assembly of the appliance is required
(i) before shipment by the manufacturer or (ii), if the product is not so
shipped, before delivery to the first
purchaser. A product manufactured in
the United States (U.S.) is first intro-
duced into U.S. commerce when it is
shipped by the manufacturer or deliv-
ered to the next purchaser, whichever
comes first. A product manufactured
outside the U.S. is first introduced into
U.S. commerce when it is first brought
within a U.S. port of entry.

(2) The requirements of §1406.4(c)
apply to sales catalogs and point of
sale literature provided by manufactur-

(3) Section 1406.5 is effective Decem-
ber 6, 1983.

(Information collection requirements con-
tained in paragraph (a) were approved by the
Office of Management and Budget under con-
trol number 3041–0040)

§ 1406.3 Definitions.

For the purposes of this rule:

(a) Coal and wood burning appliances
means fireplace stoves, room heater/
fireplace stove combinations, cook-
stoves and ranges, and radiant and cir-
culating heaters. It does not include
central heating units, masonry fire-
places and chimneys, fireplace inserts,
or factory built fireplaces (zero clear-
ance fireplaces).

(b) Central heating units include boil-
ers, furnaces, and furnace add-ons.
These appliances are designed to be
connected to hot water distribution or
ductwork systems for heating several
rooms. The furnace add-on converts an
existing gas, oil, or electric heating
system to one capable of using solid
fuel as well as its original fuel.

(c) A chimney is a vertical or nearly
vertical enclosure containing one or
more passageways called flue passages
for conveying combustion wastes to
the outside atmosphere.

(d) A chimney connector is the stove-
pipe which connects the appliance flue
with the chimney flue.

(e) Cookstoves and ranges are chimney
connected solid fuel burning appliances
that are used primarily for cooking. In
addition to the firechamber, there may
be one or more ovens or warmer com-
partments and several removable cooking
space pothole lids. The intensity of
the fire is controlled by damper and
draft regulators.

§ 1406.2 Background.

(a) Fire data analyzed by the Con-
sumer Product Safety Commission dis-
close a number of incidents involving
coal and wood burning appliances. Many
of these cases involve improper
installation of the appliances, espe-
cially where they are installed with in-
sufficient clearances to adjacent com-
bustibles such as walls, ceilings, floors,
draperies, carpets, or furnishings. An-
other common installation problem in-
volves the use of improper types of
chimneys or chimney connectors and
insufficient clearances between these
devices and combustibles. Other inci-
dents involve improper operation of the
appliance, such as by overfiring it or
using flammable liquids to start the
fire. Still other incidents occur when
appliances are improperly maintained
and develop mechanical defects or ex-
cessive deposits of flammable creosote.

(b) After considering the available
data on the causes of fires in these ap-
ppliances, the Commission concludes
that there is an unreasonable risk of
injury associated with appliances that
are sold without notifying consumers
of the information they need to pre-
vent many of these occurrences. Ac-

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Accordingly, the Commission has deter-
mined that disclosure of the informa-
tion required by §1406.4 is necessary to
help the Commission in carrying out
the purposes of the Consumer Product
Safety Act of (1) helping to protect the
public against unreasonable risks of in-
jury associated with consumer prod-
ucts and (2) assisting consumers in
evaluating the comparative safety of
consumer products.

(c) The Commission has also deter-
mined that in carrying out these pur-
poses of the act, it is necessary for
manufacturers to provide to the Com-
mission a copy of the information pro-
vided to consumers and a statement of
the reasons why some of the informa-
tion was selected, in accordance with
§1406.5.

[48 FR 21914, May 16, 1983, as amended at 48
FR 50706, Nov. 3, 1983]