

44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2026–05–51 Bell Textron Canada Limited:
Amendment 39–23306; Docket No. FAA–2026–3472; Project Identifier MCAI–2026–00217–R.

(a) Effective Date

The FAA issued emergency Airworthiness Directive (AD) 2026–05–51 on March 6, 2026 (also referred to as the emergency AD), directly to affected owners and operators. As a result of such actual notice, the emergency AD was effective for those owners and operators on the date it was received. This AD contains the same requirements as the emergency AD and, for those who did not receive actual notice, is effective on April 16, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 505 helicopters, certificated in any category, serial numbers 65011 and subsequent, with ballast box assembly part number (P/N) SLS–706–201–207 or P/N SLS–706–201–207FM installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by a failure of the hinge assembly on the aft movable ballast box assembly, which could allow the ballast weights to escape the ballast box and strike the tail rotor assembly. The FAA is issuing this AD to prevent damage to and/or departure of tail rotor blades, loss of tail rotor thrust, and severe vibrations. The unsafe condition, if not addressed, could result in loss of control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Before further flight, revise the Limitations section of the existing rotorcraft flight manual (RFM) for the helicopter by inserting the following text: “the use of the ballast weights within the aft movable ballast box assembly P/N SLS–706–201–207 or SLS–706–201–207FM, is prohibited.”

(1) Inserting a copy of this AD into the Limitations section of the RFM satisfies the requirements of paragraph (g) of this AD.

(2) For this AD, the owner/operator (pilot) holding at least a private pilot certificate may revise the existing RFM for the helicopter and must enter compliance into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Special Flight Permits

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Additional Information

For more information about this AD, contact Kurt Landendorf, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5254; email: kurt.d.landendorf@faa.gov.

(k) Material Incorporated by Reference

None.

Issued on March 30, 2026.

Christopher R. Parker,

Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–06369 Filed 3–31–26; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1239

[Docket No. CPSC–2019–0014]

Safety Standard for Gates and Enclosures

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: In November 2022, the U.S. Consumer Product Safety Commission (CPSC or Commission) published an update to the consumer product safety standard for gates and enclosures under the Consumer Product Safety Improvement Act of 2008 (CPSIA). The standard incorporated by reference ASTM F1004–22, *Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures*, the voluntary standard for gates and enclosures that was in effect at the time. ASTM has now issued a revised standard, ASTM F1004–25. Consistent with the CPSIA, this direct final rule updates the mandatory standard to incorporate by reference ASTM’s 2025 version of the voluntary standard.

DATES: The rule is effective on July 19, 2026, unless CPSC receives a significant adverse comment by May 1, 2026. If CPSC receives such a comment, it will publish a document in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of July 19, 2026.

ADDRESSES: You can submit comments, identified by Docket No. CPSC–2019–0014, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments.

CPSC typically does not accept comments submitted by email, except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal.

Mail/Hand Delivery/Courier/Confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2019-0014, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Jennifer Hum, Compliance Officer, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-6859; email: jhum@cpsc.gov; or Carlos Torres, Project Manager, Division of Mechanical and Combustion Engineering, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987-2504; email: ctorres@cpsc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Authority

Section 104(b)(1) of the CPSIA requires the Commission to assess the effectiveness of voluntary standards for durable infant or toddler products and adopt mandatory standards for these products. 15 U.S.C. 2056a(b)(1). A mandatory standard must be “substantially the same as” the voluntary standard, or “more stringent

than” the voluntary standard, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. *Id.*

Section 104(b)(4)(B) of the CPSIA specifies the process for updating the Commission’s rules when a voluntary standards organization revises a standard that the Commission incorporated by reference under section 104(b)(1). First, the voluntary standards organization must notify the Commission of the revision. Once the Commission receives this notification, the Commission may reject or accept the revised standard. The Commission may reject the revised standard by notifying the voluntary standards organization, within 90 days of receiving notice of the revision, that it has determined that the revised standard does not improve the safety of the consumer product and that it is retaining the existing standard. If the Commission does not take this action to reject the revised standard, then the revised voluntary standard will be considered a consumer product safety standard issued under section 9 of the Consumer Product Safety Act (CPSA; 15 U.S.C. 2058), effective 180 days after the Commission received notification of the revision or on a later date specified by the Commission in the **Federal Register**. 15 U.S.C. 2056a(b)(4)(B).

B. Safety Standard for Gates and Enclosures

Under section 104(b)(1) of the CPSIA, the Commission published a mandatory standard for gates and enclosures, codified in 16 CFR part 1239, “Safety Standard for Gates and Enclosures.” The rule incorporated by reference the then-current voluntary standard, ASTM F1004-19, *Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures*, with modifications. 85 FR 40100 (July 6, 2020). ASTM F1004 applies to expansion gates, defined as a “barrier intended to be erected in an opening, such as a doorway, to prevent the passage of young children, but which can be removed by older persons who are able to operate the locking mechanism,” and expandable enclosures, defined as a “self-supporting barrier intended to completely surround an area or play-space within which a young child may be confined.” The mandatory standard is intended to address head and neck entrapment in children’s expansion gates and expandable enclosures, and the ability of pressure gates to resist a push-out force. The mandatory standard includes performance requirements and

test methods, as well as requirements for warning labels and instructions, to address hazards to children associated with gates and enclosures.

In both 2021 and 2022, ASTM notified CPSC that it had issued a revised voluntary standard for gates and enclosures, ASTM F1004-21 and ASTM F1004-22, respectively. In accordance with the procedures set out in section 104(b)(4)(B) of the CPSIA, these revised standards became the new mandatory standard for gates and enclosures. The Commission published direct final rules to update 16 CFR part 1239, incorporating by reference ASTM F1004-21 and ASTM F1004-22, respectively, without modification. 86 FR 53535 (Sep. 28, 2021), 87 FR 68032 (Nov. 14, 2022). The mandatory standard currently incorporates by reference ASTM F1004-22.

In 2023, ASTM issued another revision to the voluntary standard, ASTM F1004-23. However, ASTM did not notify CPSC of this revision under CPSIA section 104(b)(4)(B). Consequently, the revised standard did not become the mandatory standard by operation of law, and the Commission did not update the mandatory standard to incorporate by reference this revised ASTM standard.

In December 2025, ASTM approved another revision to the voluntary standard for gates and enclosures, ASTM F1004-25. On January 20, 2026, ASTM notified CPSC of the revision. On January 27, 2026, the Commission published in the **Federal Register** a notice of availability of the revised voluntary standard and sought comments on the effect of the revisions. 91 FR 3399. CPSC received no comments on the notice of availability.

As discussed below, based on staff’s review of ASTM F1004-25, the Commission will allow the revised voluntary standard to become the mandatory standard for gates and enclosures. Accordingly, by operation of law under section 104(b)(4)(B) of the CPSIA, ASTM F1004-25 will become the mandatory consumer product safety standard for gates and enclosures on July 19, 2026. 15 U.S.C. 2056a(b)(4)(B). This direct final rule updates part 1239 to incorporate by reference the revised voluntary standard, ASTM F1004-25.

II. Revisions to ASTM F1004

ASTM has revised the voluntary standard for gates and enclosures two times since its adoption of ASTM F1004-22, which is the current mandatory standard. On January 1, 2023, ASTM approved a revised version of the voluntary standard, ASTM F1004-23; and on December 1, 2025,

ASTM approved another revision of the voluntary standard, ASTM F1004–25. ASTM F1004–23 includes clarification to an existing marking and labeling requirement; and ASTM F1004–25 includes a new performance requirement, as well as editorial revisions that do not alter substantive requirements in the standard or impact safety. This section further describes the changes in these two versions of the standard—ASTM F1004–23 and ASTM F1004–25. The newly revised 2025 version includes the revisions that ASTM made in the 2023 version of the standard. As discussed below, the Commission considers the revisions in ASTM F1004–23 and ASTM F1004–25 to improve the safety of gates and enclosures overall, and none of the revisions reduce safety.

A. ASTM F1004–23

ASTM F1004–23 includes a clarifying note with respect to marking and labeling for pressure-mounted gates¹ that provide wall cups² or other mounting hardware. In this regard, ASTM F1004–22 included the following warning requirements for pressure-mounted gates that provide wall cups or other mounting hardware: “You MUST install [wall cups] to keep gate in place. Without [wall cups], child can push out and escape” (section 8.5.7). ASTM F1004–22 further stated that “[t]his warning shall be separate from all other warnings required on the product and shall not include any additional language” (section 8.5.7.1). ASTM F1004–23 adds a note to this section (section 8.5.7.1) stating that “[t]his warning is not required to be separate on the packaging per 8.6 and the instructions per 9.1,” clarifying that this required warning statement is not required to be separate from other warnings with regard to retail packaging and instructions.

The warning statement for pressure-mounted gates that provide wall cups or other mounting hardware remains unchanged on retail packaging and instructions. The retail packaging and instructions still require the warning that wall cups or other mounting hardware need to be installed, and that without them, a child can push out and escape. When it comes to on-product labeling, it was deemed important to

¹ A pressure-mounted gate, as described in ASTM F1004, is “any gate which relies on pressure as the mechanism by which the gate stays in its manufacturer’s recommended use position.”

² Wall cups are typically circular or rectangular brackets that are placed between the wall and the gate’s tension bolts (or spindle rods or pressure pads) and serve to create enhanced traction or grip to prevent the pressure-mounted gate from sliding or falling down.

have this warning statement separate from other warning statements so that it would be highly conspicuous and visible to a caregiver operating and installing the gate, as installation-related incidents with pressure-mounted gates included deaths and serious injuries, and wall cups are critical features that are necessary for correct installation of some pressure-mounted gates. *See* 85 FR 40100, 40106. The addition of the clarifying note to section 8.5.7.1 does not change the requirement that such warning statement must be separate for on-product labeling. The new note merely clarifies to manufacturers that the requirement to have a separate warning statement is not mandatory for retail packaging and instructional literature. Therefore, this change in ASTM F1004–23 does not impact the safety of gates and enclosures.

B. ASTM F1004–25

1. Performance Requirements

ASTM F1004–25 adds a new performance requirement that “[e]xpansion gates and expandable enclosures under the scope of this consumer safety specification shall not include any features or openings within the gate that allow for unassisted pet entry or egress” (section 6.9). Openings and features that allow for unassisted pet entry or egress often consist of a secondary swinging or sliding door integrated within the structure of the gate or enclosure. Generally, this secondary swinging or sliding door is located in the lower section of the gate or enclosure and is close to the ground. Some of these secondary swinging or sliding doors can be locked to stay open and/or do not have a latching or locking mechanism to keep the door closed. As a result, children can escape through or entrap their heads in these openings, causing potential serious injury and death.

Moreover, these pet openings are generally designed for cats and dogs, and as a result, the size of these openings could exceed the maximum size requirements for openings within gates and enclosures already found in section 6.1.1 of ASTM F1004 (Completely-bounded Openings). Section 6.1.1 provides that “[o]penings within the gate or enclosure, and completely-bounded openings between the gate and the test fixture, shall not permit the complete passage of the small torso probe . . .” The small torso probe has a cross-sectional dimension of 3.0 inches by 5.5 inches and an overall depth of 4.25 inches. It is meant to simulate the smallest torso dimension of a young child who might attempt to

enter an opening feet first, and its shape and size were determined by analyzing anthropometric data—specifically the buttocks depth, hip breadth, and hip circumference of a 5th percentile 2-year-old child. This completely-bounded openings requirement was intended to address incidents in which children were found with their heads entrapped after having pushed their way into gaps created between soft or flexible gate and enclosure components, and between the gate and the sides of passageways to be blocked off. *See* 85 FR 40100, 40104. Therefore, these pet openings would not meet current requirements in the standard, and as previously mentioned, create a head entrapment hazard.

In addition, the swinging or sliding doors that allow for pet entry and egress introduce horizontal components to the gate or enclosure. These horizontal components create places in the gate where children can place their feet to climb over the gate or enclosure. In such circumstances, the child could escape or fall, causing potential injury and death.

Based on the foregoing, pet openings within a gate or enclosure pose many hazards for children. Therefore, this change in ASTM F1004–25, prohibiting features or openings within the gate that allow for pet entry or egress, improves the safety of gates and enclosures.

2. Other Revisions

ASTM F1004–25 also includes a few minor revisions that are editorial in nature and do not alter any substantive requirements in the standard. One of these minor revisions include adding in section 3.1.10, a part of speech (*n*), to the defined term “manufacturer’s recommended use position(s)” to be consistent with the other definitions in that section that include the part of speech as part of the definition. Another minor revision includes removing the “Summary of Changes” section which identifies previous changes from past standards that are now out of date. Because these revisions do not change any substantive requirements, they do not impact the safety of gates and enclosures.

III. Incorporation by Reference

Section 1239.2 of the direct final rule incorporates by reference ASTM F1004–25. The Office of the Federal Register (OFR) has regulations regarding incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble of the final rule, ways in which the material the agency incorporates by reference is reasonably available to interested parties, and how interested parties can obtain the material. In addition, the

preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR regulations, section II of this preamble summarizes the material in ASTM F1004–25 that the Commission incorporates by reference into 16 CFR part 1239. The standard is reasonably available to interested parties in several ways. Until the direct final rule takes effect, a read-only copy of ASTM F1004–25 is available for viewing on ASTM’s website at: www.astm.org/CPSC.htm. Once the rule takes effect, a read-only copy of the standard will be available for viewing on the ASTM website at: www.astm.org/READINGLIBRARY/. Additionally, interested parties can purchase a copy of ASTM F1004–25 from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; telephone: (610) 832–9585; www.astm.org. Finally, interested parties can schedule an appointment to inspect a copy of the standard at CPSC’s Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504–7479; email: cpsc-os@cpsc.gov.

IV. Certification

Section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers, including importers, of products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, to certify that the products comply with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program, or, for children’s products, on tests of a sufficient number of samples by a CPSC-accepted third party conformity assessment body accredited to test according to the applicable requirements. As noted, standards issued under section 104(b)(1)(B) of the CPSIA are “consumer product safety standards.” Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because gates and enclosures are children’s products, a CPSC-accepted third party conformity assessment body must test samples of the products. Products subject to part 1239 must also comply with all other applicable CPSC requirements, such as the lead content requirements in section 101 of the CPSIA,³ the phthalates prohibitions in section 108 of the CPSIA⁴ and 16 CFR

part 1307, the tracking label requirements in section 14(a)(5) of the CPSA,⁵ and the consumer registration form requirements in 16 CFR part 1130. ASTM F1004–25 makes no changes that would impact any of these existing requirements.

V. Notice of Requirements

In accordance with section 14(a)(3)(B)(vi) of the CPSA (15 U.S.C. 2063(a)(3)(B)(vi)), the Commission previously published a notice of requirements (NOR) for accreditation of third party conformity assessment bodies (third party labs) for testing gates and enclosures. 85 FR 40100 (July 6, 2020). The NOR provided the criteria and process for CPSC to accept accreditation of third party conformity assessment bodies for testing gates and enclosures to 16 CFR part 1239. The NORs for all mandatory standards for durable infant or toddler products are listed in the Commission’s rule, “Requirements Pertaining to Third Party Conformity Assessment Bodies,” codified in 16 CFR part 1112. The NOR for accreditation of third party labs for testing gates and enclosures is codified at 16 CFR 1112.15(b)(49).

ASTM F1004–23 and ASTM F1004–25 did not change the testing requirements, testing equipment, or testing protocols for gates and enclosures. Accordingly, the revisions in these versions of the standard do not change the way that third party conformity assessment bodies test these products for compliance with the safety standard for gates and enclosures. Testing laboratories that have demonstrated competence for testing in accordance with ASTM F1004–22 will have the competence to test in accordance with the revised standard ASTM F1004–25. Therefore, the Commission considers the existing CPSC-accepted laboratories for testing to ASTM F1004–22 to be capable of testing to ASTM F1004–25 as well. Accordingly, the existing NOR for this standard will remain in place, and CPSC-accepted third party conformity assessment bodies are expected to update the scope of the testing laboratories’ accreditations to reflect the revised standard in the normal course of renewing their accreditations.

VI. Direct Final Rule Process

On January 27, 2026, the Commission published in the **Federal Register** a notice of availability regarding the 2025 revision to ASTM F1004 and requested comment on whether the revision improves the safety of gates and

enclosures covered by the standard. 91 FR 3399. CPSC received no comments. The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA; 5 U.S.C. 551–559) generally requires agencies to provide notice of a rule and an opportunity for interested parties to comment on it, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B). The Commission concludes that when it updates a reference to an ASTM standard that the Commission previously incorporated by reference under section 104(b) of the CPSIA, notice and comment are not necessary.

The purpose of this direct final rule is to update the reference in the Code of Federal Regulations (CFR) so that it reflects the version of the standard that takes effect by statute. This rule updates the reference in the CFR, but under the terms of the CPSIA, ASTM F1004–25 would take effect as the new CPSC standard for gates and enclosures in the absence of any action by the Commission. Thus, public comments would not lead to substantive changes to the standard or to the effect of the revised standard as a consumer product safety rule under section 104(b) of the CPSIA. Under these circumstances, notice and comment are unnecessary.

In Recommendation 2024–6, the Administrative Conference of the United States (ACUS) endorses direct final rulemaking as an appropriate procedure to expedite rules that are unlikely to elicit any significant adverse comments. *See* 89 FR 106406 (Dec. 30, 2024). ACUS recommends that agencies use the direct final rule process when they act under the “unnecessary” prong of the good cause exemption in 5 U.S.C. 553(b)(B). *Id.* at 106409. ACUS also explains that notice and comment may be “unnecessary” when the agency lacks discretion regarding the substance of the rule. *Id.* at 106408. As noted, this rule updates a reference in the CFR to reflect a change that occurs by operation of law. Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because CPSC does not expect any significant adverse comments.

Unless CPSC receives a significant adverse comment within 30 days of this notification, the rule will become effective on July 19, 2026. In accordance with ACUS’s recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, “including challenges

³ 15 U.S.C. 1278a.

⁴ 15 U.S.C. 2057c.

⁵ 15 U.S.C. 2063(a)(5).

to the rule's underlying premise or approach," or where the commenter explains why the rule would be ineffective or unacceptable without change. *Id.* at 106409. As noted, this rule updates a reference in the CFR to reflect a change that occurs by statute.

If the Commission receives a significant adverse comment, the Commission will withdraw this direct final rule. Depending on the comment and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

VII. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) generally requires agencies to review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603, 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. *Id.* As discussed in section VI of this preamble, the Commission has determined that notice and the opportunity to comment are unnecessary for this rule. Therefore, the RFA does not apply. CPSC also notes the limited nature of this document, which merely updates the incorporation by reference to reflect the mandatory CPSC standard that takes effect under section 104 of the CPSIA.

VIII. Paperwork Reduction Act

The current mandatory standard includes requirements for marking, labeling, and instructional literature that constitute a "collection of information," as defined in the Paperwork Reduction Act (PRA; 44 U.S.C. 3501–3521). The Commission took the steps required by the PRA for information collections when it promulgated 16 CFR part 1239, and the marking, labeling, and instructional literature for gates and enclosures are currently approved under OMB Control Number 3041–0159. The revision does not affect the information collection requirements or approval related to the standard.

IX. Environmental Considerations

The Commission's regulations provide for a categorical exclusion from any requirement to prepare an environmental assessment or an environmental impact statement where they "have little or no potential for affecting the human environment." 16 CFR 1021.5(c). This rule falls within the categorical exclusion, so no

environmental assessment or environmental impact statement is required.

X. Preemption

Section 26(a) of the CPSA provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the Federal standard. 15 U.S.C. 2075(a). Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to CPSC for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA deems rules issued under that provision "consumer product safety standards." Therefore, once a rule issued under section 104 of the CPSIA takes effect, it will preempt in accordance with section 26(a) of the CPSA.

XI. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standards organization revises a standard that the Commission adopted as a mandatory standard, the revision becomes the CPSC standard 180 days after notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. 15 U.S.C. 2056a(b)(4)(B). The Commission is taking neither of those actions with respect to the revised standard for gates and enclosures. Therefore, ASTM F1004–25 automatically will take effect as the new mandatory standard for gates and enclosures on July 19, 2026, 180 days after the Commission received notice of the revision. As a direct final rule, unless the Commission receives a significant adverse comment within 30 days of this document, the rule will become effective on July 19, 2026, and will apply to products manufactured after the rule's effective date.

XII. Congressional Review Act and Executive Order 12866

Pursuant to the Congressional Review Act (CRA) and Executive Order (E.O.) 12866, the Office of Management and Budget's Office of Information and Regulatory Affairs has determined that this rule does not qualify as a "major rule," as defined in 5 U.S.C. 804(2), and is not a significant regulatory action, as defined under section 2(f) of E.O. 12866. To comply with the CRA, CPSC will

submit the required information to each House of Congress and the Comptroller General.

List of Subjects in 16 CFR Part 1239

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety.

For the reasons discussed in the preamble, the Commission amends 16 CFR chapter II as follows:

PART 1239—SAFETY STANDARD FOR GATES AND ENCLOSURES

■ 1. The authority citation for part 1239 continues to read as follows:

Authority: 15 U.S.C. 2056a.

■ 2. Revise § 1239.2 to read as follows:

§ 1239.2 Requirements for gates and enclosures.

Each gate and enclosure must comply with all applicable provisions of ASTM F1004–25, *Standard Consumer Safety Specification for Expansion Gates and Expandable Enclosures*, approved on December 1, 2025. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 16 CFR part 51. This incorporation by reference material is available for inspection at the U.S. Consumer Product Safety Commission (CPSC) and at the National Archives and Records Administration (NARA). Contact CPSC at: the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone: (301) 504–7479, email: cpsc-os@cpsc.gov. For information on the availability of this material at NARA, email fr.inspection@nara.gov, or go to www.archives.gov/federal-register/cfr/ibr-locations.html. A read-only copy of the standard is available for viewing on the ASTM website at www.astm.org/READINGLIBRARY/. You may also obtain a copy from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; telephone: (610) 832–9585; website: www.astm.org.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2026–06306 Filed 3–31–26; 8:45 am]

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