to reduce injuries to the hand of the operator, § 1205.5(a)(1) of the standard requires that the mower have a blade control that will stop the blade within 3 seconds of the time that the operator releases the handle of the mower. This is intended to ensure that when the operator's hands leave the handle, the blade will stop before the operator can put his or her hands in the vicinity of the blade. This requirement will also reduce foot injuries that occur when the operator is working or moving around the mower and is not holding the handle.

In order to further reduce foot injuries, § 1205.4(a) of the standard requires that areas of the mower that can be reached by the operator's foot when he or she is holding the handle (the rear 120° of the mower) shall be constructed so that a specified probe that approximates the human foot cannot be brought into contact with the blade from these areas.

Section 1205.8 of the standard provides for a warning label on rotary and reel-type walk-behind power lawn mowers to warn of the hazard of contacting the blade.

The requirement that the blade stop within 3 seconds of the release of this handle can be accomplished in two ways. First, the blade can be disconnected from the mower's power source and brought to a stop while the power source continues to operate. The other way of accomplishing this requirement is to turn off the power source, thereby bringing the blade and the power source to a stop together.

If the blade is stopped by stopping the engine ("engine-kill"), the standard requires that the mower be provided with a power restart mechanism, that the starting controls be within 24 inches of the top of the mower's handle, or that the mower have a protective foot shield which extends 360° around the mower housing. If the manual restart with a 360° foot protective shield alternative is chosen, the entire periphery of the mower must be constructed so that the foot probe device cannot be brought into contact with the blade (§ 1205.4(b)(1)(ii)(B) of the standard). See 46 FR 54933; November 5, 1981.

The diagram of the foot probe currently in the standard contains an ambiguity in that the nature of the intersection between the "leg" and the "top of the instep" portions of the probe is not clearly indicated. In the amendment to the drawing which is issued below, a line has been added to the top view to indicate that the top of the instep is a plane whose intersection with the plane on which the "leg" is mounted is a straight line. The Commission believes that this is the way that the drawing has been interpreted by the lawn mower industry and that this change will have no impact on whether any particular mower will pass the foot probe test.

The Commission has also made some changes in the way the dimensions of the foot probe are described in the drawing. In the new drawing, the length of the bottom of the foot is given, whereas this dimension had to be computed in the earlier version. In addition, the previously shown "height of leg" dimension was not useful, and this has been replaced by a dimension for the length of the "shin" portion of the leg. Finally, the new drawing shows the cutoff angle for the cylindrical leg (i.e., the angle between the leg and a horizontal line) rather than the less useful angle between the leg and a vertical line. These changes do not result in any change in the size or shape of the foot probe, but they should be more useful to persons attempting to fabricate a probe as specified in the standard.

Since these changes are simply technical clarifications to an existing rule that will have no adverse impact on the public or the affected industry, the Commission determines, as authorized by 5 U.S.C. 553(b)(B), that general notice of proposed rule making is unnecessary and contrary to the public interest. Accordingly, the changes set forth below will become effective March 14, 1983.

The Commission also determines that these amendments are non-material clarifications of the standard that may be made by the procedures in 5 U.S.C. 553, as authorized by 15 U.S.C. 2059(h).

Accordingly, the Commission amends Title 16, Chapter II, Subchapter B, Part 1205 of the Code of Federal Regulations by replacing Figure 2 of Part 1205 with the following figure:

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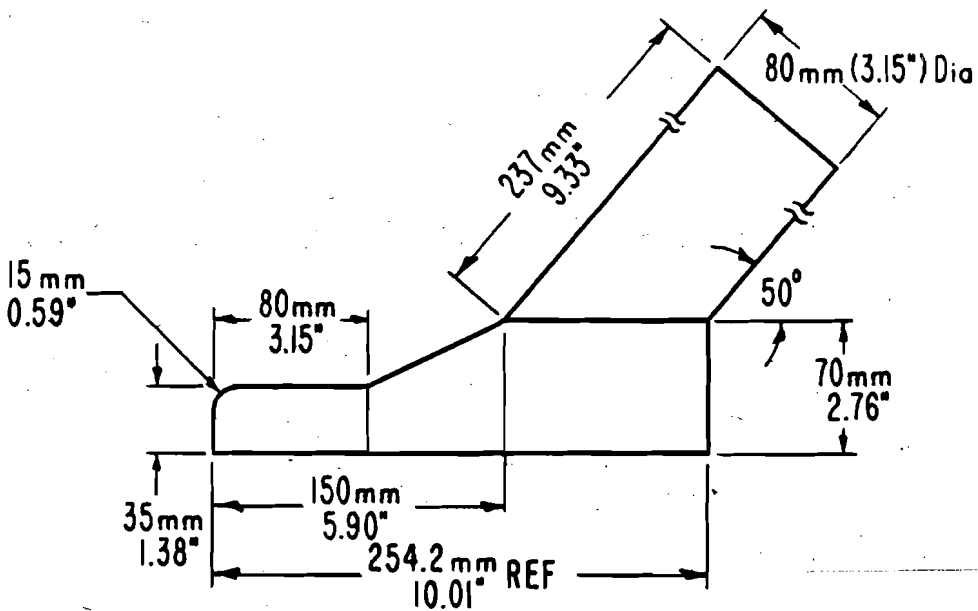
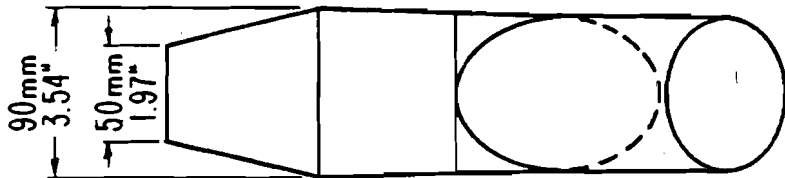


FIG 2-FOOT PROBE

Dated: February 1, 1983.

Sadye Dunn,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 83-3832 Filed 2-10-83; 8:45 am]

BILLING CODE 6355-01-C

Proposed Rules

Federal Register

Vol. 48, No. 30

Friday, February 11, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1205

Power Lawn Mowers; Proposed Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Proposal to withdraw proposed rule.

SUMMARY: The Commission proposes to withdraw the outstanding portions of this proposed standard addressing hazards associated with power lawn mowers, which was published on May 5, 1977. The Commission has previously issued a final standard based on the portion of the proposal that addressed blade contact injuries from walk-behind power lawn mowers. The remaining portions of the proposal address the hazards of objects thrown by the blades of rotary mowers, fuel ignition from liquid fuel powered mowers, electric shock from electrically-powered mowers, and riding mower stability, shields, steering, brakes, and controls.

The proposed withdrawal of the thrown objects requirements is based on information showing that the lawn mower industry is developing, and plans to adopt, a voluntary standard similar to the one proposed by the Commission. Furthermore, the voluntary standards that apply to currently produced mowers appear to have reduced the risk of thrown objects injuries by up to 27 percent compared to mowers produced before the Commission proposed its standard.

The requirements for fuel ignition from liquid fuel powered mowers and electric shock from electrically-powered mowers are proposed to be withdrawn because the Commission cannot now conclude that these risks are unreasonable or that the proposed requirements would adequately reduce the risks that do exist.

The requirements for riding mowers are proposed to be withdrawn because

the Commission believes it will be a more efficient use of Commission resources to provide comment and other assistance to the ongoing industry effort to develop a voluntary standard for riding mowers than to continue development of a mandatory standard at this time.

In order to provide time for consideration of public comments on the proposed withdrawal, the Commission extends the date by which it must publish a final standard or withdraw the proposal to August 10, 1983.

DATES: Comments on the proposed withdrawal should be submitted by April 12, 1983.

ADDRESS: Comments should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Copies of the staff briefing package and related materials concerning these hazards are available at the Reading Room, Office of the Secretary, Consumer Product Safety Commission, 8th floor, 1111 18th Street, N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Carl W. Sleichschmidt, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6534. Inquiries from the media should be directed to Lou Brot, Office of Media Relations, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634-7780.

SUPPLEMENTARY INFORMATION:

A. Background

On May 5, 1977, the Commission proposed a standard under section 7 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2508, for power lawn mowers (42 FR 23052). A discussion of the background and provisions of the proposal is given in the preamble to the proposal.

The proposed standard for power lawn mowers also was a comprehensive standard addressing unreasonable risks of injury associated with both walk-behind and riding mowers. (As used in this notice, the term "riding mower" includes garden tractors). The proposal addressed blade contact injuries; injuries caused by objects propelled by the mower blade (thrown objects); injuries due to lawn mowers rolling, slipping, or overturning, or to failure of lawn mower brakes or steering mechanisms; injuries

from fires caused by ignition of liquids used as fuel for power mowers; and injuries caused by electric shock from electrically-powered lawn mowers or from electrical ignition systems (42 FR 23052).

The Commission received more than 100 comments on the proposed standard, which raised numerous and complex issues. In order to resolve these issues and to issue a safety standard for lawn mowers in a more efficient manner, the Commission decided to first issue requirements for walk-behind mowers and then to issue requirements for riding mowers.

On June 7, 1978, the Commission published a notice in the Federal Register (43 FR 24697) announcing that it would issue separately the requirements addressing injuries due to blade contact with walk-behind mowers and requirements addressing injuries associated with thrown objects, fuel and electrical hazards, and riding mowers. The Commission in issuing that notice determined it would be a more effective and efficient method of addressing the unreasonable risks of injury associated with power lawn mowers to first issue requirements that address the most numerous injuries and then to do the additional work that would be required to issue requirements addressing other risks of injury.

A final standard addressing the hazard of blade contact from walk-behind power lawn mowers was published on February 15, 1979, (44 FR 9990) and went into effect on June 30, 1982.

Since the publication of the final blade contact standard for walk-behind power mowers, the Commission has continued to evaluate the issues associated with the hazards of objects thrown by the blades of rotary mowers, fuel ignition, electric shock from electrically-powered powers, and riding mowers. As a result of this further consideration, the Commission has preliminarily decided to withdraw its proposed rule addressing these hazards.

Section 9(a)(1)(B) of the Consumer Product Safety Act ("the CPSA"), 15 U.S.C. 2058(a)(1)(B), requires that this withdrawal be accomplished by rulemaking. Although this aspect of section 9(a)(1)(B) was amended by Pub. L. 97-35, the requirement for proposing withdrawal of proposed consumer

product safety rules still applies for rules proposed before August 13, 1981.

The reasons for proposing to withdraw the proposed rule are given below.

B. Specific Provisions

1. *Thrown objects.* The proposed standard contained a performance test intended to evaluate the manner in which a particular mower would throw objects which contact the blade during mowing operations.

The test apparatus consists of an octagonal target enclosure surrounding an artificial turf surface which supports the mower to be tested. Sixpenny nails are injected from three positions into the blade of the mower while it is operating, and the number and locations of the hits of the nails that are propelled against the walls of the enclosure are recorded and compared to pass/fail criteria.

The criteria for walk-behind mowers allow fewer hits in the rear quadrant of the target (compared to riding mowers and to the other quadrants) in order to protect the operator. More hits are allowed in the area facing the usual location of the discharge chute for both riding and walk-behind mowers.

The Commission's staff estimates that thrown objects injuries resulted in 11,800 hospital emergency room treatments in 1979. About 600 victims were hospitalized. An estimated two deaths occur each year.

Most injuries are not severe, but there is the potential for an occasional severe injury or death. Most victims are mower operators (about 80%). About half the operator injuries are puncture or foreign body injuries as opposed to lacerations, fractures, or abrasions; 10% of the puncture and foreign body injuries require hospitalization. The most serious injuries are usually head and torso injuries. It is estimated that 800 operators were treated in 1979 in hospital emergency rooms for head and torso thrown objects injuries.

An estimated 2,000 bystanders were injured. About 1,000 bystanders suffered head and torso injuries.

With the present population of about 33 million mowers, and an equal number of mower users, 1 operator in 44 is likely to suffer a thrown object injury of any sort in the operator's lifetime.

The most significant development that has occurred since the Commission proposed its thrown objects requirements has been an effort by the lawn mower industry to develop a voluntary standard that, it appears, will be similar in many respects to the one proposed by the Commission. This test is intended to replace the thrown

objects requirements that are presently in the voluntary standard.

The present voluntary standard, ANSI B71.1, includes several requirements that could have an effect on the thrown objects performance of mowers. This standard contains design requirements that a complying mower must have a rear trailing shield and that the mower deck must extend downward $\frac{1}{2}$ inch below the plane of the blade except at the discharge chute. Thrown objects at the discharge chute are addressed with a performance test. For this test, the underside of the mower is sealed so that test projectiles exit out the discharge chute toward a target. The Commission's staff believes that this performance test has the disadvantages of not simulating actual mowing conditions and not sufficiently discriminating between more and less safe mowers.

However, analysis of injury data collected since the existing voluntary requirements were introduced in 1972 shows that mowers certified as meeting the voluntary requirements and produced since 1972 may have caused up to 27 percent fewer injuries than mowers produced before 1972.

After considering the considerable technical work that would be needed before the Commission could issue thrown objects requirements, the fact that the industry is developing a similar standard, and the nature and extent of the risk of injury from thrown objects, the Commission has decided to propose to withdraw its proposed requirements for thrown objects performance of power mowers.

2. *Fuel ignition.* National Electronic Injury Surveillance System (NEISS) data indicate that fewer than 1000 burn injuries due to ignition of fuel are treated in hospital emergency rooms each year. For the 7 year period of 1974-80, the Commission's files contain 14 death certificates associated with ignition of the fuel of power lawn mowers.

The proposal addressed the hazard of fuel ignition by requirements designed to reduce the amount of spilled or leaked fuel and to control the ignition sources of sparks and exhaust heat.

The proposal included a requirement that high tension cables on mowers be fully insulated. A test was also provided to determine that the spark plug connector will not spark against grounded metal if the operator attempts to start the mower while the connector is disconnected. In addition, grounding switches would not be permitted in the high tension (secondary) part of the ignition system.

The proposal also prohibited leakage from the fuel system during any reasonably foreseeable condition of use. In addition, a test was provided to insure that fuel will not contact certain parts of the mower and that not more than 0.95 gm. (.033 fl. oz.) of fuel will collect in any single pool when the fuel tank is overfilled.

From the standpoint of logic and engineering judgment, it would appear that a mower that met the proposed requirements concerning fuel ignition would certainly be safer than one that did not. However, the Commission is unable at this time to determine the extent to which such requirements would decrease the already relatively low incidence of fuel burn injuries associated with these mowers. Without an estimate of the potential benefits of these requirements, the Commission is unable to determine if the costs that would be involved to comply with the requirements would be justified. Therefore, the Commission proposes to withdraw these requirements. If in the future sufficient data become available to show that mowers being produced at that time are unreasonably dangerous because of a lack of the features insured by these requirements, the Commission can propose to issue the requirements based on the new data.

3. *Electrically-powered mowers.* From NEISS data, it is estimated that approximately 800 injuries of any type associated with electrically-powered mowers are treated in hospital emergency rooms. These injuries include those caused by blade contact and thrown objects. The Commission has no data from which it could determine how many of these injuries may be related to shock. The Commission's death certificate files indicate about one death per year associated with electrically-powered mowers. However, some of these may be associated with damaged extension cords rather than with the mower itself.

In order to reduce the hazard of electric shock associated with electrically-powered mowers, the proposal included a performance test to insure that the parts of the electrically-powered lawn mowers which are normally contacted by the operator are covered with insulation having a resistance of at least 250,000 ohms.

Another requirement was included that folding or pivoting handles on electrically-powered mowers shall not entrap electrical cords used with the mower.

A plug blade shielding test was also provided to insure that the plug blades for electrically-powered lawn mowers

are shielded so that they cannot be contacted by a probe while they are still energized by the extension cord.

A switch that disconnects both sides of the power supply to the mower when it is in the OFF position would also be required.

As with the fuel ignition requirements, the Commission lacks sufficient data to determine how many currently available mowers already comply with these requirements or how many shock injuries could be prevented if such requirements were issued. This is especially true since the effectiveness of these requirements could be reduced over time as insulation and shielding becomes damaged or deteriorates. Therefore, due to the small number of injuries and the lack of data showing that these requirements are reasonably necessary, the Commission proposes to withdraw these proposed requirements.

4. *Riding mowers.* Unlike the hazards discussed above, the injuries associated with riding mowers are numerous and often serious. In 1980, riding mowers and garden tractors were involved in an estimated 38,000 medically attended injuries. About 13,800 of these injuries were treated in hospital emergency rooms, with 9 percent of the victims being hospitalized.

Based on information in a statistical sample of 70 cases selected between May 15 and August 15, 1980, it was determined that over two-thirds of the incidents (an estimated 9,800 emergency room injuries) involved riding mowers or garden tractors during a mowing session, including starting and fueling the mowers.

Since 1976, the Commission has received reports of over 30 deaths a year involving riding mowers and garden tractors, in almost equal numbers. The total number of deaths involving both types of products has been estimated at 100 a year by matching death certificates with reports in other Commission data bases.

In the incidents involving riding mower fatalities, three main hazard patterns accounted for 80 percent of the accidents: The mower tipped over, the victim fell under or was run over by the mower, or the victim fell or was thrown from the mower. These hazards also appeared in the data concerning injuries, as did the hazards of blade contact, body contact with another object, entrapment in moving parts of the mower, thrown objects, contact burns, fuel ignition, and starter-related problems.

In order to deal with the identified hazards concerning riding mowers, the proposal included the following provisions:

Riding mower stability and shield requirements. In order to reduce injuries caused by the turning over of a riding mower, static stability requirements were included which specify that the mower's upper wheels shall not lift when it rests on a slope inclined 30° from the horizontal when the mower is facing uphill or downhill or on a slope inclined 20° from the horizontal when the mower is facing in either direction across the slope.

The proposal would also require shields for riding mowers to prevent a foot probe from entering the blade path or contacting any moving mower part driven by the power source that is within 125 cm. (49.2 in.) of a seat reference point of the mower.

Riding mower steering requirements. The proposal would not permit tiller bar steering to be utilized in riding mowers, since a tiller bar requires the operator's body to be in an unstable position during sharp turns. If a mower is steered by dual hand-lever controls, to turn a forward-traveling vehicle to the right, the left control would have to move in a forward direction relative to the right control or the right control would have to move rearward relative to the left control and vice versa. All other types of steering controls shall move to the right, or in a clockwise direction, to turn a forward traveling mower to the right, and vice versa.

A structural integrity test of the steering system was also included. The system would be required to withstand a force of 222 newtons (50-lb.) applied to the steering mechanism while the steerable wheels are held in each of three positions.

Riding mower brakes. The proposed standard includes requirements for attainable stopping distances for riding mowers in both the forward and backward directions. In order that the operator shall be able to control the mower, a test is provided to ensure that the service brake is capable of holding the mower stationary on a slope that is inclined at an angle of 17° when a 222 newton (50 lb.) force is applied to the brake control. The service braking system would function independently of engine operation or the position of the transmission or clutch controls.

A structural integrity test for braking controls was provided which would require foot brakes to be able to withstand a force of 1,670 newtons (375.5 lb.) and hand brakes to be able to withstand a force of 710 newtons (159.7 lb.).

A test for parking brakes was provided to insure that they will limit the amount of roll when the mower is parked on an inclined surface.

In order to further reduce the potential hazard of a runaway mower, the parking brake requirement would also have to be met when the power source is running.

A leg probe was proposed to determine that the brake pedal is located close enough to the seat that smaller operators can apply the necessary force to the pedal.

In order that brakes be reliable to use, brake pedals would be required to have slip resistant contact surfaces and a barrier would be required to prevent the foot from sliding off a right-side control surface toward the right and from sliding off a left-side control surface toward the left.

A riding mower would be required to have a blade control system which will prevent operation of the blade unless a control is actuated by the operator, and the operator would have to be in continuous contact with the control in order for the blade to continue to be driven. The mower would also have a second control which must be actuated before a stopped blade can be restarted. To prevent inadvertent engagement of the blade control, the second control which must be actuated before the stopped blade can be restarted would require a force of at least 110 newtons (24.8 lb.) in order to be actuated.

In order to reduce injuries connected with backover accidents, the blade of a riding mower would have to come to a stop when the transmission or traction drive is positioned for reverse travel.

Riding mowers would be required to have a control so that the blade may be rendered inoperative while the mower is traveling forward. This enables the operator to reduce the hazard from a moving blade when it is not needed for mowing and also to reduce the hazard of thrown objects when the mower is driven across an area covered with gravel or debris.

Again, based on engineering judgment, riding mowers meeting these requirements should be safer than those that do not. However, many of the proposed requirements address accident modes that can be affected by dynamic factors for which no suitable test has been devised. In addition, the riding mowers currently on the market should be evaluated to see the extent to which they currently fail to comply with the proposed requirements, in order to help determine if the requirements are reasonably necessary. For these reasons, much work would need to be done before the Commission would conclude that the cost of incorporating the features needed to comply with the

proposed requirements would be justified by any benefits to be obtained.

The industry trade association, the Outdoor Power Equipment Institute (OPEI), is working toward the development of a standard for riding mowers that could be followed on a voluntary basis by the manufacturers of these mowers. In the past, voluntary standards approved by OPEI have been met by a high percentage of the industry. Therefore, in view of the extensive work that would have to be done by the Commission to complete the development of a mandatory standard, the Commission has concluded that it would be a more efficient use of Commission resources to monitor OPEI's development of the voluntary standard. In this way, the Commission staff's views and comments would be taken into account during the development of the voluntary standard.

Therefore, the Commission has decided to instruct its staff to monitor the development of the voluntary standard and is proposing to withdraw its proposal of a mandatory standard. If the effort to develop an adequate voluntary standard proves unsuccessful, the Commission can consider at that time whether to take additional steps that might lead to the development of a mandatory standard.

C. Effect on Small Businesses and Other Small Entities:

In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Commission certifies that the proposed rule withdrawing the outstanding portions of the proposed standard for power lawn mowers will not, if issued, have a significant economic impact on a substantial number of small entities (small businesses, small organizations, and small governmental jurisdictions). In contrast to a final regulation having requirements that are being or will be enforced, the proposed standard which is proposed to be withdrawn at this time is not binding, creates no obligations, and has no legal impact. Thus, any action to withdraw the proposed standard will also not have a significant impact on small entities.

D. Environmental Impact

Since the action being proposed is merely to withdraw a previous proposal, it will have little or no potential for affecting the human environment. As a result, the withdrawal does not require either an environmental assessment or an environmental impact statement. See 16 CFR 1021.5(c)(1). (categorical exclusion of safety standards under the

National Environmental Policy Act, 15 U.S.C. 4321-4347).

E. Conclusion and Extension of Time

Accordingly, for the given above, and under section 9(a)(1) of the Consumer Product Safety Act, the Commission proposes to withdraw the outstanding portions of the proposed standard for power lawn mowers that was published in the Federal Register on May 5, 1977, and solicits public comment on this proposal.

Section 9(a)(1) of the Consumer Product Safety Act, 15 U.S.C. 2058(a)(1), requires that within 60 days after the publication of a proposed consumer product safety rule, the Commission shall either (1) promulgate a rule respecting the risk of injury associated with such product or (2) withdraw the applicable notice of proceeding, unless the Commission extends the 60-day period for good cause shown and publishes its reasons in the Federal Register.

In order to receive and evaluate comments on this proposal, the Commission, for good cause as an administrative matter, extends the date by which it must either publish a final standard or withdraw the proposal until April 10, 1983.

(Sec. 1212(b), Pub. L. 97-35; 95 Stat. 357)

Dated: February 1, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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