by a caregiver by means of hand-holds or handles.

(2) [Reserved]

PART 1301—BAN OF UNSTABLE REFUSE BINS

Sec.
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SOURCE: 42 FR 30300, June 13, 1977, unless otherwise noted.

§ 1301.1 Scope and application.

(a) In this part 1301 the Consumer Product Safety Commission (Commission) declares that certain unstable refuse bins are banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058).

(b) This ban applies to those refuse bins of metal construction that are being distributed in commerce on or after the effective date of this rule, which do not meet the criteria of §1301.5 and which are produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers, in or around a permanent or temporary household or residence, a school, in recreation or otherwise. The Commission has found that (1) these refuse bins are being, or will be distributed in commerce; (2) they present an unreasonable risk of injury; and (3) no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with these products. The ban is applicable to those refuse bins having an internal volume capacity of 1, 1½, or 2 cubic yards, of the following external dimensions:

<table>
<thead>
<tr>
<th>Internal volume</th>
<th>Length (inches)</th>
<th>Width (inches)</th>
<th>Height 1 (inches)</th>
<th>Weight (lbs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 cubic yard</td>
<td>70–72</td>
<td>21–23</td>
<td>29–31</td>
<td>313–347</td>
</tr>
<tr>
<td>1½ cubic yards</td>
<td>70–72</td>
<td>29–31</td>
<td>33–36</td>
<td>346–382</td>
</tr>
<tr>
<td>2 cubic yards</td>
<td>70–72</td>
<td>32–35</td>
<td>39–43</td>
<td>409–453</td>
</tr>
</tbody>
</table>

1 Does not include height of wheels.


§ 1301.2 Purpose.

The purpose of this rule is to ban those refuse bins which come under the scope of this ban because they present an unreasonable risk of injury due to tip-over that can result in serious injury or death from crushing.

§ 1301.3 Findings.

(a) Risk of injury. The Commission has studied 19 in-depth investigation reports of accidents associated with tip-over of unstable refuse bins. The 19 accidents, which involved 21 victims, resulted in 13 deaths. Of the 21 victims,