

**Consumer Product Safety Commission**

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**Monday  
April 27, 1992**

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**Part XLVII**

**Consumer Product  
Safety Commission**

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**Semiannual Regulatory Agenda**

## CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY  
COMMISSION

## 16 CFR Ch. II

Regulatory Flexibility Act; Semiannual  
Regulatory Flexibility and Unified  
Agendas

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Publication of regulatory flexibility and unified agendas.

**SUMMARY:** The Regulatory Flexibility Act (RFA) requires each Federal agency to publish, twice each year, a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

**DATES:** The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the

agenda should be received in the Office of the Secretary by June 30, 1992.

**ADDRESSES:** Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, and should be titled "Regulatory Flexibility Agenda."

**FOR FURTHER INFORMATION CONTACT:** For further information on the agenda in general, contact: Allen F. Brauningner, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The regulatory flexibility agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are

required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with the agenda published in accordance with the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

**Dated:** March 11, 1992.

**Sadye E. Dunn,**  
Secretary, Consumer Product Safety Commission.

## Prerule Stage

Se- quence Number	Title	Regulation Identifier Number
3844	Petition HP 90-2 for Amendments to Regulations on Clacker Balls.....	3041-AB02
3845	Petition HP 91-1 Requesting Amendment of Labeling Requirements for Charcoal.....	3041-AB16
3846	Rule Review, Performance Requirements in Power Lawn Mower Standard.....	3041-AB17
3847	Petition HP 91-2 Requesting Amendment of Requirements for Fuse-Burn Time of Fireworks.....	3041-AB19
3848	Petition HP 92-1 Requesting Amendment of Requirements for Model Rocket Motors.....	3041-AB21

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## Proposed Rule Stage

Se- quence Number	Title	Regulation Identifier Number
3849	Proposed Rule to Exempt Electronic Video Games from Electrical Toy Regulations.....	3041-AA41
3850	Household Substances Containing Methylene Chloride; Status as Hazardous Substances; Proposed Rule.....	3041-AA59
3851	Proposed Safety Standard for Cigarette Lighters.....	3041-AA73
3852	Choking Hazards Associated with Balloons.....	3041-AA96
3853	Choking Hazards Associated with Small Balls.....	3041-AA97
3854	Choking Hazards Associated with Marbles.....	3041-AA98
3855	Choking Hazards Associated with Toys and Articles Intended for Children Three to Six Years of Age.....	3041-AA99
3856	Proposed Rules to Require Child-Resistant Packaging for Certain Topical Prescription and Non-Prescription Preparations Containing Lidocaine or Dibucaine.....	3041-AB03
3857	Rule to Ban Certain Crib Toys.....	3041-AB06
3858	Safety Standard for Automatic Residential Garage Door Operators; Certification and Recordkeeping Requirements.....	3041-AB15

## Final Rule Stage

Se- quence Number	Title	Regulation Identifier Number
3859	Requirements for the Special Packaging of Household Substances; Revision of Test Protocol for Child-Resistant Packaging.....	3041-AA22
3860	Proposed Rule to Require Child-Resistant Packaging for Oral Drug Preparations Containing Ibuprofen.....	3041-AB04
3861	Labeling of Hazardous Art Materials, Proposed Rules.....	3041-AB05
3862	Rule to Ban Infant "Bean Bag" Cushions.....	3041-AB08
3863	Amendment of Rules Interpreting Section 15 of the Consumer Product Safety Act.....	3041-AB11
3864	Reporting Requirements of Section 37 of the Consumer Product Safety Act.....	3041-AB13
3865	Requirements for Residential Automatic Garage Door Openers.....	3041-AB18

## Completed Actions

Se- quence Number	Title	Regulation Identifier Number
3866	Petition CP 90-2 Requesting Development of Safety Standards for Hot Tubs and Spas.....	3041-AB07

## CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

## Prerule Stage

**3844. PETITION HP 90-2 FOR AMENDMENTS TO REGULATIONS ON CLACKER BALLS**

**Legal Authority:** 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(d) Consumer Product Safety Act

**CFR Citation:** 16 CFR 1500.18(a)(7); 16 CFR 1500.86(a)(5)

**Legal Deadline:** None

**Abstract:** On August 8, 1989, William G. Hones petitioned the Commission to amend regulations codified at 16 CFR 1500.18(a)(7) and 1500.86 (a)(5) which ban certain toys called "clacker balls." The petition requests that the Commission modify the definition of the term "clacker balls" in the regulations to specifically exclude certain products which are similar to clacker balls but do not present the same risk of injury. On January 27, 1992, the staff transmitted a briefing package on this petition to the Commission. The staff briefed the Commissioners on this

petition on March 25, 1992. A Commission decision to grant or deny the petition is expected in April, 1992.

**Timetable:**

Action	Date	FR Cite
Staff Sends Briefing Package Commission	01/27/92	
Staff Briefs Commission	03/25/92	
Commission Decision	04/00/92	

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## Prerule Stage

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** John Preston, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207, 301 504-0494

**RIN:** 3041-AB02

**3845. PETITION HP 91-1 REQUESTING AMENDMENT OF LABELING REQUIREMENTS FOR CHARCOAL**

**Legal Authority:** 5 USC 553(e) Administrative Procedure Act; 15 USC 1262(b) Federal Hazardous Substances Act

**CFR Citation:** 16 CFR 1500

**Legal Deadline:** None

**Abstract:** On October 12, 1990, Barbara Mauk petitioned the Commission to request amendment of the regulations requiring labeling of charcoal intended for household use. The petition requests amendment of the rule codified at 16 C.F.R. 1500.14(b)(6) to include warnings that burning charcoal produces carbon monoxide and other toxic gases until it is completely extinguished, and that carbon monoxide has no odor. The Commission staff is developing information and recommendations for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will publish a notice to propose the amendment requested by the petition.

**Timetable:**

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	04/00/92	
Commission Decision	05/00/92	
Staff Implements Commission Decision	06/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Susan E. Womble, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 504-0994

**RIN:** 3041-AB16

**3846. ● RULE REVIEW, PERFORMANCE REQUIREMENTS IN POWER LAWN MOWER STANDARD**

**Legal Authority:** 5 USC 610 Regulatory Flexibility Act; 15 USC 2056, 2058 Consumer Product Safety Act

**CFR Citation:** 16 CFR 1205.4; 16 CFR 1205.5

**Legal Deadline:** Other, Statutory, June 30, 1992.

**Abstract:** In the Federal Register of January 28, 1992, the Commission published a notice to announce that it would review the performance requirements of the Safety Standard for Walk-Behind Power Mowers in accordance with provisions of section 610 of the Regulatory Flexibility Act. The purpose of this review is to determine whether these rules should be continued without change, amended or revoked, consistent with the purpose of the Consumer Product Safety Act, to minimize any significant impact they may have on small entities, including small businesses. The notice of January 28, 1992, invited comment on the rules under review from all interested persons. In 1986, the Commission reviewed the labeling requirements of the mower standard in accordance with the Regulatory Flexibility Act as part of a review of 17 rules issued under provisions of the Consumer Product Safety Act. The Commission will complete its review of the performance requirements of the mower standard by June 30, 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/92	57 FR 3147
NPRM Comment Period End	03/30/92	57 FR 3147
End Review	06/30/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Allen F. Brauningger, Attorney, Consumer Product Safety Commission, Office of the General Counsel, Washington, DC 20207, 301 504-0980

**RIN:** 3041-AB17

**3847. ● PETITION HP 91-2 REQUESTING AMENDMENT OF REQUIREMENTS FOR FUSE-BURN TIME OF FIREWORKS**

**Legal Authority:** 5 USC 553(e) Administrative Procedure Act; 15 USC

1261(q) Federal Hazardous Substances Act; 21 USC 371(e) Federal Food, Drug, and Cosmetic Act

**CFR Citation:** 16 CFR 1507

**Legal Deadline:** None

**Abstract:** Regulations codified at 16 USC part 1507 establish requirements for fireworks devices, including requirements for the burning time of the fuse of such devices. Provisions of section 1507.3(a)(2) require fireworks to have a fuse that burns at least three seconds but no more than six seconds before ignition of the device. On March 29, 1991, John A. Conkling petitioned the Commission to request amendment of section 1507.3(a)(2) to extend the limit for the maximum burn time to nine seconds. The Commission staff is developing information and recommendations for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will publish a notice in the Federal Register to propose the requested amendment.

**Timetable:**

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	07/00/92	
Commission Decision	08/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Neal Gasser, Project Manager, Consumer Product Safety Commission, Health Sciences Laboratory, Washington, DC 20207, 301 443-9420

**RIN:** 3041-AB19

**3848. ● PETITION HP 92-1 REQUESTING AMENDMENT OF REQUIREMENTS FOR MODEL ROCKET MOTORS**

**Legal Authority:** 5 USC 553 Administrative Procedure Act; 15 USC 1261(q) Federal Hazardous Substances Act

**CFR Citation:** 16 CFR 1500.85

**Legal Deadline:** None

**Abstract:** The Federal Hazardous Substances Act defines the term "banned hazardous substance" to include any toy or children's article

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## Prerule Stage

containing a hazardous substance which is accessible to a child who may receive the product. Model rocket motors are children's articles which contain a flammable hazardous substance. Regulations codified at 16 CFR 1500.85(a)(8) exempt certain model rocket motors from classification as banned hazardous substances under specified conditions. One of those conditions is that the fuel must be contained in a non-metallic tube. A petition from AeroTech, Inc. requests amendment of the exemption regulation to permit the use of metallic fuel

containers on model rocket motors. The Commission staff will develop information and recommendations for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will publish a notice to propose the requested amendment.

**Timetable:**

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	10/00/92	

Action	Date	FR Cite
Commission Decision	11/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** John Preston, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207, 301 504-0494

**RIN:** 3041-AB21

## CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

## Proposed Rule Stage

**3849. PROPOSED RULE TO EXEMPT ELECTRONIC VIDEO GAMES FROM ELECTRICAL TOY REGULATIONS**

**Legal Authority:** 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

**CFR Citation:** 16 CFR 1505

**Legal Deadline:** None

**Abstract:** In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from its coverage. The Commission granted the petition on September 27, 1988, and expects to publish a proposed exemption in May, 1992.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/92	
NPRM Comment Period End	07/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** David Thome, Program Manager, Consumer Product Safety Commission, Office of Hazard Identification and Reduction, Washington, DC 20207, 301 504-0788

**RIN:** 3041-AA41

**3850. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE**

**Legal Authority:** 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

**CFR Citation:** 16 CFR 1500.12(a)(2)

**Legal Deadline:** None

**Abstract:** On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was insufficient controversy over the status of methylene chloride as a hazardous substance; therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy Published	09/14/87	52 FR 34698
Staff Briefing Package on Proposed Rule	04/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: subject to the FHSA's labeling requirements. In April, 1992, the staff is scheduled to transmit a briefing package to the Commission discussing the issue of whether to publish a notice of proposed rulemaking.

**Agency Contact:** Charles A. Nicholls, Project Manager, Consumer Product Safety Commission, Directorate Epidemiology, Washington, DC 20207, 301 504-0470

**RIN:** 3041-AA59

**3851. PROPOSED SAFETY STANDARD FOR CIGARETTE LIGHTERS**

**Legal Authority:** 15 USC 2051 et seq. Consumer Product Safety Act; 15 USC 1261 et seq. Federal Hazardous Substances Act; 15 USC 1471 et seq. Poison Prevention Packaging Act

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** On March 3, 1988, the Commission published an advance notice of proposed rulemaking (ANPRM) to announce its preliminary

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## Proposed Rule Stage

determination that unreasonable risks of death and injury may be associated with cigarette lighters because they are not sufficiently resistant to operation by children. The Commission staff has developed a test protocol to measure the resistance of lighters to operation by children. That test protocol has been used to determine the child-resistance of some lighters currently on the market and of some lighters designed to be child-resistant. On December 19, 1990, the staff sent a briefing package concerning a proposed standard for child-resistant lighters to the Commission. On May 2, 1991, the Commission voted to postpone publication of a notice of proposed rulemaking (NPRM), pending completion of testing to verify the reproducibility of the test protocol. The Commission staff is scheduled to transmit additional briefing materials to the Commission in May, 1992. The Commission is expected to decide whether to publish an NPRM in May, 1992.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/03/88	53 FR 6833
ANPRM	05/02/88	53 FR 6833
Comment Period End		
Staff Sends Briefing Package on NPRM	12/19/90	
Staff Sends Second Briefing Package to Commission	02/19/91	
Staff Sends Third Briefing Package to Commission	04/19/91	
Additional Materials to Commission	05/00/92	
Commission Decision on Whether To Publish NPRM	05/00/92	

**Small Entities Affected:** Businesses

**Government Levels Affected:**  
Undetermined

**Agency Contact:** Barbara Jacobson,  
Project Manager, Consumer Product  
Safety Commission, Directorate for  
Health Sciences, Washington, DC 20207,  
301 504-0477

**RIN:** 3041-AA73

### 3852. CHOKING HAZARDS ASSOCIATED WITH BALLOONS

**Legal Authority:** 15 USC 1261 Federal  
Hazardous Substances Act; 15 USC  
2079(a) Consumer Product Safety Act

**CFR Citation:** 00 CFR 00

**Legal Deadline:** None

**Abstract:** In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with balloons. The Commission has reports of 63 children who choked to death on deflated balloons or balloon fragments between 1980 and 1989. In December, 1991, the Commission staff transmitted a briefing package to the Commission concerning the issue of whether to propose requirements for labeling packages of balloons. On March 18, 1992, the Commission voted to terminate this proceeding and directed the staff to draft a Federal Register notice to withdraw the ANPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26077
ANPRM	09/10/90	55 FR 26077
Comment Period End		
Staff Sends Briefing Package on Proposed Rule to Commission	12/30/91	
Commission Decision	03/18/92	
Staff Implements Commission Decision	06/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** This RIN was  
previously reported as part of RIN 3041-  
AA94.

**Agency Contact:** Lori E. Saltzman,  
Project Manager, Consumer Product  
Safety Commission, Directorate for  
Health Sciences, Washington, DC 20207,  
301 504-0477

**RIN:** 3041-AA96

### 3853. CHOKING HAZARDS ASSOCIATED WITH SMALL BALLS

**Legal Authority:** 15 USC 1261 Federal  
Hazardous Substances Act; 15 USC  
2079(a) Consumer Product Safety Act

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with small balls. The Commission has reports of 32 children who choked to death on small balls between 1980 and 1989. In December, 1991 the Commission staff transmitted a briefing package to the Commission concerning the issue of whether to propose labeling and other requirements for toys and games containing accessible small balls. On March 18, 1992, the Commission voted to terminate this proceeding and directed the staff to draft a Federal Register notice to withdraw the ANPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26080
ANPRM	09/10/90	55 FR 26080
Comment Period End		
Staff Sends Briefing Package on Proposed Rule to Commission	12/30/91	
Commission Decision	03/18/92	
Staff Implements Commission Decision	06/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:**  
Undetermined

**Additional Information:** This RIN was  
previously reported as part of RIN 3041-  
AA94.

**Agency Contact:** Lori E. Saltzman,  
Project Manager, Consumer Product  
Safety Commission, Directorate for  
Health Sciences, Washington, DC 20207,  
301 504-0477

**RIN:** 3041-AA97

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## Proposed Rule Stage

**3854. CHOKING HAZARDS ASSOCIATED WITH MARBLES**

**Legal Authority:** 15 USC 1261 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with marbles. The Commission has reports of 8 children who choked to death on marbles between 1980 and 1989. In December, 1991, the Commission staff transmitted a briefing package to the Commission on the issue of whether to propose requirements for labeling packages of marbles. On March 18, 1992, the Commission voted to terminate this proceeding and directed the staff to draft a Federal Register notice to withdraw the ANPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26084
ANPRM	09/10/90	55 FR 26084
Comment Period End		
Staff Sends Briefing Package on Proposed Rule to Commission	12/30/91	
Commission Decision	03/18/92	
Staff Implements Commission Decision	06/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** This RIN was previously reported as part of RIN 3041-AA94.

**Agency Contact:** Lori E. Saltzman, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 504-0477

**RIN:** 3041-AA98

**3855. CHOKING HAZARDS ASSOCIATED WITH TOYS AND ARTICLES INTENDED FOR CHILDREN THREE TO SIX YEARS OF AGE**

**Legal Authority:** 15 USC 1261 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** In the Federal Register of June 26, 1990, the Commission published an advance notice of proposed rulemaking to begin a proceeding to address choking hazards associated with toys and other articles intended for children three to about six years of age which contain small parts. Choking hazards associated with products intended for children under three are already covered by requirements issued under the Federal Hazardous Substances Act. In December, 1991, the Commission staff transmitted a briefing package to the Commission concerning the issue of whether to propose requirements for labeling toys which are intended for children three to five years of age and which contain small parts. On March 18, 1992, the Commission voted to terminate this proceeding and directed the staff to draft a Federal Register notice to withdraw the ANPRM.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 26082
ANPRM	09/10/90	55 FR 26082
Comment Period End		
Staff Sends Briefing Package on Proposed Rule to Commission	12/30/91	
Commission Decision	03/18/92	
Staff Implements Commission	06/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Additional Information:** This RIN was previously reported as part of RIN 3041-AA94.

**Agency Contact:** Lori E. Saltzman, Project Manager, Consumer Product Safety Commission, Directorate for

Health Sciences, Washington, DC 20207, 301 504-0477

**RIN:** 3041-AA99

**3856. PROPOSED RULES TO REQUIRE CHILD-RESISTANT PACKAGING FOR CERTAIN TOPICAL PRESCRIPTION AND NON-PRESCRIPTION PREPARATIONS CONTAINING LIDOCAINE OR DIBUCAINE**

**Legal Authority:** 5 USC 553 Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2079(a) Consumer Product Safety Act

**CFR Citation:** 16 CFR 1700.14

**Legal Deadline:** None

**Abstract:** On February 27, 1992, the staff sent a briefing package to the Commission concerning the issue of whether to propose rules to require child-resistant packaging for certain prescription and non-prescription topical preparations containing lidocaine or dibucaine. A decision by the Commission is expected in April, 1992.

**Timetable:**

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	02/27/92	
NPRM	04/00/92	
NPRM Comment Period End	06/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Virginia White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 504-0477

**RIN:** 3041-AB03

**3857. RULE TO BAN CERTAIN CRIB TOYS**

**Legal Authority:** 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(a) Consumer Product Safety Act

**CFR Citation:** 16 CFR 1500.18

**Legal Deadline:** None

**Abstract:** In the Federal Register of October 19, 1990, the Commission

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## Proposed Rule Stage

published an advance notice of proposed rulemaking to begin a proceeding which may result in the issuance of rules banning certain crib toys associated with risks of strangulation deaths and injuries. Crib toys are toys which are intended to be attached to or near a crib or playpen for use by children younger than two years of age. Since 1973, the Commission has received reports of 51 strangulation or near strangulation incidents associated with crib toys. In December 1992, the staff is scheduled to transmit a briefing package to the Commission concerning the issue of whether to publish a notice of proposed rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/19/90	55 FR 42402
ANPRM	12/18/90	55 FR 42402
Comment Period End		
Staff Sends Briefing Package on Proposed Rule to Commission	12/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Charles A. Nicholls, Project Manager, Consumer Product Safety Commission, Directorate for Epidemiology, Washington, DC 20207, 301 504-0470

**RIN:** 3041-AB06

### 3858. SAFETY STANDARD FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPERATORS; CERTIFICATION AND RECORDKEEPING REQUIREMENTS

**Legal Authority:** 15 USC 2063 Consumer Product Safety Act; 15 USC 2065 Consumer Product Safety Act

**CFR Citation:** 16 CFR 1211

**Legal Deadline:** None

**Abstract:** On June 19, 1991, the Commission issued the Safety Standard for Automatic Garage Door Operators in accordance with provisions of section 203 of the Consumer Product Safety Improvement Act of 1990 (Pub. L. 101-608; 104 Stat. 3110). This standard

codifies the entrapment protection provisions of the standard for garage door operators published by Underwriters Laboratories, Inc. designated UL 325, as revised May 4, 1988. The Commission staff has drafted proposed rules to specify requirements for recordkeeping and certification of products subject to the standard issued by the Commission. In the Federal Register of March 18, 1992, the Commission published the proposed rules for public comment.

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/92	57 FR 9395
NPRM Comment Period End	06/01/92	57 FR 9395

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** George Sushinsky, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207, 301 443-1155

**RIN:** 3041-AB15

## CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

## Final Rule Stage

### 3859. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; REVISION OF TEST PROTOCOL FOR CHILD-RESISTANT PACKAGING

**Legal Authority:** 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

**CFR Citation:** 16 CFR 1700.20

**Legal Deadline:** None

**Abstract:** On January 19, 1983, the Commission published an advance notice of proposed rulemaking (ANPRM) soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. On October 5, 1990, the Commission proposed specific revisions of the child test protocol and the adult test protocol. On March 5, 1991, the Commission published a notice in the Federal Register to extend the period for receipt of written comments on the proposed amendments of the test protocols until July 1, 1991. This notice also solicited comments on additional

changes to the adult test protocol. In October, 1992, the staff expects to transmit a briefing package to the Commission on the issue of whether to issue final amendments of the test protocols.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM	03/21/83	48 FR 2389
Comment Period End		
NPRM	10/05/90	55 FR 40856
NPRM Comment Period End	07/01/91	56 FR 9181
Staff Briefing Package on Final Amendments	10/00/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Suzanne Barone, Project Manager, Consumer Product Safety Commission, Directorate for

Health Sciences, Washington, DC 20207, 301 504-0477

**RIN:** 3041-AA22

### 3860. PROPOSED RULE TO REQUIRE CHILD-RESISTANT PACKAGING FOR ORAL DRUG PREPARATIONS CONTAINING IBUPROFEN

**Legal Authority:** 5 USC 553 Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2079(a) Consumer Product Safety Act

**CFR Citation:** 16 CFR 1700.14

**Legal Deadline:** None

**Abstract:** On July 2, 1991, the Commission proposed a rule to require child-resistant packaging for certain over-the-counter drug preparations containing ibuprofen. The Commission staff is evaluating comments received in response to the notice of proposed rulemaking. The staff plans to send a briefing package to the Commission in April, 1992, concerning the issue of



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whether to publish a final rule in this proceeding.

**Timetable:**

Action	Date	FR Cite
NPRM	07/02/91	56 FR 30355
NPRM Comment	09/16/91	56 FR 30355
Period End		
Staff sends	04/00/92	
Briefing		
Package on		
Final Rule to		
Commission		
Commission	05/00/92	
Decision		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Rita Orzel, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 504-0477

**RIN:** 3041-AB04

### 3861. LABELING OF HAZARDOUS ART MATERIALS, PROPOSED RULES

**Legal Authority:** 15 USC 1261-1277  
Federal Hazardous Substances Act

**CFR Citation:** 16 CFR 1500

**Legal Deadline:** Final, Statutory,  
November 18, 1989.

**Abstract:** In 1988, Congress enacted the Labeling of Hazardous Art Materials Act (LHAMA). This legislation amended the Federal Hazardous Substances Act (FHSA) by providing that the voluntary standard for labeling art materials of the American Society for Testing and Materials designated D-4236 shall be deemed to be a regulation issued by the Commission under provisions of the FHSA. The LHAMA also directed the Commission to issue guidelines to specify criteria for determining when any customary or reasonably foreseeable use of an art material can result in a chronic hazard. On April 17, 1991, the Commission published a proposal to codify the provisions of the LHAMA and the standard designated ASTM D-4236. The Commission also published proposed rules to explain the principles to be used by the Commission staff in making those determinations and to specify conditions under which an art material would be determined to contain a carcinogen, a developmental or reproductive toxicant, or a neurotoxin. The proposed rules also explain certain principles to be used in evaluating the

risk resulting from hazardous art materials. The proposed rules also provide a supplemental definition (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	04/17/91	56 FR 15672
NPRM Comment	09/30/91	56 FR 15672
Period End		
Public Hearing	10/17/91	
Staff Sends	04/00/92	
Briefing		
Package on		
Final Rule to		
Commission		
Commission	05/00/92	
Decision		

**Small Entities Affected:** None.

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: of "toxic" to specify the meaning of chronic toxicity as discussed in the proposed guidelines. Because the substance of the guidelines specified by the 1988 amendment of the FHSA applies not only to art materials, but also to other materials regulated under the FHSA, the guidelines and supplemental definition are proposed for all materials subject to the FHSA, not exclusively for art materials. The supplemental definition of "toxic" is proposed as a rule to aid in the enforcement of the FHSA in general under the authority of section 10 of the FHSA (15 USC 1269). On October 17, 1991, the Commission conducted a public hearing to receive oral presentations on the proposed rules. The staff is scheduled to transmit a briefing package to the Commission in April, 1992, concerning the issue of whether to publish final rules. A Commission decision is expected in May, 1992.

**Agency Contact:** Michael Babich, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 504-0994

**RIN:** 3041-AB05

### 3862. RULE TO BAN INFANT "BEAN BAG" CUSHIONS

**Legal Authority:** 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

**CFR Citation:** 16 CFR 1500

**Legal Deadline:** None

**Abstract:** On October 18, 1990, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding which could result in a rule to ban infant "bean bag" cushions. These cushions are made from a flexible fabric cover that encloses loose granular material such as polystyrene foam beads. They are promoted for use by children younger than one year of age. These cushions can be flattened so that an infant can lie prone on the cushion, and are capable of conforming to the body or face of an infant. The Commission has received reports of thirty-two deaths and one injury associated with these products. In April 1991, the staff transmitted a briefing package to the Commission forwarding a draft notice of proposed rulemaking to address risks of death and injury associated with infant cushions. On July 16, 1991, the Commission published a proposed rule to ban infant cushions. In April 1992, the staff is scheduled to transmit briefing package to the Commission on the issue of whether to publish a final banning rule. A Commission decision is expected in May 1992.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/18/90	55 FR 42202
ANPRM	11/19/90	55 FR 42202
Comment		
Period End		
NPRM	07/16/91	56 FR 32352
NPRM Comment	09/30/91	56 FR 32352
Period End		
Staff Sends	04/00/92	
Briefing		
Package on		
Final Rule to		
Commission		
Commission	05/00/92	
Decision		

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Marilyn Wind, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 504-0477

**RIN:** 3041-AB08

### 3863. AMENDMENT OF RULES INTERPRETING SECTION 15 OF THE CONSUMER PRODUCT SAFETY ACT

**Legal Authority:** PL 101-608 Consumer Product Safety Improvement Act of 1990; 15 USC 2064 Consumer Product

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## Final Rule Stage

Safety Act; 5 USC 553 Administrative Procedure Act

**CFR Citation:** 16 CFR 1115

**Legal Deadline:** None

**Abstract:** The Consumer Product Safety Improvement Act of 1990 (Pub. L. 101-608; 104 Stat. 3110) amended section 15 of the Consumer Product Safety Act (CPSA) (15 USC 2064) by adding new requirements for reporting information about the safety of consumer products to the Commission. Before enactment of the Improvement Act of 1990, section 15 of the CPSA provided that every manufacturer, distributor, and retailer of a product who obtains information which reasonably supports the conclusion that the product fails to comply with an applicable consumer product safety rule or contains a defect which could create a "substantial product hazard," as that term is defined by section 15 of the CPSA, shall immediately inform the Commission. The Improvement Act of 1990 added requirements for immediate notification of the Commission by every manufacturer, distributor, and retailer of a consumer product who obtains information which reasonably supports the conclusion that the product fails to comply with a voluntary standard on which the Commission relied in accordance with section 9 of the CPSA (15 USC 2058), or that the product "creates an unreasonable (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/91	56 FR 55530
NPRM Comment Period End	12/27/91	56 FR 55530
Staff Sends Briefing Package on Final Rule to Commission	04/00/92	
Commission Decision	05/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** ABSTRACT CONT: risk of serious injury or death." Rules codified at 16 CFR part 1115 interpret those provisions of section 15 of the CPSA which were in effect before the enactment of the Improvement Act of 1990, and set forth procedures for providing the notification required by section 15. On October 28, 1991, the Commission published proposed amendments of

those rules to interpret the provisions added to section 15 of the CPSA by the Improvement Act of 1990. The staff is evaluating comments received in response to publication of the proposed amendments. The staff is scheduled to transmit a briefing package to the Commission in April, 1992, concerning the issue of whether to publish final amendments of the section 15 rules. A Commission decision is expected in May, 1992.

**Agency Contact:** Eric L. Stone, Attorney, Consumer Product Safety Commission, Office of Compliance and Enforcement, Washington, DC 20207, 301 504-0628

**RIN:** 3041-AB11

### 3864. REPORTING REQUIREMENTS OF SECTION 37 OF THE CONSUMER PRODUCT SAFETY ACT

**Legal Authority:** PL 101-608 Consumer Product Safety Improvement Act of 1990; 15 USC 2084 Consumer Product Safety Act; 5 USC 553 Administrative Procedure Act

**CFR Citation:** 16 CFR 1116

**Legal Deadline:** None

**Abstract:** The Consumer Product Safety Improvement Act of 1990 (Pub. L. 101-608; 104 Stat. 3110) added new reporting requirements to the Consumer Product Safety Act (CPSA) to be codified as section 37 of the CPSA (15 USC 2084). Section 37 of the CPSA requires the manufacturer or importer of a consumer product to report to the Commission if "a particular model of a consumer product" is the subject of three or more civil actions filed in a state or Federal court "for death or grievous bodily injury" which, within a 24-month period, result in a final settlement involving the manufacturer or a judgment for the plaintiff. The reporting requirements of section 37 became effective on January 1, 1991. In the Federal Register of October 28, 1991, the Commission proposed a rule to interpret several provisions of section 37. The Commission staff is evaluating comments received in response to the notice of proposed rulemaking. In April, 1992, the staff is scheduled to transmit a briefing package to the Commission concerning the issue of whether to publish a final rule interpreting provisions of section 37. A Commission (cont)

**Timetable:**

Action	Date	FR Cite
NPRM	10/28/91	56 FR 55535
NPRM Comment Period End	12/27/91	56 FR 55535
Staff Transmits Briefing Package on Final Rule to Commission	04/00/92	
Commission Decision	05/00/92	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Additional Information:** decision is expected in May, 1992.

**Agency Contact:** Michael Gidding, Attorney, Consumer Product Safety Commission, Office of Compliance and Enforcement, Washington, DC 20207, 301 504-0628

**RIN:** 3041-AB13

### 3865. ● REQUIREMENTS FOR RESIDENTIAL AUTOMATIC GARAGE DOOR OPENERS

**Legal Authority:** PL 101-608 Consumer Product Safety Improvement Act of 1990

**CFR Citation:** 16 CFR 1211

**Legal Deadline:** None

**Abstract:** In accordance with provisions of the Consumer Product Safety Improvement Act of 1990, the Commission codified at 16 CFR part 1211 the entrapment protection provisions of a voluntary standard for automatic residential garage door openers published by Underwriters Laboratories, Inc. and designated UL 325. The Improvement Act of 1990 also requires that any revisions of the entrapment protection provisions of UL 325 made before June 1, 1992, shall be mandatory for automatic residential garage door openers manufactured on and after January 1, 1993. On December 31, 1991, the entrapment protection provisions of UL 325 were revised. The Commission staff is preparing amendments to the provisions codified at 16 CFR part 1211 to incorporate the revision of UL 325 published on December 31, 1991. The staff is scheduled to transmit a briefing package containing a draft of the amendments of part 1211 to the Commission in November, 1992. The Commission is expected to decide

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## Final Rule Stage

whether to issue the amendments in December, 1992.

**Timetable:**

Action	Date	FR Cite
Staff Sends Briefing Package on Amendments to Commission	11/00/92	

Action	Date	FR Cite
Commission Decision	12/00/92	

**Small Entities Affected:** Undetermined  
**Government Levels Affected:** Undetermined  
**Agency Contact:** George Sushinsky, Project Manager, Consumer Product

Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207, 301 443-1155

RIN: 3041-AB18

## CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

## Completed Actions

**3866. PETITION CP 90-2 REQUESTING DEVELOPMENT OF SAFETY STANDARDS FOR HOT TUBS AND SPAS**

**CFR Citation:** Not applicable

**Completed:**

Reason	Date	FR Cite
Final Action - Petition denied	02/21/92	

**Small Entities Affected:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Susan B. Kyle, 301 504-0554

RIN: 3041-AB07

[FR Doc. 92-8486 Filed 04-24-92; 8:45 am]

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