

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, the Commission:

- Participates in the development or revision of voluntary product safety standards;
- Develops mandatory product safety standards or banning rules when other, less restrictive efforts are inadequate to address a safety hazard;
- Obtains repair, replacement, or refund of the purchase price for defective products which present a substantial product hazard; and
- Develops information and education campaigns about the safety of consumer products.

When deciding which of these approaches to take in any specific case, the Commission gathers the best available data about the nature and extent of the hazard presented by the product. The Commission then analyzes this information to determine the best way to reduce the hazard in each case. The Commission's rules require the Commission to consider, among other factors, the following criteria when deciding the level of priority for any particular project:

- Frequency and severity of injury;
- Causality of injury;
- Chronic illness and future injuries;
- Cost and benefit of Commission action;
- Unforeseen nature of the risk;
- Vulnerability of the population at risk; and
- Probability of exposure to the hazard.

Additionally, if the Commission proposes a mandatory safety standard for a particular product, the Commission is generally required to make statutory cost-benefit findings and adopt the least burdensome requirements which adequately protect the public.

The Commission's statutory authority requires it to rely on voluntary standards rather than mandatory standards whenever a voluntary standard is likely to result in the elimination or adequate reduction of the risk of injury and it is likely that there will be substantial compliance with the voluntary standard. As a result, much of the Commission's work involves cooperative efforts with other participants in the voluntary standard-

setting process rather than promulgating mandatory standards.

In fiscal year 1997, the Commission's significant rulemaking activities will involve development of options to address risks of fire associated with upholstered furniture ignited by small, open-flame sources and development of performance requirements for bicycle helmets as directed by the Children's Bicycle Helmet Safety Act of 1994. These projects are described in detail below.

Both of these rulemaking proceedings in the Commission's 1997 regulatory plan are related to protection of vulnerable populations. Upholstered furniture fires kill and injure children, the elderly, and families and individuals with lower incomes disproportionately to the representation of these persons in the population. Children are more likely than older riders to suffer head injuries in accidents associated with bicycles. The Commission's proposed standard for bicycle helmets, which Congress directed the Commission to develop, includes a requirement to help prevent the helmet from coming off the rider's head in an accident and other provisions that are applicable to the safety of helmets intended for children.

The emphasis on these two rulemaking activities in the Commission's 1997 regulatory plan is consistent with the Commission's statutory mandate and its criteria for setting priorities. Additionally, the Commission's 1997 regulatory plan supports the President's goal to reduce costs of health care by preventing injuries to individuals who are among the most likely to be injured in accidents associated with the use of consumer products.

CPSC

PROPOSED RULE STAGE

161. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Priority:

Economically Significant. Major status under 5 USC 801 is undetermined.

Legal Authority:

15 USC 1193 Flammable Fabrics Act

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 for upholstered furniture. This ANPRM was issued in response to a petition filed with the Commission requesting development of a mandatory flammability standard to address risks of ignition of upholstered furniture from: (1) small open-flame sources; (2) large open-flame sources; and (3) cigarettes. The ANPRM announced that one of the regulatory alternatives under consideration included issuance of a mandatory 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 or lighters. Fire hazards associated with ignition of upholstered furniture by large open-flame sources or by cigarettes are outside the scope of this proceeding. The Commission voted to deny that part of the petition requesting development of a mandatory standard to address hazards associated with ignition of upholstered furniture by large open-flame sources. The Commission also voted to defer a decision on that part of the petition requesting development of a standard to address cigarette ignition and directed the staff to report to the Commission on the effectiveness of, and industry compliance with, a voluntary program to reduce risks of ignition of upholstered furniture by cigarettes. The Commission staff is now conducting a field study, product testing, and other technical research to determine whether it is advisable to develop a proposed standard to address ignition of upholstered furniture by small open-flame sources. In February 1997, the staff is scheduled to transmit a briefing package which will present various alternatives for consideration by the Commissioners of the agency.

Statement of Need:

In 1993, approximately 670 deaths, more than 2,000 injuries, and \$200 million in property damage resulted from all residential fires in the United States in which upholstered furniture was the first item to ignite.

The estimated societal cost of upholstered furniture fires in 1993 was about \$3.8 billion. Of that total cost, about \$650 million was attributable to

fires resulting from open-flame ignition of upholstered furniture (by both small open-flame and large open-flame sources). The societal cost attributed to cigarette-ignited fires was approximately \$2.5 billion in 1993. Although upholstered furniture fires ignited by cigarettes accounted for the majority of the societal cost attributable to fires involving upholstered furniture, a significant portion of that total was associated with upholstered furniture fires ignited by open-flame sources. Many of the fires resulting from open-flame ignition of upholstered furniture were started by small open-flame sources, such as matches, lighters, or candles. These fires are not addressed by any national standard or voluntary program.

Summary of the Legal Basis:

Section 4 of the Flammable Fabrics Act (FFA) (15 USC 1193) authorizes the Commission to issue a flammability standard or other regulation for a product of interior furnishing if the Commission determines that such a standard is "needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage." No aspect of the Commission's regulatory proceeding is required by statute or court order.

The Commission's regulatory proceeding could lead to several results, one of which could be a mandatory standard requiring that upholstered furniture sold in the United States meet mandatory labeling requirements, or resist ignition from open-flame sources, or meet other performance criteria under test conditions specified in the standard.

Alternatives:

The ANPRM stated that the Commission was considering the following alternatives: (1) The Commission could issue a mandatory flammability standard if the Commission finds that a standard is needed to address an unreasonable risk of the occurrence of fire from ignition of upholstered furniture by small open-flame sources. (2) The Commission could issue mandatory requirements for labeling of upholstered furniture, in addition to, or as an alternative, to the requirements of a mandatory flammability standard. (3) The Commission could terminate the proceeding for development of a flammability standard and rely on a voluntary standard if a voluntary standard could adequately address the

risk of fire and substantial compliance with such a standard is likely to result.

Anticipated Costs and Benefits:

The estimated annual cost of imposing a mandatory standard to address ignition of upholstered furniture by small open-flame sources will depend upon the test requirements imposed by the standard and the steps manufacturers take to meet those requirements. The societal cost of fires involving upholstered furniture ignited by all open-flame sources is more than \$500 million each year. For this reason, the potential benefits of a mandatory standard to address the risk of ignition of upholstered furniture by small open-flame sources could be significant, even if the standard did not prevent all such fires started by open-flame sources.

Risks:

The estimated total cost to society from all residential fires associated with upholstered furniture was \$3.8 billion in 1993. Societal costs associated with upholstered furniture fires are among the highest associated with any product subject to the Commission's authority. A voluntary or mandatory standard may have the potential to reduce significantly that portion of societal costs resulting from upholstered furniture fires ignited by small open-flame sources.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/94	59 FR 30735
ANPRM Comment Period End	08/15/94	
Staff Sends Briefing Package to Commission	02/00/97	

Small Entities Affected:

Undetermined

Government Levels Affected:

Undetermined

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162. SAFETY STANDARD FOR BICYCLE HELMETS

Priority:

Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority:

5 USC 553 Administrative Procedure Act; 15 USC 6004 Children's Bicycle Helmet Safety Act of 1994

CFR Citation:

16 CFR 1203

Legal Deadline:

NPRM, Statutory, August 15, 1994.

Abstract:

The Children's Bicycle Helmet Safety Act of 1994 directs the Commission to begin a proceeding to issue a safety standard for bicycle helmets. That legislation also directs the Commission to designate appropriate existing standards for bicycle helmets as interim safety standards.

On August 15, 1994, the Commission published a notice of proposed rulemaking to begin a proceeding for issuance of a safety standard for bicycle helmets. The proposed standard included impact-attenuation requirements, and other requirements derived from existing voluntary standards for bicycle helmets. The proposed standard also contained requirements to prevent helmets from coming off the rider's head during an accident, and other provisions specifically applicable to helmets intended for children.

In March 1995, the Commission designated the following standards as interim safety standards for bicycle helmets: (1) American National Standards Institute (ANSI) standard Z90.4-1984, Protective Headgear for Bicyclists; (2) ASTM standards F 1447-93 or F 1447-94, Standard Specification for Protective Headgear Used in Bicycling, incorporating relevant provisions of ASTM F 1446-93 or F 1446-94, Standard Test Methods for Evaluating the Performance Characteristics of Protective Headgear; (3) Canadian Standard Association standard Cycling Helmets, CAN/CSA-D113.2-M89 CAN/CSA-D113.2-M89; (4) Snell Memorial Foundation (Snell) 1990 Standard for Protective Headgear for Use in Bicycling (designated B-90); (5) Snell 1990 Standard for Protective Headgear for Use in Bicycling, including March 9, 1994 Supplement (designated B-90S); (6) Snell 1994

Standard for Protective Headgear for Use in Non-Motorized Sports (designated N-94); (7) Snell 1995 Standard for Protective Headgear for Use With Bicycles (designated B-95). Bicycle helmets manufactured after March 16, 1995, must conform with the requirements of one of these interim standards until the Commission issues a final standard for bicycle helmets.

After the staff evaluated public comments on the proposed standard and conducted additional research, the Commission revised the proposed safety standard for bicycle helmets. The Commission published the revised proposal for public comment on December 6, 1995. The staff is evaluating comments on the revised proposed standard. In November, the staff is scheduled to transmit a briefing package for consideration by the Commissioners of the agency when they decide whether to issue a final standard.

Statement of Need:

The Commission estimates that on average, one-half million injuries associated with bicycles are treated in hospital emergency rooms each year in the United States. Additionally, an average of about 1,000 fatalities associated with bicycles occur each year according to the National Safety Council. A study of bicycle use and hazard patterns conducted by the Commission in 1993 indicated that almost one-third of the injuries associated with bicycles involved the head. Information available to the Commission indicated that in recent years, almost two-thirds of all deaths associated with bicycles involved head injuries.

Younger children are particularly at risk of head injury. The Commission's study showed that one-half of the bicycle-related injuries to children younger than 10 years of age involved the head, whereas the head was involved in only about one-fifth of the bicycle-related injuries to older children.

Summary of the Legal Basis:

The Children's Bicycle Helmet Safety Act of 1994 (section 205 of P. L. 103-267, 108 Stat. 722, June 16, 1994) directs the Commission to begin a proceeding under provisions of section 553 of the Administrative Procedure Act (5 USC 553) to develop a standard for bicycle helmets. That legislation

provides further that the standard shall include a provision to protect against the risk of a helmet coming off a rider's head and provisions to address risks of bicycle-related injuries to children.

The bicycle-helmet legislation also requires that bicycle helmets manufactured after March 15, 1995, must conform to one of three voluntary standards specified by that legislation or to "any other standard that the Commission determines is appropriate" until the Commission issues a final safety standard for bicycle helmets. On March 23, 1995, the Commission published a notice in the Federal Register to designate and codify seven existing standards as interim safety standards for bicycle helmets. Those standards are listed above in the Abstract.

Alternatives:

The Children's Bicycle Helmet Safety Act requires the Commission to review the requirements of the interim standards and to establish a final mandatory standard based on those requirements. Accordingly, the Commission cannot consider deferring to an existing voluntary standard or developing a new voluntary standard.

In the Federal Register of August 15, 1994, the Commission published a proposed safety standard for bicycle helmets. The proposed standard included an impact protection test, chin strap strength and effectiveness tests, and construction and labeling requirements. In the Federal Register of December 6, 1995, the Commission published a revised proposed safety standard for bicycle helmets to solicit written comments on the revised proposal.

Anticipated Costs and Benefits:

After the final standard becomes effective, helmet manufacturers may incur costs to redesign helmets to meet the requirements of the standard. However, costs of redesign would be amortized over the course of production and are expected to be negligible on a per-unit basis. Costs of testing to support certificates of compliance with the final standard are not expected to increase because the vast majority of helmet manufacturers now use third-party certification programs for conformance to one of the interim standards. Similarly, most helmet manufacturers currently label their products. If manufacturers are

given sufficient lead time for any changes to labels required by the final standard, any additional costs associated with labeling required by the final standard are expected to be insignificant.

The anticipated benefits of the standard are helmets, which if worn properly are less likely to come off the head in an accident; helmets which provide adequate coverage of critical areas of the head; and helmets which provide protection more suitable to younger children. These benefits could lead to a reduction in the number of deaths and serious head injuries from accidents associated with bicycles. Consumer confusion over differing standards would also be reduced by the creation of a single, uniform standard for bicycle helmets.

Risks:

Information available to the Commission indicates that almost 200,00 head injuries each year are associated with bicycles, and that 500 to 600 deaths each year result from those head injuries. Many of those deaths and injuries are to children younger than 10 years of age. The standard could prevent a portion of those deaths and injuries.

Timetable:

Action	Date	FR Cite
NPRM	08/15/94	59 FR 41719
NPRM Comment Period End	10/31/94	
Designation of Interim Standards	03/23/95	60 FR 15231
Revised NPRM	12/06/95	60 FR 62662
NPRM Comment Period End	02/20/96	60 FR 62662
Staff Sends Briefing Package to Commission	11/00/96	

Small Entities Affected:

None

Government Levels Affected:

None

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