



United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: June 10, 2005

TO : EXHR

Through: Todd A. Stevenson, *BS* Secretary, OS

FROM : Martha A. Kosh, OS

SUBJECT: Fiscal Year 2005 Program for Systematic Review of
Commission Regulations

ATTACHED ARE COMMENTS ON THE CH 05-1

| <u>COMMENT</u> | <u>DATE</u> | <u>SIGNED BY</u> | <u>AFFILIATION</u> |
|----------------|-------------|---------------------------------|--|
| CH 05-1-1 | 05/05/05 | Robert Burns General Counsel | Trek Bicycle Corporation 801 West Madison St Waterloo, WI 53594 |
| CH 05-1-2 | 05/18/05 | Cornel Ormsby | <u>lioninoil@yahoo.com</u> |
| CH 05-1-3 | 05/18/05 | David Gordon | <u>dgwilson@MIT.EDU</u> |
| CH 05-1-4 | 06/10/05 | David Baker General Counsel | Lighter Association, Inc. 1920 N Street, NW Washington, DC 20036 |

May 5, 2005

reg. review comment

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Re: Fiscal Year 2005
Regulatory Review Project
70 Fed. Reg. 18338

Ladies and Gentlemen:

I write on behalf of Trek Bicycle Corporation in response to the above-referenced request for public input into the need for review of certain CPSC regulations, including those for bicycles currently promulgated at 16 C.F.R. Part 1512 et seq.

Trek Bicycle Corporation has been manufacturing bicycles in Waterloo, Wisconsin since its inception in 1976. We believe that we are the largest remaining United States bicycle company actually still manufacturing in the U.S. for the independent bicycle dealer market segment. As such, we are familiar with the regulations for bicycles as they were initially published in 1978 and as subsequently amended by the Agency from time to time.

While Trek acknowledges that the regulations for bicycles have been extant since 1978 without substantial revision, we are also active participants in the ongoing industry voluntary rule-making process, which has been conducted under the umbrella of ASTM Committee F08.10 since 1996. The CPSC has had an active participation in this ASTM process since its inception. We believe that this voluntary industry/agency cooperative rule-making process has been, and continues to be, a model of successful voluntary standard setting.

Committee F08.10 has successfully finalized the following standards for bicycles and certain bicycle accessories:

- F1625-00 Standard Specification and Test Method for Rear-Mounted Bicycle Child Carriers;
- F1975-02 Standard Specification for Non-powered Bicycle Trailers Designed for Human Passengers;
- F2043-00 Standard Classification for Bicycle Usage;
- F2268-03 Standard Specification for Bicycle Serial Numbers;
- F2273-03 Standard Test Methods for Bicycle Forks;
- F2274-03 Standard Specification for Condition 3 Bicycle Forks;

In addition, the effort is ongoing and the following standards are in process:

- WK464 Test Methods for Bicycle Frames;
- WK465 Specification for Condition 3 Bicycle Forks;
- WK466 Test Methods for Bicycle Forks;
- WK467 Test Method for Checking Bicycle Stem Threads;
- WK468 Standard Terminology for Bicycles and Bicycle Components;
- WK469 Specification for Bicycle Vehicle Identification Number and Location;
- WK6818 Standard Test Methods for Bicycle Frames;
- WK6819 Standard Specification for Condition 3 Bicycle Frames;

Finally, based on the information available to me, at this month's regular meeting of Committee F08.10, these additional proposed standards are on the agenda for discussion:

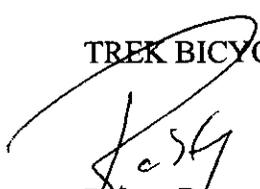
- Composite materials;
- Bicycle wheels;
- Free-Ride standards (extreme off-road riding);
- Children's bicycles/grips, components.

As the above clearly demonstrates, the Agency and the industry are working together cooperatively in a manner which avoids the time and expense of a formal Agency rule making. Based on the above, it's our position that a formal rule making would only slow down the successful ASTM process, and add substantial unnecessary expense. Therefore, we encourage the Agency to continue to foster this cooperative process in the bicycle industry.

Thank you for your consideration. Should you have any further questions or concerns, please do not hesitate to contact the undersigned at (920) 478-2191.

Sincerely,

TREK BICYCLE CORPORATION



Robert Burns
General Counsel
& Secretary

Stevenson, Todd A.

Reg Review

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From: LioNiNoiL [lioninoil@yahoo.com]
Sent: Wednesday, May 18, 2005 5:13 PM
To: Stevenson, Todd A.
Subject: Fiscal year 2005 Regulatory Review Project

It has come to my attention that the braking performance specified by the CPSC "REQUIREMENTS FOR BICYCLES" in Title 16 Code of Federal Regulations part 1512.5 is hazardously lax. A braking distance of 15 feet from a speed of either 10 miles per hour or 15 miles per hour (as specified) is an abysmal performance from a new braking system, and should be reduced to 10 feet in the interest of safety.

Cornel Ormsby
Henderson, Nevada

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~~Stevenson, Todd A.~~

05 Reg. Review

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From: David Gordon Wilson [dgwilson@MIT.EDU]
Sent: Wednesday, May 18, 2005 10:37 AM
To: Stevenson, Todd A.
Cc: dgwilson@mit.edu
Subject: Fiscal year 2005 Regulatory Review Project

TO: CPSC FISCAL YEAR 2005 REGULATORY REVIEW PROJECT

FROM: David Gordon Wilson
MIT room 7-040
77 Mass. Ave., Cambridge MA 02139, USA
Phone (& FAX): 617 253 5121 (3484); dgwilson@mit.edu
(professor of mechanical engineering, emeritus; author
Bicycling Science)

RE: 16 CFR part 1212: REQUIREMENTS FOR BICYCLES

Please give your urgent attention to the serious need of better regulations for bicycles. The lack of these is causing lives to be lost and very serious injuries to result.

1. Regulations are required to ensure that bicycle tires remain in place on the wheel rims after a deflation. Our research at MIT and the experience of many experts have confirmed that poorly fitting tires, when punctured, can throw the rider off with violence when the front wheel has a flat. (I myself have been thrown off different bicycles three times, twice narrowly missing being killed by passing vehicles.) There is no standard in any country that at present governs the fit of tires on rims. The cost to the wheel, tire and bicycle industries of having such regulations would be very small, and the benefits would be high.

I have submitted proposals for such regulations through Senator John Kerry and your Director of Congressional Relations Jack Horner, who has been kind enough to respond, suggesting that I write in this way. I would be happy to re-send the proposals and backup material

2. Regulations are required to prevent the rash of explosions of wheel rims that can lock front wheels and cause very serious injuries and in some cases deaths. These explosions occur in riders who commute daily or otherwise put high mileage on their bicycles. The situation has come about because of the adoption of aluminum rims on bicycles about twenty-five years ago. Aluminum rims have the benefit of giving far better wet-weather braking (from rim brakes) than was possible with the preceding steel rims that were almost universally used. But aluminum rims wear fast. Also, brake pads tend to pick up pieces of road grit that can then machine grooves around the braking surfaces of rims. Tire pressures are frequently over 100 psig (around 7 bar) nowadays. The outward stress carried by wheel rims then become very large. There is nothing to warn a bicycle rider that her/his rims are wearing thin. And a rim can explode even when the rim is little worn if a groove is machined around it. This forms what engineers call a "stress-raiser" that can precipitate an explosive failure.

Experts have proposed several solutions to this difficult problem. I am not an expert in this area. I know that it needs urgent attention.

3. Regulations are required to mandate greatly improved brakes on bicycles. Virtually all new bicycles have brakes that work well. After a few miles of use they can be useless. Recently, wanting to improve my braking, I fitted a Shimano disk brake to my bicycle. It works very well in dry weather. On my eight-mile commute to MIT two months ago there was

heavy rain. The disk brake was in perfect adjustment when I started. By the time I reached MIT it gave no braking whatsoever. It had worn so fast that the actuating lever reached a stop. No adjustment from the handlebar was of use. I got out my tool kit and meticulously reset the pads at lunchtime and started the return trip with everything again perfectly adjusted. By the time I reached home eight miles later I again had no braking whatsoever. This is just the most extreme of many similar experiences.

A few years ago I bought my wife a US bike with Shimano cantilever brakes. She almost lost her life and that of our baby in a child seat when the cables of both brakes snapped within concealing plastic tubes. (We live on a steep hill with a dangerous intersection with a main road at the bottom of the hill.) The reason for these failures was very poor design by Shimano engineers and those of virtually all manufacturers of such brakes in ignoring the bending occurring in brake wires during actuation. The bending is so great that failure is bound to occur after a certain amount of use, just as a paper clip breaks if it is bent enough times. The prevention of such failures would cost a cent or two per brake. I sent pictures of the failures and the potential cure to Shimano and many others, and would be happy to send them and the report to you. There has been some improvement in design. After this experience I bought my wife a very expensive German bike. She is a visiting nurse and rides a great deal. It has the new so-called "V-brakes". She frequently asks me to fix the bike "because I have no braking on either wheel." These brakes, while an improvement over the previous "cantilever" brakes, are very difficult for everyday riders to adjust. A survey of bicycles in bike racks will show that an extraordinary proportion have brakes that cannot work because of wear and lack of adjustment. A carefully written regulation would produce solutions to this dangerous situation.

David Gordon (Dave) Wilson

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**BEFORE THE
U.S. CONSUMER PRODUCT SAFETY COMMISSION**

**FISCAL YEAR 2005 PROGRAM FOR SYSTEMATIC REVIEW OF
COMMISSION REGULATIONS**

REQUEST FOR COMMENTS AND INFORMATION

**COMMENTS OF
LIGHTER ASSOCIATION, INC.**

David H. Baker
General Counsel
Lighter Association, Inc.
1920 N Street, N.W.
Washington, D.C. 20036
(202) 973 2709
info@lighterassociation.org

**COMMENTS OF
LIGHTER ASSOCIATION, INC.**

Introduction

By Federal Register Notice dated April 11, 2004, the Commission announced its systematic review of five current substantive regulations. 70 Fed. Reg. 18338 (2005). Included in the review are 16 CFR Part 1210, *Safety Standard for Cigarette Lighters*, and 16 CFR Part 1212, *Safety Standard for Multi-Purpose Lighters*. Id. at 18339. The Commission requests comments on “the degree to which the regulations under review remain consistent with the Commission’s program policies.” Id. at 18338.

The Commission then solicits comments and information from interested persons on the following questions:

1. Whether the regulation is consistent with CPSC program goals.
2. Whether the regulation is consistent with other CPSC regulations.
3. Whether the regulation is current with respect to technology, economic, or market conditions, and other mandatory or voluntary standards.
4. Whether the regulation can be streamlined to minimize regulatory burdens, particularly any such burdens on small entities. Id. at 18339

Identity of Commentor

The Lighter Association is the national trade association of the U.S. cigarette and multi-purpose lighter industry. Its members account for about 50% of the manufacture and distribution of lighters in this country. The Lighter Association has regularly

participated in proceedings before the Commission involving lighters since 1986. It welcomes the opportunity to provide comments on these four questions.

Position of Commentor

The Lighter Association believes that the two lighter child resistancy regulations are completely consistent with the CPSC's program goals. The reduction of fires, which can cause death and serious injury, has been a key program goal for many years. See Strategic Plan; U.S. Consumer Product Safety Commission, September 2003, at 13-20. The two child resistancy regulations are also consistent with other important CPSC regulations including the match labeling standard, the flammable fabric act regulations and the pending rulemakings relating to the flammability of mattresses and furniture.

The child resistancy regulations remain current with technology, economics and market conditions. While it would be helpful to have a simpler, less expensive way to test lighters for child resistancy, we are not aware of any technology or methodology that could expedite this testing, or reduce the cost.

The Lighter Association does not believe that these regulations can be streamlined in any way at this time. About a year and a half ago, there was a large backlog in the issuance of letters from Compliance on child resistancy applications from industry. However, through the good offices of Roy Deppa and Marc Schoem, that back up was dealt with, and there have not been any unreasonable delays since the beginning of this year.

The Lighter Association does not believe that the burden on small entities is overly onerous. Indeed, several of the Association's members are small businesses under the SBA size definition, and comply with the regulations.

Conclusion

The original cigarette lighter child resistancy regulation has reduced child play deaths by as much as 50% in recent years. See Study of the effectiveness of the U.S. safety standard for child resistant cigarette lighters, *Injury Prevention Journal*, 2002, Volume 8, at 192-196. The Commission has regularly cited to the success of this regulation in its press releases, public statements and reports to Congress. The newer multi-purpose lighter child resistancy regulation has a shorter history and has been less studied. In addition, the Fire Losses Estimates Report are only current through 1999. However, it is likely that when the Commission can review ten years history with this regulation, it will be apparent that this regulation also significantly reduces child play deaths. We can see no reason to change these two regulations, which by all accounts have significantly reduced child play deaths.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

David H. Baker
General Counsel
Lighter Association, Inc.

Dated: June 6, 2005

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