

instances, further analysis may be necessary to assess who the primary intended audience is based on consideration of relevant additional factors, such as product design, packaging, marketing, and sales data.

(7) Science Equipment—Microscopes, telescopes, and other scientific equipment that would be used by an adult, as well as a child, are considered general use products. Equipment that is intended by the manufacturer for use primarily by adults, although there may be use by children through such programs, is a general use product. Toy versions of such items are considered children's products. If a distributor or retailer sells or rents a general use product in bulk through distribution channels that target children 12 years of age or younger in educational settings, such as schools or summer camps, this type of a distribution strategy would not necessarily convert a general use product into a children's product. However, if the product is packaged in such a manner that either expressly states or implies with graphics, themes, labeling, or instructions that the product is designed or intended primarily for children 12 years of age or younger, then it may be considered a children's product if the required consideration of all four statutory factors supports that determination. Products mainly intended for use by the instructor would not be considered children's products. In general, scientific equipment that is specifically sized for children, such as protective gear, eyewear, gloves, or aprons and/or has childish themes or decorations and invites use by a child 12 years of age or younger or is marketed to appeal primarily to children is considered a children's product.

(8) Sporting Goods and Recreational Equipment—Sporting goods that are intended primarily for consumers older than 12 years of age are considered general use items. Sporting equipment, sized for adults, are general use items even though some children 12 years of age or younger will use them. Unless such items are specifically marketed to children 12 years of age or younger, or have extra features that make them more suitable for children 12 years of age or younger than for adults, they

would be considered general use products. If children 12 years or younger would mainly use the product because it would be too small or inappropriate for older children to use, then it likely would be considered a children's product. Likewise, recreational equipment, such as roller blades, skateboards, bicycles, camping gear, and fitness equipment are considered general use products unless they are sized to fit children 12 years of age or younger and/or are decorated with childish features by the manufacturer.

(9) Musical Instruments—Musical instruments, including electronically-aided instruments suited for an adult musician, are general use products. Instruments intended primarily for children can be distinguished from adult instruments by their size and marketing themes. The Commission notes that if a distributor or retailer sells or rents in bulk, a general use musical instrument through distribution channels that target children 12 years of age or younger in educational settings, such as schools or summer camps, this type of a distribution strategy would not necessarily convert a general use product into a children's product. However, if the product is packaged in such a manner that either expressly states or implies with graphics, themes, labeling, or instructions that the product is designed or intended primarily for children 12 years of age or younger, then it may be considered a children's product if the required consideration of all four statutory factors supports that determination.

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

Subpart A—The Standard

Sec.

- 1201.1 Scope, application and findings.
- 1201.2 Definitions.
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Subpart B [Reserved]

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Subpart C—Statements of Policy and Interpretation

1201.40 Interpretation concerning bathtub and shower doors and enclosures.

AUTHORITY: Secs. 2, 3, 7, 9, 14, 19, Pub. L. 92–573, 86 Stat. 1212–17; (15 U.S.C. 2051, 2052, 2056, 2058, 2063, 2068).

SOURCE: 42 FR 1441, Jan. 6, 1977, unless otherwise noted.

Subpart A—The Standard

§ 1201.1 Scope, application and findings.

(a) *Scope.* This part 1201, a consumer product safety standard, prescribes the safety requirements for glazing materials used or intended for use in any of the following architectural products:

- (1) Storm doors or combination doors.
- (2) Doors.
- (3) Bathtub doors and enclosures.
- (4) Shower doors and enclosures.
- (5) [Reserved]
- (6) Sliding glass doors (patio-type).

It also requires that these architectural products which incorporate glazing materials be constructed with glazing materials that meet the requirements of this part. The safety requirements are designed to reduce or eliminate unreasonable risks of death or serious injury to consumers when glazing material is broken by human contact.

(b) *Application.* This part 1201 shall apply to glazing materials, as that term is defined in §1201.2(a)(11), for use in the architectural products listed in paragraph (a) of this section; and to those architectural products listed in paragraph (a) of this section if they are made with, or incorporate glazing materials as that term is defined in §1201.2(a)(11). The standard applies to glazing materials and architectural products incorporating glazing materials that 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 or in recreational, school, public, or other buildings or parts thereof. This part 1201 applies only to those glazing materials manufactured after the effective date of the standard; and to those architectural products identified in para-

graph (a) of this section that are manufactured after the effective date of the standard. Thus, architectural products identified in paragraph (a) of this section manufactured after the effective date of the standard must incorporate glazing materials that comply with the standard. For purposes of this standard, fabricators are considered to be manufacturers of the architectural products listed in paragraph (a) of this section. Architectural glazing materials used in the products listed in paragraph (a) of this section and used in mobile homes are not subject to the provisions of this part 1201. While this part 1201 prescribes a test method to determine whether glazing materials subject to this part 1201 standard meet the requirements of the standard, the standard itself does not require that a manufacturer test any glazing materials or products subject to the standard. All obligations of manufacturers to perform testing are imposed by section 14 of the Consumer Product Safety Act and certification regulations which will be established by a separate rule-making proceeding. However, the Commission intends to use the test procedures set forth in this part 1201 to determine whether materials and products subject to the standard meet the requirements of the standard.

(c) *Exemptions.* The following products, materials and uses are exempt from this part 1201:

(1) Wired glass used in doors or other assemblies to retard the passage of fire, where such door or assembly is required by a federal, state, local, or municipal fire ordinance.

(2) Louvers of jalousie doors;

(3) Openings in doors through which a 3 inch diameter sphere is unable to pass;

(4) Carved glass (as defined in §1201.2(a)(36)), dalle glass (as defined in §1201.2(a)(37)), or leaded glass (as defined in §1201.2(a)(14)), which is used in doors and glazed panels (as defined in §§1201.2(a)(7) and (a)(10)) if the glazing material meets all of the following criteria:

(i) The coloring, texturing, or other design qualities or components of the glazing material cannot be removed without destroying the material; and

(ii) The primary purpose of such glazing is decorative or artistic; and

(iii) The glazing material is conspicuously colored or textured so as to be plainly visible and plainly identifiable as aesthetic or decorative rather than functional (other than for the purpose of admitting or controlling admission of light components or heat and cold); and

(iv) The glazing material, or assembly into which it is incorporated, is divided into segments by conspicuous and plainly visible lines.

(5) Glazing materials used as curved glazed panels in revolving doors;

(6) Commercial refrigerated cabinet glazed doors.

(d) *Findings*¹—(1) *The degree and nature of the risk of injury the rule is designed to eliminate or reduce.* The Commission finds that the nature of the risks of injury this standard is designed to eliminate or reduce are as follows:

(i) Lacerations, contusions, abrasions, and other injury or death resulting from walking or running into glazed doors or sliding glass doors believed to be open or glazed panels mistaken as a means of ingress or egress, or pushing against glazing material in doors or glazed panels in an attempt to open a door.

(ii) Lacerations, contusions, abrasions, and other injury or death resulting from accidentally falling into or through glazed doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures.

(iii) Lacerations, contusions, abrasions, and other injury or death resulting from the act of installing, replac-

ing, storing or otherwise manipulating glazing material in doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures, or from broken glazing material in doors, sliding glass doors, glazed panels, bathtub doors and enclosures and shower doors and enclosures. The Commission estimates that 73,000 injuries associated with architectural glazing materials in the architectural products within the scope of this standard were treated in hospital emergency rooms during 1975, and that about 2,400 of these injuries required the patients to be hospitalized. Extrapolating to total injuries in the United States the Commission further estimates that approximately 190,000 injuries were associated with architectural glazing products covered by this standard. Although injuries occur at any age, children aged 14 and under appear to be at particular risk of injury since as a group they represent approximately half the injuries while comprising less than 30 percent of the population. Lacerations are the most common injuries associated with architectural glazing materials and account for 72 percent to 93 percent of the injuries associated with the architectural products identified in paragraph (a) of this section. These lacerative injuries span a broad spectrum of severity and extent of body part affected. During 1975, an estimated 200 injuries were treated in emergency rooms for lacerations over 25 to 50 percent of the victims' bodies and over 7,000 persons were treated for lacerations to the head or face. On the basis of all injury information available to the Commission, it is apparent that the severity of the injuries associated with architectural glazing materials ranges from minor cuts to damage to tendons, nerves, muscles, and blood vessels resulting in extensive surgery. Peripheral nerve injuries result in varying degrees of loss in sensation and motion which may never be restored completely. Tendon and muscle injuries may involve loss of movement. Some victims of architectural glazing material incidents are disfigured, and sustain emotional trauma as well. Severe tearing of arteries and veins has led to

¹The Commission's findings apply to the architectural glazing standard as issued at 42 FR 1426, on January 6, 1977. Since that date, the Commission has revoked portions of the standard which prescribed requirements for "glazed panels" (45 FR 57383, August 28, 1980); an accelerated environmental durability test for plastic glazing materials intended for outdoor exposure (45 FR 66002, October 6, 1980); and a modulus of elasticity test, a hardness test, and an indoor aging test applicable to plastic glazing materials (47 FR 27856, June 28, 1982). However, the findings have not been revised and they are therefore, not fully applicable to the remaining requirements of the standard.

death. One way of quantifying the extent of the public health problem relating to injuries associated with products is to estimate the total number of disability days resulting from the injuries. Using average days of restricted activity by age for specific injuries and body parts (Vital and Health Statistics, Series 10, Number 57, National Center for Health Statistics, U.S. Department of Health, Education, and Welfare), it is estimated that about 230,000 days of restricted activity resulted from injuries associated with architectural products which were treated in emergency rooms alone.

(2) *The approximate number of consumer products, or types or classes thereof, subject to the standard.* The types of glazing materials affected by or subject to the standard are laminated glass, tempered glass, wired glass, organic-coated glass, annealed glass, and plastics. Architectural products that incorporate the aforementioned glazing materials that are also affected by or subject to the standard are: storm doors or combination doors, doors, bathtub doors, and enclosures, shower doors and enclosures, glazed panels and sliding glass doors (patio-type) (see paragraph (a) of this section). The Commission has estimated that 13 to 16 percent of the total market for glazing material incorporated in products within the scope of the standard will be affected by the standard. Most of the glazing subject to the standard is currently covered by state safety glazing legislation. To date, more than 30 states have enacted safety glazing legislation, but this legislation is neither consistent nor completely uniform among states. Annual markets for the architectural products which incorporate glazing material and that are within the scope of the standard have been estimated by the Commission in terms of square feet of glazed area and number of units. The market for glazing material incorporated in products within the scope of the standard was estimated to be 234.8 million square feet in 1975. These figures are discussed in the Economic Impact Statement, pp. 3-7, and appendix A to the Economic Impact Statement, pp. 18-30, which are available for review in the Office of the

Secretary of the Commission, Washington, D.C. 20207.

(3) *The need of the public for the architectural glazing material and products incorporating that glazing material subject to the standard, and the probable effect of the standard upon the utility, cost or availability of those products to meet the need of the public—*(i) *The need of the public for the architectural glazing materials and products incorporating that glazing material.* The need of the public for architectural products within the scope of the standard incorporating glazing material is substantial since these products serve such functions as transmission of light, visual communication, protection from weather, ventilation, and indoor climate control, and since reasonable substitutes for these products do not exist as a group. Each of the types of glazing material subject to the standard has individual properties which meet public needs, although one type of glazing material is often an acceptable substitute for another.

(ii) *Probable effect of the standard upon the cost of architectural glazing materials and architectural products incorporating the glazing material to meet the need of the public for the products.* The probable cost effects of the standard for architectural glazing materials are listed below.

(A) The cost impact of the standard on consumers will be concentrated in those states with no present state safety glazing legislation. In those states, the average increase in cost per housing start resulting from the standard is estimated to range from \$30 to \$50, or approximately one-tenth of one percent of the price of a typical new house; and the cost for residential remodeling and replacement is expected to be in the range of \$0.25 to \$0.30 per household annually.

(B) The increased cost of glazing material for nonresidential uses will be paid ultimately by consumers through higher prices of goods and services. Generally, the increased cost of glazing is not passed to consumers immediately, but is spread over the life of the nonresidential structure. Therefore, the increased cost to consumers for glazing material in nonresidential structures will probably rise slowly

over time to an annual level of approximately \$1.10 per household in states with no safety glazing legislation and \$0.20 to \$0.50 per household in the other states. In many of the states with state regulations, the impact of the standard on residential construction and new housing prices will be near zero, since most of the glazing is currently covered by the state glazing legislation.

(C) The probable effect of the standard on the various glazing materials within the scope of the standard will differ. The retail price of laminated glass used in some Category II applications will probably increase by 10 to 15 percent per square foot. The incremental cost to consumers for ungraded laminated glass is estimated to be approximately \$0.14 per household, annually. The cost to consumers for tempered glass, organic-coated glass, and plastics is not expected to increase because of the standard. Information available to the Commission indicates that the technology needed for producing wired glass which can comply with the standard is not readily available. See appendix A of the Economic Impact Statement, pp. 45-56, for the incremental cost calculation by product category and application.

(iii) *Probable effect of the standard upon the utility of architectural glazing materials and architectural products incorporating the glazing materials to meet the need of the public for the products.* The probable effect of the standard in regard to the utility of architectural glazing materials and the architectural products incorporating glazing material should be to increase the utility of the products. The basic effect of the standard would be the substitution of certain safer glazing materials for annealed glass in certain architectural products. The Commission believes that such a substitution would increase utility for most consumers because of the usually increased durability of the glazing material that complies with the Commission's standard, and the knowledge that the product incorporating the glazing material is safer. There will be disutility for those consumers who prefer non-complying wired glass and organic-coated glass when these materials become unavailable for certain applications due to

their likely inability to comply with the standard. However, the share of the glazing material market claimed by organic-coated and wired glass is small.

(iv) *Probable effect of the standard upon the availability of architectural glazing materials and architectural products incorporating the glazing materials to meet the need of the public for the products.* The Commission finds that the proposed standard should not have impacts of significant magnitude on the availability of architectural products within the scope of the standard, since domestic production capacity appears to be sufficient to handle any increased demand for glazing material to be used in those products. In addition, an increased demand for raw materials necessary to manufacture glazing materials that comply with the standard will be small in comparison to the volume of raw materials currently used for glazing for the products that will be subject to the standard. Furthermore, no major change in demand for the architectural products subject to the standard incorporating glazing materials which would affect production is expected. The Commission finds that, in the absence of technological advances, certain glazing materials will no longer be available for particular applications. Unless technological advances are made, wired glass will be unavailable for use in the architectural products within the scope of the standard with the exception of fire door applications where special provisions of the standard apply. Similarly, organic-coated glass which has the film applied to annealed glass at the factory may no longer be available for Category II products due to an inability to pass those impact test provisions of the standard. The availability of glass replacement glazing in residential applications may be reduced, since plastic glazing often will be the only economical material available to consumers when immediate replacement is needed.

(4) *Any means of achieving the objectives of the standard while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.* The Commission has considered other means of

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achieving the objective of the standard, but has found none that it believes would have fewer adverse effects on competition or that would cause less disruption or dislocation of manufacturing and other commercial practices, consistent with the public health and safety. For the glazing industry in general, the disruptions and dislocations of existing manufacturing and commercial practices due to the standard are expected to be minor. However, it is possible that individual segments of the glazing materials industry are likely to be adversely affected by the standard. Specifically, there is likely to be disruption to the wired glass market, the organic-coated glass market and, to a lesser extent, to the laminated glass market. Manufacturers of wired glass will face a serious problem because technological improvements in the product will need to be made before wired glass can be used in Category I applications and because it probably will not be usable at all in Category II applications (see § 1201.2(a) (3) and (4) of the standard), since there appears to be little prospect at this time of developing a wired glass product capable of withstanding the Category II, 400 foot pound impact test prescribed in § 1201.4 of the standard. Laminated glass currently used for Category I applications can meet the 150 foot pound impact test requirements, but not all laminated glass currently used for Category II applications can meet the 400 foot pound impact test requirements. The price increase for technologically upgrading laminated glass will be borne by consumers. The Commission believes, however, that the competitive impact of the proposed changes would not severely weaken the position of laminated glass in the market place. The wired glass, organic-coated glass, and laminated glass markets affected by the standard are small in relation to the entire industry. The standard is not expected to have an appreciable impact on foreign or domestic competition. Increased competition is expected between primary glass temperers and regional temperers, with primary temperers taking an increased share of the original storm door, sliding door, bathtub enclosure and shower door markets. Sales of nonresidential glazing

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for major nonresidential buildings will remain with the primary glass companies. The regional temperers are expected to handle almost all the tempering of glazing for smaller nonresidential buildings. Thus, they will gain some of this market at the expense of local dealers and distributors. However, the distributors and dealers probably will operate as order takers for the smallest jobs. It is expected that glazing distributors and dealers will experience reduced market shares in both the residential and nonresidential new glazing markets. This will occur as a result of the transfer of business to the primary glass manufacturers and regional temperers, since tempered glass must be produced to size and it is not feasible to keep in inventory all sizes which might be needed.

(5) *Summary finding.* The Commission finds that there are unreasonable risks of injury associated with architectural glazing materials used in the architectural products listed in paragraph (a) of this section. In assessing the question of whether unreasonable risks of injury or injury potential are associated with architectural glazing materials, the Commission has balanced the degree, nature and frequency of injury against the potential effect of the standard on the ability of architectural glazing materials to meet the need of the public and the effect of the standard on the cost, utility, and availability of architectural glazing materials to meet that need. The Commission finds that this standard, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with architectural glazing materials and that promulgation of the standard is in the public interest.

(Sec. 9(e), Pub. L. 92-573, 86 Stat. 1215 (15 U.S.C. 2058(e)) (5 U.S.C. 553)

[42 FR 1441, Jan. 6, 1977, as amended at 43 FR 57246 Dec. 7, 1978; 45 FR 57389, Aug. 28, 1980; 47 FR 27856, June 23, 1982; 49 FR 7107, Feb. 27, 1984]

§ 1201.2 Definitions.

(a) As used in this part 1201:

(1) *Annealed glass* means glass that has been subjected to a slow, controlled cooling process during manufacture to control residual stresses so that it can

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be cut or subjected to other fabrication. Regular polished plate, float, sheet, rolled, and some patterned surface glasses are examples of annealed glass.

(2) *Bathtub doors and enclosures* means assemblies of panels and/or doors that are installed on the lip of or immediately surrounding a bathtub.

(3) *Category I products (Class B)* means any of the following Architectural products:

(i) Storm doors or combination doors that contain no single piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(ii) Doors that contain no single piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(4) *Category II products (Class A)* means any of the following architectural products:

(i) Shower doors and enclosures.

(ii) Bathtub doors and enclosures.

(iii) Sliding glass doors (patio type).

(iv) Storm doors or combination doors that contain any piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(v) Doors that contain any piece of glazing material greater than 9 square feet (0.83 square meters) in surface area of one side of the piece of glazing material.

(5) *Distributor* means a person to whom a consumer product is delivered or sold for purposes of distribution in commerce, including persons cutting glazing material to size, except that such term does not include a manufacturer or retailer of such product.

(6) *Distribution in commerce* means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(7) *Door* means an assembly that is installed in an interior or exterior wall; that is movable in a sliding, pivoting, hinged, or revolving manner of movement; and that is used by consumers to produce or close off an open-

ing for use as a means of human passage.

(8) *Fabricator* means any person who assembles or otherwise incorporates glazing materials into an architectural product listed in §1201.1(a). A fabricator is considered a manufacturer as defined in paragraph (a)(16) of this section.

(9) *Glass* means a hard, brittle, amorphous substance produced by fusion, usually consisting of mutually dissolved silica and silicates that also contains sods and lime. It may be transparent, translucent, or opaque.

(10) [Reserved]

(11) *Glazing material* means glass, including annealed glass, organic coated glass, tempered glass, laminated glass, wired glass; or combinations thereof where these are used:

(i) In openings through the architectural products listed in §1201.1(a), or

(ii) As the architectural products themselves, e.g. unframed doors.

(12) *Jalousie door* means a door (as "door" is defined in paragraph (a)(7) of this section) having an opening glazed with operable, overlapping louvers. Each louver is one of a series of overlapping pieces of glazing material designed to admit ventilation and light but exclude rain and is typically operated by a crank and gear mechanism.

(13) *Laminated glass* means glazing material composed of two or more pieces of glass, each piece being either tempered glass, heat strengthened glass, annealed glass or wired glass, bonded to an intervening layer or layers of resilient plastic material.

(14) *Leaded glass* means a decorative composite glazing material made of individual pieces of glass whose perimeter is enclosed by lengths of durable metal such as lead or zinc and the pieces of glass are completely held together and supported by such metal. Such pieces of glass can be clear, colored, beveled, painted, or flashed and etched.

(15) *Manufacture* means to manufacture, produce or assemble.

(16) *Manufacturer* means any person who manufactures, fabricates or imports a glazing material or architectural product listed in §1201.1(a) that incorporates glazing material.

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(17) *Mirror* means a treated, polished or smooth glazing material that forms images by the reflection of light.

(18) *Mobile home* means a structure transportable in one or more sections, which is eight body feet (2.4 body meters) or more in width and is thirty-two body feet (9.7 body meters) or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(19) *Other buildings or parts thereof* means buildings or parts thereof (other than residential, school, public, or recreational buildings) in which all or part of the building is open to the public with or without specific invitation. Included are buildings or parts thereof such as banks and recreational or retail facilities in a building and multiuse buildings that contain residential units.

(20) *Organic-coated glass* means a glazing material consisting of a piece of glass, coated and bonded on one or both sides with an applied polymeric coating, sheeting, or film.

(21) *Patio door* (See “sliding glass doors (patio-type)” in paragraph (a)(31) of this section).

(22) *Permanent label* means a label that will remain permanently legible and visible after installation of the glazing material and that would be destroyed in attempts to remove it from the glazing material and includes (but is not limited to) sandblast, acid etch, hot-stamp, and destructible polyester labels.

(23) [Reserved]

(24) *Private labeler* means an owner of a brand or trademark on the label of a consumer product which bears a private label, and includes any fabricator, distributor, or installer who cuts certified and permanently labeled glazing materials into smaller pieces.

(25) *Public building* means a building of public assembly or meeting including (but not limited to) a museum, place of worship, or restaurant.

(26) *Recreational building* means a building used for recreational purposes including (but not limited to) a theater, stadium, gymnasium, amusement park building or library.

(27) *Residential building* means a building, permanent or temporary, such as a single or multifamily residence, including (but not limited to) a house, apartment building, lodging home, dormitory, hotel, motel, hospital, sanitarium, and nursing home, used as a dwelling for one or more persons or families and any structure which is attached to, a part of, or appurtenant to such a building. Public areas of all residential buildings, such as lobbies and other common facilities, are included within the definition of “other buildings or parts thereof” in paragraph (a)(19) of this section. For purposes of this part 1201, a mobile home as defined in paragraph (a)(18) of this section is not considered to be a residential building.

(28) *Retailer* means a person to whom a consumer product is delivered or sold for purposes of sale or distribution by such person to a consumer; the term retailer includes a person who cuts glazing material to size for consumers.

(29) *School building* means a building designed primarily for the conduct of educational instruction and includes the classrooms, libraries, administrative offices, auditoriums, eating and sanitary facilities, stadiums, gymnasiums and all other structures associated with such buildings.

(30) *Shower door and enclosure* means an assembly of one or more panels installed to form all or part of the wall and or door of a shower stall.

(31) *Sliding glass door (patio-type)* means an assembly of one or more panels, at least one of which is suitably movable for use as a means of human ingress or egress. The term includes the nonmovable and movable panels of such assembly.

(32) *Storm door (or combination door)* means a movable assembly, used in tandem with an exterior door to protect the exterior door against weather elements and/or to improve indoor climate control.

(33) *Tempered glass* means a piece of specially heat treated or chemically treated glass that cannot be cut, drilled, ground, or polished after treatment without fracture. When fractured at any point, if highly tempered, the entire piece breaks into small particles.

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(34) *Wired glass* means a single piece of annealed glass that contains wire embedded in the body of the glass.

(35) *Commission* means the Consumer Product Safety Commission.

(36) *Carved glass* means a decoration glazing material in which a permanent visible design has been produced by polishing, grinding, or otherwise removing portions of the surface.

(37) *Dalle glass* or *dalle de verre* (including faceted glass) means a decorative composite glazing material made of individual pieces of glass which are imbedded in a cast matrix of concrete or epoxy.

(b) Definitions given in the Consumer Product Safety Act, and not repeated in this section, are applicable to this part.

(c) Test methods and recommended practices published by the American Society for Testing and Materials (ASTM)¹, and referred to in this part 1201, are hereby incorporated by reference into this part.

(d) Test methods and recommended practices published by the American National Standards Institute (ANSI) and referred to in this part 1201, are hereby incorporated by reference into this part.

(Sec. 9(e), Pub. L. 92-573, 86 Stat. 1215; (15 U.S.C. 2058(e); (5 U.S.C. 553))

[42 FR 1441, Jan. 6, 1977, as amended at 42 FR 61860, Dec. 7, 1977; 43 FR 50422, Oct. 30, 1978; 43 FR 57247, Dec. 7, 1978; 45 FR 57389, Aug. 28, 1980; 47 FR 27856, June 28, 1982; 81 FR 15431, Mar. 23, 2016]

§ 1201.3 General requirements.

(a) All glazing materials to which this standard applies, as described in § 1201.1, shall meet the impact and environmental test requirements in § 1201.4, and shall be labeled by manufacturers in accordance with § 1201.5.

(b) Glazing materials used in architectural products not listed in § 1201.1(a) are not subject to this part. Any material not listed in the definition of “glazing material” in

¹ASTM test methods and recommended practices are approved by, published by, and available for purchase from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

§ 1201.2(a)(11) is not subject to this part 1201.

[42 FR 1441, Jan. 6, 1977, as amended at 47 FR 27856, June 28, 1982]

§ 1201.4 Test procedures.

Except as provided in §§ 1201.1(c) and (d), architectural glazing products shall be tested in accordance with all of the applicable test provisions of ANSI Z97.1-2015 “*American National Standard for Safety Glazing Materials Used in Building—Safety Performance Specifications and Methods of Test*,” approved March 2015. The Director of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ANSI Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036. You may inspect a copy 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>.

[81 FR 15431, Mar. 23, 2016]

§ 1201.5 Certification and labeling requirements.

(a) Manufacturers and private labelers of glazing materials covered by this part 1201 shall comply with the requirements of section 14 CPSA (15 U.S.C. 2063) and regulations issued under section 14.

(b) [Reserved]

(c) Organic-coated glass that has been tested for environmental exposure from one side only must bear a permanent label on the coating stating “GLAZE THIS SIDE IN” and shall bear in the central 50 percent of the surface area the following message in letters at least ¼ inch (7 millimeters) high: “SEE PERMANENT LABEL FOR IMPORTANT MOUNTING INSTRUCTION.” The latter message shall be attached to either side of the glazing by any means

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which shall ensure the message will remain in place until installation.

[42 FR 1441, Jan. 6, 1977, as amended at 45 FR 66007, Oct. 6, 1980]

§ 1201.6 Prohibited stockpiling.

(a) *Stockpiling.* For the purposes of this section, the term *stockpiling* means manufacturing or importing the affected products between the date of issuance of this part in the FEDERAL REGISTER and the effective date set out below in §1201.7 at a rate significantly greater (prescribed in paragraph (b) of this section) than the rate at which the affected products were produced or imported during a base period (prescribed in paragraph (c)(2) of this section).

(b) *Prohibited acts.* Manufacturers and importers of glazing materials, fabricators, and manufacturers or importers of architectural products specified in §1201.1(a) who incorporate glazing material shall not incorporate glazing materials which do not comply with the requirements of this part 1201 into such products between the date of issuance of this part in the FEDERAL REGISTER and the effective date set out in §1201.7 below at a rate greater than the rate of production or importation during the base period (defined in paragraph (c)(2) of this section) plus ten percent. For wired glass used in doors or other assemblies subject to this part 1201 and intended to retard the passage of fire, when such doors or other assemblies are required by a Federal, State, local or municipal fire ordinance, the rate of production during the base period may be increased annually by no more than 10 percent.

(c) *Definitions.* As used in this section:

(1) *Rate of production (or importation)* means the total number of affected architectural products incorporating glazing material not complying with this part manufactured or imported during a stated base period.

(2) *Base period* means, at the option of the manufacturer or importer, any period of 180 consecutive days prior to January 6, 1977, said period to be selected within an interval which begins July 6, 1975.

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§ 1201.7 Effective date.

The effective date of this part 1201 shall be July 6, 1977 except:

(a) For glazing materials used in doors or other assemblies subject to this part and intended to retard the passage of fire when such doors or other assemblies are required by a Federal, State, or local or municipal fire ordinance, the effective date shall be January 6, 1980.

(b) Architectural glazing materials manufactured before July 6, 1977 may be incorporated into architectural products listed in §1201.1(a) through July 5, 1978 if:

(1) The architectural glazing material conforms to ANSI Standard Z97.1–1972 or 1975, “Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings,” 1972 or 1975², which is incorporated by reference, and

(2) The architectural glazing material is permanently labeled to indicate it conforms to ANSI Z97.1–1972 or 1975 or is accompanied by a certificate certifying conformance to ANSI Z97.1 1972 or 1975.

(c) Tempered glass manufactured before July 6, 1977 may be incorporated into architectural products listed in §1201.1(a) through July 5, 1981 if:

(1) The tempered glass conforms to ANSI Z97.1–1972 or 1975; and

(2) The tempered glass is permanently labeled to indicate it conforms to ANSI Z97.1–1972 or 1975 or is accompanied by a certificate certifying conformance to ANSI Z97.1–1972 or 1975.

(d) Laminated glass manufactured on or after July 6, 1977 through December

²Copies of ANSI Standard Z97.1–1972 or 1975 are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018. They are also available for inspection 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/code_of_federal_regulations/ibr_locations.html.

This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist in the editions which have been approved by the Director of the Federal Register and which have been filed with the Office of the Federal Register.

3, 1977 may be incorporated into category II products as defined in §1201.2(a)(4) through July 5, 1978 if:

(1) The laminated glass conforms to ANSI Z97.1-1972 or 1975; and

(2) The laminated glass is permanently labeled to indicate that it conforms to ANSI Z97.1-1972 or 1975 or is accompanied by a certificate in accordance with section 14(a) of the CPSC certifying conformance to ANSI Z97.1-1972 or 1975.

(e) Architectural products manufactured between July 6, 1977 and July 5, 1978 incorporating glazing material in accordance with paragraph (b) of this section, may be distributed and sold without restriction.

(f) Architectural products manufactured between July 6, 1977 and July 5, 1981 incorporating tempered glass in accordance with paragraph (c) of this section, may be distributed and sold without restriction.

(g) Architectural products identified in §1201.2(a)(4) manufactured between July 6, 1977 and July 5, 1978 incorporating laminated glass in accordance with §1201.7(d) may be distributed and sold without restriction.

(h) Patinaed glass manufactured between July 6, 1977 and January 8, 1979, in accordance with the Commission's stay order published in the FEDERAL REGISTER of August 9, 1977 (42 FR 40188), may be sold without restriction. Architectural products incorporating such glazing may also be sold without restriction.

[43 FR 50422, Oct. 30, 1978, as amended at 43 FR 57247, Dec. 7, 1978; 46 FR 63250, Dec. 31, 1981]

Subpart B [Reserved]

Subpart C—Statements of Policy and Interpretation

§ 1201.40 Interpretation concerning bathtub and shower doors and enclosures.

(a) *Purpose and background.* The purpose of this section is to clarify the scope of the terms "bathtub doors and enclosures" and "shower door and enclosure" as they are used in the Standard in subpart A. The Standard lists the products that are subject to it (§1201.1(a)). This list includes *bathtub*

doors and enclosures, a term defined in the Standard to mean "assemblies of panels and/or doors that are installed on the lip of or immediately surrounding a bathtub" (§1201.2(a)(2)). The list also includes *shower doors and enclosures*, a term defined to mean "(assemblies) of one or more panels installed to form all or part of the wall and/or door of a shower stall" (§1201.2(a)(30)). Since the Standard became effective on July 6, 1977, the question has arisen whether the definitions of these products include glazing materials in a window that is located over a bathtub or within a shower stall and in the exterior wall of a building. The definitions of the terms "bathtub doors and enclosures" and "shower door and enclosure" contain no specific exemption for glazing materials in such windows. If read literally, the Standard could include glazing materials in an exterior wall window located above a bathtub because that window could be interpreted as being "immediately surrounding" the bathtub. Similarly, the Standard, if read literally, could include glazing materials in an exterior wall window because that window could be interpreted as forming "all or part of the wall * * * of a shower stall."

(b) *Interpretation.* When the Consumer Product Safety Commission issued the Standard, it did not intend the standard to apply to any item of glazing material in a window that is located over a bathtub or within a shower stall and in the exterior wall of a building. The Commission clarifies that the Standard does not apply to such items of glazing material or such windows. This interpretation applies only to the term "bathtub doors and enclosures" and "shower door and enclosure" and does not affect the applicability of the Standard to any other product.

[46 FR 45751, Sept. 15, 1981]

PART 1202—SAFETY STANDARD FOR MATCHBOOKS

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