AUTHENTICATED
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whether a person had at the time of the violation a reasonable and effective program or system for collecting and analyzing information related to safety issues. Examples of such information would include incident reports, lawsuits, warranty claims, and safety-related issues related to repairs or returns. The Commission may also consider whether a person conducted adequate and relevant premarket and production testing of the product at issue; had a program in place for continued compliance with all relevant mandatory and voluntary safety standards; and other factors as the Commission deems appropriate. The burden to present clear, reliable, relevant, and sufficient evidence of such program, system, or testing rests on the person seeking consideration of this factor.

(2) *History of noncompliance.* The Commission may consider whether or not a person's history of noncompliance with the CPSA, FHSA, FFA, and other laws that the CPSC enforces, and the regulations thereunder, should increase the amount of the penalty. A person's history of noncompliance may be indicated by, for example, multiple violations of one or more laws or regulations that the CPSC enforces, including repeated violations of the same law or regulation. History of noncompliance may include the number of previous violations or how recently a previous violation occurred.

(3) *Economic gain from noncompliance.* The Commission may consider whether a person benefitted economically from a failure to comply, including a delay in complying, with the CPSA, FHSA, FFA, and other laws that the CPSC enforces, and the regulations thereunder.

(4) *Failure to respond in a timely and complete fashion to the Commission's requests for information or remedial action.* The Commission may consider whether a person's failure to respond in a timely and complete fashion to requests from the Commission for information or for remedial action should increase a penalty. This factor is intended to address a person's dilatory and egregious conduct in responding to written requests for information or remedial action sought by the Commission, but not to impede any person's lawful rights.

§ 1119.5 Enforcement notification.

A person will be informed in writing if it is believed that the person has violated the law and if the Commission intends to seek a civil penalty. Any person who receives such a writing will have an opportunity to submit evidence and arguments that it should not pay a penalty or should not pay a penalty in the amount sought by the Commission.

PART 1120—SUBSTANTIAL PRODUCT HAZARD LIST

Sec.
1120.1 Authority.
1120.2 Definitions.
1120.3 Products deemed to be substantial product hazards.
1120.4 Standards incorporated by reference.

AUTHORITY: 15 U.S.C. 2064(j).

SOURCE: 76 FR 37640, June 28, 2011, unless otherwise noted.

§ 1120.1 Authority.

Under the authority of section 15(j) of the Consumer Product Safety Act (CPSA), the Commission determines that consumer products or classes of consumer products listed in § 1120.3 of this part have characteristics whose existence or absence present a substantial product hazard under section 15(a)(2) of the CPSA. The Commission has determined that the listed products have characteristics that are readily observable and have been addressed by a voluntary standard, that the voluntary standard has been effective, and that there is substantial compliance with the voluntary standard. The listed products are subject to the reporting requirements of section 15(b) of the CPSA and to the recall provisions of section 15(c) and (d) of the CPSA, and shall be refused entry into the United States under section 17(a)(4) of the CPSA.

§ 1120.2 Definitions.

The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1120.

(a) *Substantial product hazard* means a product defect which (because of the pattern of defect, the number of defective products distributed in commerce,

the severity of the risk, or otherwise) creates a substantial risk of injury to the public.

(b) *Hand-supported hair dryer* means an electrical appliance, intended to be held with one hand during use, which creates a flow of air over or through a self-contained heating element for the purpose of drying hair.

(c) *Drawstring* means a non-retractable cord, ribbon, or tape of any material to pull together parts of upper outerwear to provide for closure.

(d) *Seasonal and decorative lighting product* means portable, plug-connected, temporary-use lighting products and accessories that have a nominal 120 volt input voltage rating. Lighting products within the scope of the rule are factory-assembled with push-in, midget- or miniature-screw base lampholders connected in series or with candelabra- or intermediate-screw base lampholders connected in parallel, directly across the 120 volt input. Such lighting products include lighted decorative outfits, such as stars, wreathes, candles without shades, light sculptures, blow-molded (plastic) figures, and animated figures. Lighting products outside the scope of the rule include: Battery-operated products; solar-powered products; products that operate from a transformer or low-voltage power supply; flexible lighting products incorporating non-replaceable series and series/parallel connected lamps enclosed within a flexible polymeric tube or extrusion; and portable electric lamps that are used to illuminate seasonal decorations.

(e) *Extension cord (also known as a cord set)* means a length of factory-assembled flexible cord with an attachment plug or current tap as a line fitting and with a cord connector as a load fitting. Extension cords are used for extending a branch circuit supply of an electrical outlet to the power-supply cord of a portable appliance, in accordance with the National Electrical Code.® For purposes of this rule, the term applies to extension cords that are equipped with National Electrical Manufacturer Association (''NEMA'') 1–15, 5–15 and 5–20 fittings, and that are intended for indoor use only, or for both indoor and outdoor use. The term ''extension cord'' does not include detachable power supply cords, appliance cords, power strips and taps, and adaptor cords supplied with outdoor tools and yard equipment.

[76 FR 37640, June 28, 2011, as amended at 76 FR 42507, July 19, 2011; 80 FR 25226, May 4, 2015; 80 FR 44269, July 27, 2015]

§ 1120.3 Products deemed to be substantial product hazards.

The following products or class of products shall be deemed to be substantial product hazards under section 15(a)(2) of the CPSA:

(a) Hand-supported hair dryers that do not provide integral immersion protection in compliance with the requirements of section 5 of UL 859, or section 6 of UL 1727 (incorporated by reference, *see* § 1120.4).

(b)(1) Children's upper outerwear in sizes 2T to 16 or the equivalent, and having one or more drawstrings, that is subject to, but not in conformance with, the requirements of ASTM F 1816–97 (incorporated by reference, *see* § 1120.4).

(2) At its option, the Commission may use one or more of the following methods to determine what sizes of children's upper outerwear are equivalent to sizes 2T to 16:

(i) Garments in girls' size Large (L) and boys' size Large (L) are equivalent to girls' or boys' size 12, respectively. Garments in girls' and boys' sizes smaller than Large (L), including Extra-Small (XS), Small (S), and Medium (M), are equivalent to sizes smaller than size 12. The fact that an item of children's upper outerwear with a hood and neck drawstring is labeled as being larger than a size Large (L) does not necessarily mean that the item is not equivalent to a size in the range of 2T to 12.

(ii) Garments in girls' size Extra-Large (XL) and boys' size Extra-Large (XL) are equivalent to size 16. The fact that an item of children's upper outerwear with a waist or bottom drawstring is labeled as being larger than size Extra-Large (XL) does not necessarily mean that the item is not equivalent to a size in the range of 2T to 16.

(iii) In cases where garment labels give a range of sizes, if the range includes any size that is subject to a requirement in ASTM F 1816–97, the garment will be considered subject, even if other sizes in the stated range, taken alone, would not be subject to the requirement. For example, a coat sized 12 through 14 remains subject to the prohibition of hood and neck area drawstrings, even though this requirement of ASTM F 1816–97 only applies to garments up to size 12. A coat size 13 through 15 would not be considered within the scope of ASTM F 1816–97's prohibition of neck and hood drawstrings, but would be subject to the requirements for waist or bottom drawstrings.

(iv) To fall within the scope of paragraphs (b)(2)(i) through (2)(iii) of this section, a garment need not state anywhere on it, or on its tags, labels, package, or any other materials accompanying it, the term ''girls,'' the term ''boys,'' or whether the garment is designed or intended for girls or boys.

(v) The Commission may use any other evidence that would tend to show that an item of children's upper outerwear is a size that is equivalent to sizes 2T to 16.

(c) Seasonal and decorative lighting products that lack one or more of the following characteristics in conformance with requirements in sections 6, 7, 15, 71, 79, and SB15 of UL 588 (incorporated by reference, see § 1120.4):

(1) Minimum wire size requirements in section 6 of UL 588;

(2) Sufficient strain relief requirements in sections 15, 71, 79, and SB15 of UL 588; or

(3) Overcurrent protection requirements in section 7 of UL 588.

(d) Extension cords that lack one or more of the following specified characteristics in conformance with requirements in sections 2, 9, 16, 19, 20, 21, 26, 30, 31, 32, 84, and 105 of UL 817 (incorporated by reference, see § 1120.4):

(1) Minimum wire size requirement in sections 2, 20, 21, and 30 of UL 817;

(2) Sufficient strain relief requirement in sections 20, 30, and 84 of UL 817;

(3) Proper polarization requirement in sections 9, 19, 20, 30, 31, and 32 of UL 817;

(4) Proper continuity requirement in sections 16, 20, 30, and 105 of UL 817;

(5) Outlet cover requirement (for indoor 2-wire parallel extension cords with polarized parallel-blade and -slot fittings) in sections 20 and 26 of UL 817; or

(6) Jacketed cord requirement (for outdoor use extension cords) in section 30 of UL 817.

[76 FR 37640, June 28, 2011, as amended at 76 FR 42507, July 19, 2011; 80 FR 25226, May 4, 2015; 80 FR 44269, July 27, 2015]

§ 1120.4 Standards incorporated by reference.

(a) The standards required in this part are incorporated by reference (''IBR'') into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect all approved material at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (''NARA''). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

(b) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA, telephone: 610–832–9585; *http://www2.astm.org/*.

(1) ASTM F 1816–97, *Standard Safety Specification for Drawstrings on Children's Upper Outerwear*, approved June 10, 1997, published August 1998 (''ASTM F 1816–97''), IBR approved for § 1120.3(b).

(2) [Reserved]

(c) Underwriters Laboratories, Inc (''UL''), 333 Pfingsten Road, Northbrook, IL 60062 or through UL's Web site: *www.UL.com*.

(1) UL 588, *Standard for Safety for Seasonal and Holiday Decorative Products*, 18th Edition, approved August 21, 2000 (''UL 588''), IBR approved for § 1120.3(c).

(2) UL 859, *Standard for Safety for Household Electric Personal Grooming Appliances*, 10th Edition, approved August 30, 2002, and revised through June 3, 2010 (''UL 859''), IBR approved for § 1120.3(a).

(3) UL 1727, *Standard for Safety for Commercial Electric Personal Grooming Appliances*, 4th Edition, approved March 25, 1999, and revised through June 25, 2010 (''UL 1727''), IBR approved for § 1120.3(a).

(4) UL 817, *Standard for Cord Sets and Power-Supply Cords*, 11th Edition, dated March 16, 2001, as revised through February 3, 2014 (''UL 817''), IBR approved for § 1120.3(d).

[80 FR 25226, May 4, 2015, as amended at 80 FR 44269, July 27, 2015]

PART 1130—REQUIREMENTS FOR CONSUMER REGISTRATION OF DURABLE INFANT OR TODDLER PRODUCTS

Sec.

1130.1 Purpose, scope and effective date.
1130.2 Definitions.
1130.3 General requirements.
1130.4 Identification on the product.
1130.5 Requirements for registration form.
1130.6 Requirements for format and text of registration forms.
1130.7 Requirements for website registration or alternative email registration.
1130.8 Recordkeeping and notification requirements.
FIGURE 1 TO PART 1130—FRONT OF REGISTRATION FORM
FIGURE 2 TO PART 1130—BACK OF REGISTRATION FORM

AUTHORITY: 15 U.S.C. 2056a, 2065(b).

SOURCE: 74 FR 68676, Dec. 29, 2009, unless otherwise noted.

§ 1130.1 Purpose, scope, and effective date.

(a) *Purpose*. This part prescribes a consumer product safety rule establishing requirements for consumer registration of durable infant or toddler products. These requirements are intended to improve the effectiveness of recalls of, and safety alerts regarding, such products.

(b) *Scope*. Part 1130 applies to manufacturers, including importers, of durable infant or toddler products, as defined in § 1130.2(a). It does not apply to infant or child restraint systems intended for use in automobiles that are covered by the registration program of the National Highway Traffic and Safety Administration (NHTSA) at 49 CFR 571.213, or to products that comprise a travel system, and are sold with a child restraint system that is covered by the NHTSA registration program at 49 CFR 571.213.

(c) *Compliance Date*. Compliance with this part 1130 shall be required on June 28, 2010 for the following products: full-size cribs and nonfull-size cribs; toddler beds; high chairs, booster chairs, and hook-on chairs; bath seats; gates and other enclosures for confining a child; play yards; stationary activity centers; infant carriers; strollers; walkers; swings; and bassinets and cradles. Compliance with this part 1130 shall be required on December 29, 2010 for the following products: Children's folding chairs, changing tables, infant bouncers, infant bath tubs, bed rails and infant slings. Compliance with this part 1130 shall be required on September 24, 2020 for contoured changing pads (a type of baby changing product). The rule shall apply to durable infant or toddler products, as defined in § 1130.2(a), that are manufactured on or after those dates.

[74 FR 68676, Dec. 29, 2009, as amended at 84 FR 49949, Sept. 24, 2019]

§ 1130.2 Definitions.

In addition to the definitions given in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052), the following definitions apply:

(a) *Definition of durable infant or toddler product* means the following products intended for use, or that may be reasonably expected to be used, by children under the age of 5 years. The listed product categories are further defined in the applicable standards that the Commission issues under section 104(b) of the Consumer Product Safety Improvement Act of 2008, and include products that are combinations of the following product categories:

(1) Full-size cribs and non-full-size cribs;

(2) Toddler beds;

(3) High chairs, booster seats, and hook-on chairs;

(4) Bath seats;

(5) Gates and other enclosures for confining a child;

(6) Play yards;

(7) Stationary activity centers;