

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulations that the Commission expects to develop or review during the next 12 months. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on the agenda and on the individual agenda entries. Submit comments to the Office of the Secretary on or before August 28, 2023.

ADDRESSES: Caption comments on the regulatory agenda, “Regulatory Flexibility Agenda.” You can submit comments by email to: cpsc-os@cpsc.gov. You can also submit comments by mail or delivery to the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda, in general, contact David M. DiMatteo, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408, ddimatteo@cpsc.gov. For further information regarding a particular item on the agenda, contact the person listed in the column titled, “Contact,” for that item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) contains several provisions intended to reduce unnecessary and disproportionate

regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA requires each agency to publish, twice a year, a regulatory flexibility agenda containing “a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities.” 5 U.S.C. 602. The agency must provide a summary of the nature of the rule, the objectives and legal basis for the rule, and an approximate schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. *Id.* In addition, the regulatory flexibility agenda must contain the name and telephone number of an agency official who is knowledgeable about the listed items. *Id.* Agencies must attempt to provide notice of their agendas to small entities and solicit their comments either by directly notifying them, or by including the agenda in publications that small entities are likely to obtain. *Id.*

In addition, Executive Order 12866, *Regulatory Planning and Review* (Sep. 30, 1993), requires each agency to publish, twice a year, a regulatory agenda of regulations under development or review during the next year. 58 FR 51735 (Oct. 4, 1993). The Executive Order states that agencies may combine this agenda with the regulatory flexibility agenda required under the RFA. The agenda required by Executive Order 12866 must include all of the regulations the agency expects to develop or review during the next 12 months, regardless of whether they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that the Commission listed in the fall 2022 agenda and completed before publishing this agenda.

The agenda contains a brief description and summary of each

regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for developing or completing each activity; and the name and telephone number of an agency official who is knowledgeable about items in the agenda.

The internet is the primary means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at: www.reginfo.gov, in a format that allows users to obtain information from the agenda database.

Because agencies must publish in the **Federal Register** the regulatory flexibility agenda required by the RFA (5 U.S.C. 602), the Commission’s printed agenda entries include only:

(1) rules that are in the agency’s regulatory flexibility agenda, in accordance with the RFA, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) rules that the agency has identified for periodic review under section 610 of the RFA.

The entries in the Commission’s printed agenda are limited to fields that contain information that the RFA requires in an agenda. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects the Commission’s assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in the law, may alter anticipated timing. In addition, this agenda does not represent a final determination by the Commission or its staff regarding the need for, or the substance of, any rule or regulation.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
258	Portable Generators	3041–AC36

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
259	Regulatory Options for Table Saws	3041–AC31

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
260	Recreational Off-Road Vehicles	3041-AC78

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
261	Petition for Rulemaking to Eliminate Accessible Cords on Window Covering Products	3041-AD31
262	Furniture Tip Overs: Clothing Storage Units	3041-AD65

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

258. Portable Generators [3041-AC36]

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: In 2006, the Commission issued an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discussed regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. In fiscal year 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also, in fiscal year 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST's test house. In fiscal year 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. After additional staff and contractor work, the Commission issued a notice of proposed rulemaking (NPRM) in 2016, proposing a performance standard that would limit the CO emission rates from operating portable generators. In 2018, two voluntary standards adopted different CO-mitigation requirements intended to address the CO poisoning hazard associated with portable generators. Staff developed a simulation and analysis plan to evaluate the effectiveness of those voluntary standards' requirements. In 2019, the Commission sought public comments on staff's plan. In August 2020, staff submitted to the Commission a draft notice of availability of the modified plan, based on staff's review and

consideration of the comments, for evaluating the voluntary standards; the Commission published the notice of availability in August 2020. In February 2022, staff delivered a briefing package to the Commission with the results of the effectiveness analysis and information on the availability of compliant generators in the marketplace. Staff concluded that the CO hazard-mitigation requirements of one standard are more effective than the other, but conformance to either standard is low. Staff intends to deliver a supplemental NPRM rule and a Final Rule on portable generators to the Commission in fiscal year 2023.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
NPRM	11/21/16	81 FR 83556
NPRM Comment Period Extended.	12/13/16	81 FR 89888
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Notice of Availability to the Commission.	06/26/19	
Commission Decision.	07/02/19	
Notice of Availability.	07/09/19	84 FR 32729

Action	Date	FR Cite
Staff Sends Notice of Availability to Commission.	08/12/20	
Commission Decision.	08/19/20	
Notice of Availability.	08/24/20	85 FR 52096
Staff Report on Effectiveness Evaluation of Voluntary Standards.	02/16/22	
Staff Sends (S)NPRM Briefing Package to Commission.	03/08/23	
Commission Decision.	04/05/23	
NPRM	04/20/23	88 FR 24346
NPRM Comment Period End.	06/20/23	
Staffs Sends Briefing Package to Commission.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2293, Email: jbuyer@cpsc.gov.

RIN: 3041-AC36

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

259. Regulatory Options for Table Saws [3041-AC31]

Legal Authority: 5 U.S.C. 553(e); 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: In 2006, the Commission granted a petition asking that the Commission issue a rule to prescribe performance standards for an active

injury mitigation (AIM) system to reduce or prevent injuries from contacting the blade of a table saw. The Commission subsequently issued a notice of proposed rulemaking (NPRM) that would establish a performance standard requiring table saws to limit the depth of cut to 3.5 millimeters when a test probe, acting as a surrogate for a human body/finger, contacts the table saw's spinning blade. Staff has conducted several studies to provide information for the rulemaking. Staff intends to submit a final rule briefing package to the Commission in fiscal year 2023.

Timetable:

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM	05/12/17	82 FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing	08/09/17	82 FR 31035
Staff Sent 2016 NEISS Table Saw Type Study Status Report to Commission.	08/15/17	
Staff Sent 2017 NEISS Table Saw Special Study to Commission.	11/13/18	
Notice of Availability of 2017 NEISS Table Saw Special Study.	12/04/18	83 FR 62561
Staff Sends a Status Briefing Package on Table Saws to Commission.	08/28/19	
Commission Decision.	09/10/19	
Staff Sends Final Rule Briefing Package to Commission.	09/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2225, Email: cpaul@cpsc.gov.

RIN: 3041-AC31

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

260. Recreational Off-Road Vehicles [3041-AC78]

Legal Authority: 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. In 2014, the Commission issued a notice of proposed rulemaking (NPRM) proposing standards addressing vehicle stability, vehicle handling, and occupant protection for recreational off-road vehicles (ROVs). Congress directed in fiscal year 2016, and reaffirmed in subsequent fiscal year appropriations, that none of the amounts made available by the Appropriations Bill may be used to finalize or implement the proposed Safety Standard for Recreational Off-Highway Vehicles until after the National Academy of Sciences completes a study to determine specific information, as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1-2016 and ANSI/OPEI B71.9-2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs. In the Fiscal Year 2020 Operating Plan, the Commission directed staff to prepare a

rulemaking termination briefing package. Staff submitted a briefing package to the Commission on September 16, 2020 that recommended termination of the rulemaking. On September 22, 2020, the Commission voted 2-2 on this matter. A majority was not reached and no action is being taken.

Timetable:

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in FEDERAL REGISTER.	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff Sends Briefing Package to Commission.	09/16/20	
Commission Decision: Majority Not Reached, No Action Will be Taken.	09/22/20	
Next Step Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center,

5 Research Place, Rockville, MD 20850,
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RIN: 3041-AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

261. Petition for Rulemaking To Eliminate Accessible Cords on Window Covering Products [3041-AD31]

Legal Authority: 5 U.S.C. 553(e); 15
U.S.C. 2056; 15 U.S.C. 2058; 15 U.S.C.
2064(j)

Abstract: The Commission received a petition from a group of nine organizations representing consumer groups, safety consultants, and legal counsel. The petition requested that the Commission initiate proceedings to promulgate a mandatory standard to eliminate accessible cords on window covering products. The petition asserts that a mandatory rule is necessary because attempts to develop a voluntary standard that adequately mitigates the risk of injury associated with window covering cords have been unsuccessful. The Commission voted to accept CPSC staff's recommendation to approve the petition and subsequently issued an advance notice of proposed rulemaking (ANPRM) for corded window coverings. The ANPRM began a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to address the risk of strangulation to young children that is associated with corded window covering products. Staff sent two notices of proposed rulemaking (NPRMs) to the Commission for consideration in October 2021. The first NPRM, under section 15(j) of the CPSA, was to amend 16 CFR part 1120 to add hazardous operating and inner cords on stock window coverings, and hazardous inner cords on custom window coverings, to the list of substantial product hazards. The listed cords would be required to comply with the 2018 voluntary standard for window covering cords or else be subject to denial of admission and/or corrective action. The second NPRM, under sections 7 and 9 of the CPSA, proposed that operating cords on custom window coverings meet the same requirements as operating cords on stock window coverings under the 2018 voluntary standard. The Commission voted in January 2022 to issue both proposed rules. The comment period ended on March 23, 2022. On March 16, 2022, the Commission held a hearing for the presentation of oral comments on the rule for operating cords on custom window coverings. On

September 28, 2022, staff submitted a final rule briefing package to the Commission containing a final rule under section 15(j) of the CPSA and a final rule for operating cords on custom window coverings under sections 7 and 9 of the CPSA. On November 7, 2022, the Commission voted (4-0) to issue both final rules. Both rules were published in the **Federal Register** on November 28, 2022.

Timetable:

Action	Date	FR Cite
Petition Docketed	06/26/13	78 FR 42026
Notice for Comment Published in Federal Register .	07/15/13	
Comment Period End.	09/13/13	80 FR 2327
Staff Sends ANPR Briefing Package to Commission.	09/30/14	
Commission Decision.	10/08/14	80 FR 15173
ANPRM Published in the Federal Register .	01/16/15	
Draft FR Notice to Commission to Extend ANPR Comment Period.	03/10/15	87 FR 891
FR Notice Announcing Extension of Comment Period.	03/23/15	
Comment Period Closed.	06/01/15	87 FR 1014
NPRM Briefing Package to Commission.	10/06/21	
Commission Decision.	12/14/21	87 FR 891
NPRM for Stock Window Coverings.	01/07/22	
NPRM for Custom Window Coverings.	01/07/22	87 FR 1014
Draft FR Notice to Commission to Extend NPRM Comment Period.	02/23/22	
Commission Decision Not To Extend Comment Period.	03/01/22	87 FR 1014
Hearing to Present Oral Comments on NPRM re Custom Window Coverings.	03/16/22	
Staff Sends Final Rule Briefing Package to Commission.	09/28/22	87 FR 1014
Commission Decision.	11/07/22	

Action	Date	FR Cite
Final Rule Published for Amendment to 16 CFR 1120.	11/28/22	87 FR 72873
Final Rule Published for 16 CFR 1260.	11/28/22	87 FR 73144

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Rana Balci-Sinha, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2584, Email: rbalcisinha@cpsc.gov.
RIN: 3041-AD31

262. Furniture Tip Overs: Clothing Storage Units [3041-AD65]

Legal Authority: 15 U.S.C. 2056; 15
U.S.C. 2058; 15 U.S.C. 2076(e)

Abstract: Based on direction in the Fiscal Year 2016 Operating Plan, staff submitted a briefing package to the Commission in September 2016, addressing furniture tip overs and focused, specifically, on clothing storage unit (CSU) tip overs. CPSC is aware of fatal and nonfatal incidents involving CSUs tipping over. The majority of incidents involve children. In November 2017, the Commission issued an advance notice of proposed rulemaking (ANPRM), seeking comments and initiating rulemaking under the Consumer Product Safety Act (15 U.S.C. 2051-2089). In July 2021, staff submitted a notice of proposed rulemaking (NPRM) briefing package to the Commission. On January 19, 2022, the Commission approved publication of an NPRM addressing CSU tip overs. The NPRM was published in the **Federal Register** on February 3, 2022. The written comment period closed on April 19, 2022. On February 16, 2022, staff submitted to the Commission a draft notice announcing the opportunity for interested parties to make oral comments on the NPRM. On February 23, 2022, the Commission voted to approve publication of the oral comment notice. The oral comment notice was published in the **Federal Register** on March 1, 2022, and the Commission held the hearing on April 6, 2022. After reviewing comments on the NPRM, staff submitted a final rule briefing package to the Commission on September 28, 2022. On October 19, 2022, the Commission approved publication of the final rule. The final rule was published in the **Federal Register** on November 25, 2022.

<i>Timetable:</i>			Action	Date	FR Cite	Action	Date	FR Cite
Action	Date	FR Cite						
Staff Sent Briefing Package to Commission.	09/30/16		Draft Notice of Oral Comment Hearing to Commission.	02/16/22		Staff Sends Final Rule Briefing Package to Commission.	09/28/22	
Staff Sent ANPRM Briefing Package to Commission.	11/15/17		Commission Decision on Notice of Oral Comment Hearing.	02/23/22		Commission Decision.	10/19/22	
Commission Decision on ANPRM.	11/21/17		Draft FR Notice to Commission to Extend NPRM Comment Period.	02/23/22		Final Rule publishes.	11/25/22	87 FR 72598
ANPRM	11/30/17	82 FR 56752				<i>Regulatory Flexibility Analysis Required: Yes.</i>		
Comment Period Extended.	01/17/18	83 FR 2382	Commission Decision Not To Extend Comment Period.	03/01/22		<i>Agency Contact:</i> Kristen Talcott, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, <i>Phone:</i> 301 987-2311, <i>Email:</i> ktalcott@cpsc.gov.		
Comment Period End.	04/14/18		Notice of Oral Comment Hearing.	03/01/22	87 FR 11366	<i>RIN:</i> 3041-AD65		
Staff Sent NPRM Briefing Package to Commission.	07/14/21		Oral Comment Hearing.	04/06/22		[FR Doc. 2023-14554 Filed 7-26-23; 8:45 am]		
Commission Decision on NPRM.	01/19/22		End of NPRM Comment Period.	04/19/22		BILLING CODE 6355-01-P		
NPRM	02/03/22	87 FR 6246						