upon a reasonable testing program to
demonstrate compliance with the re-
quirements of the standard.

(b) Reasonable testing program. (1) A
reasonable testing program for rotary
walk-behind power mowers is one that
provides reasonable assurance that the
mowers comply with the standard.
Manufacturers and importers may de-
fine their own reasonable testing pro-
grams. Such reasonable testing pro-
grams may, at the option of manufac-
turers and importers, be conducted by
an independent third party qualified to
perform such testing programs.
(2) To conduct a reasonable testing
program, the mowers shall be divided
into production lots. Sample mowers
from each production lot shall be test-
ed in accordance with the reasonable
testing program so that there is a rea-
sonable assurance that if the mowers
selected for testing meet the standard,
all mowers in the lot will meet the
standard. Where there is a change in
parts, suppliers of parts, or production
methods that could affect the ability of
the mower to comply with the require-
ments of the standard, the manufac-
turer should establish a new produc-
tion lot for testing.
(3) The Commission will test for com-
pliance with the standard by using the
test procedures contained in the stand-
ard. However, a manufacturer’s reason-
able testing program may include ei-
ther tests prescribed in the standard or
any other reasonable test procedures.
(For example, in the shield strength
test (§1205.4), the manufacturer might
choose to use a force higher than the 50
lb force specified in the standard.)
(4) If the reasonable testing program
shows that a mower does not comply
with one or more requirements of the
standard, no mower in the production
lot can be certified as complying until
the noncomplying mowers in the lot
have been identified and destroyed or
altered by repair, redesign, or use of a
different material or components to
the extent necessary to make them
conform to the standard. The sale or
offering for sale of mowers that do not
comply with the standard is a prohib-
ited act and a violation of section 19(a)(1)
of the CPSA, regardless of whether the
mower has been validly certified.

§ 1205.34 Recordkeeping requirements.

(a) General. Every person issuing cer-
tificates of compliance for walk-behind
rotary power lawn mowers subject to
the standard shall maintain written
records which show that the certifi-
cates are based on a test of each mower
or on a reasonable testing program.
The records shall be maintained for a
period of at least 3 years from the date
of certification of each mower or each
production lot. These records shall be
available to any designated officer or
employee of the Commission upon re-
quest in accordance with section 16(b)
of the act (15 U.S.C. 2065(b)).
(b) Content of records. Records shall
identify the mower tested and the pro-
duction lot and describe the tests the
mowers have been subjected to and the
results of the tests.
(c) Format for records. The records re-
quired to be maintained by this section
may be in any appropriate form or for-
mat that clearly provides the required
information.

§ 1205.35 Product certification and la-
beling by manufacturers.

(a) Form of permanent label of certifi-
cation. Manufacturers (including im-
porters) shall issue certificates of com-
pliance for walk-behind rotary power
lawn mowers manufactured after the
effective date of the mower standard in
the form of a label which can reason-
ably be expected to remain on the
mower during the period the mower is
capable of being used. Such labeling
shall be deemed to be a “certificate” of
compliance as that term is used in sec-
(b) Contents of certification label. The
certification labels required by this
section shall clearly and legibly con-
tain the following information:
(1) The statement “Meets CPSC blade
safety requirements.”
(2) An identification of the produc-
tion lot.
(3) The name of the person or firm
issuing the certificate.
(4) The location where the product
was principally assembled.
(5) The month and year the product
was manufactured.
(c) Coding. Except for the require-
ments of paragraphs (b)(1) and (b)(3) of
The Commission's findings apply to the swimming pool slide standard that it published on January 19, 1976 (42 FR 2751). On March 3, 1978 the U.S. Court of Appeals for the Fifth Circuit set aside portions of that standard (Aqua Slide 'N' Drive Corporation v. CPSC, 569 F.2d 831 (5th Cir. 1978)). On December 18, 1978, the Commission published revisions to the standard which reflect the court's decision. However, the findings have been interpreted as stating that unreasonable risks of death and injury associated with swimming pool slides are reduced or eliminated by the requirements of the standard and the recommendations for installation, maintenance, and use set forth in this part.