

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 year. 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 March 24, 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 Daniel R. Vice, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408, *dvice@cpsc.gov*. For further information regarding a particular item on the agenda, contact the person listed in the column titled, “Contact,” for that particular 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. In addition, the regulatory flexibility agenda must contain the name and telephone number of an agency official who is knowledgeable about the listed items. 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.

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 spring 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, you should not infer from this agenda 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.
502	Portable Generators	3041–AC36

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
503	Regulatory Options for Table Saws (Reg Plan Seq No. 219)	3041–AC31
504	Petition for Rulemaking to Eliminate Accessible Cords on Window Covering Products (Reg Plan Seq No. 220).	3041–AD31

CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
505	Furniture Tip Overs: Clothing Storage Units (Reg Plan Seq No. 221)	3041–AD65

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

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

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
507	Safety Standard for Magnets	3041–AD82

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

502. Portable Generators [3041–AC36]

Legal Authority: 15 U.S.C. 2051

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 an NPRM or supplemental NPRM rulemaking briefing package 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

Action	Date	FR Cite
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
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.	01/00/23	

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

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

Regulatory Plan: This entry is Seq. No. 219 in part II of this issue of the **Federal Register**.

RIN: 3041-AC31

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

Regulatory Plan: This entry is Seq. No. 220 in part II of this issue of the **Federal Register**.

RIN: 3041-AD31

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

Regulatory Plan: This entry is Seq. No. 221 in part II of this issue of the **Federal Register**.

RIN: 3041-AD65

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Long-Term Actions

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

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

Abstract: The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should be regulated. 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. 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	

Action	Date	FR Cite
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, *Phone:* 301 987-2225, *Email:* cpaul@cpsc.gov.

RIN: 3041-AC78

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

507. Safety Standard for Magnets [3041-AD82]

Legal Authority: 15 U.S.C. 553; 15 U.S.C. 2056; 15 U.S.C. 2058

Abstract: Based on direction in the Commission's Fiscal Year 2021 Operating Plan, staff submitted a notice of proposed rulemaking (NPRM) briefing package to the Commission on October 6, 2021, to address the internal interaction hazard associated with ingestion of small, powerful magnets. On December 14, 2021, the Commission voted to approve publication of the NPRM. On January 10, 2022, the NPRM was published in the **Federal Register**, seeking comments and initiating rulemaking under the Consumer Product Safety Act (15 U.S.C. 2051-2089). The written comment period on the NPRM closed on March 28, 2022. On February 2, 2022, staff submitted to the Commission a draft notice announcing the opportunity for interested parties to make oral comments on the NPRM. On February 8, 2022, the Commission voted to approve publication of the oral comment notice. The oral comment notice was published in the **Federal Register** on February 15, 2022, indicating that requests to present at the oral hearing had to be provided by February 23, 2022. The Commission held the hearing on March 2, 2022. On August 17, 2022, staff submitted a final rule briefing package to the Commission. On September 7, 2022, the Commission approved the Final Rule for

Magnets. On September 21, 2022, the Final Rule for Magnets was published in the **Federal Register**.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	10/06/21	
Commission Decision.	12/14/21	
NPRM	01/10/22	87 FR 1260
Staff Sends Oral Comment Notice to Commission.	02/02/22	

Action	Date	FR Cite
Commission Decision on Oral Comment Notice.	02/08/22	
Oral Comment Notice Published.	02/15/22	87 FR 8442
Oral Comment Hearing.	03/02/22	
End of NPRM Comment Period.	03/28/22	
Staff Sends Final Rule Briefing Package to Commission.	08/17/22	
Commission Decision.	09/07/22	

Action	Date	FR Cite
Final Rule Published.	09/21/22	87 FR 57756

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Stephen Harsanyi, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987-2209, *Email:* sharsanyi@cpsc.gov, *RIN:* 3041-AD82

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