

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Statement of Regulatory Priorities

The U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of death and injury associated with consumer products. To achieve this goal, CPSC, among other things:

- develops mandatory product safety standards or bans to address safety hazards, including where required by statute;
- obtains repairs, replacements, or refunds for defective products that present a substantial product hazard;
- develops information and education campaigns about the safety of consumer products;
- participates in the development or revision of voluntary product safety standards; and
- follows other statutory mandates.

Unless otherwise directed by Congressional mandate, when deciding which of these approaches to take in any specific case, CPSC gathers and analyzes data about the nature and extent of the risk presented by the product. The Commission's rules at 16 CFR section 1009.8 provide for consideration of the following criteria, among other factors, when deciding the level of priority for any particular project:

- the frequency and severity of injuries;
- the causality of injuries;
- chronic illness and future injuries;
- costs and benefits of Commission action;
- the unforeseen nature of the risk;

- the vulnerability of the population at risk;
- the probability of exposure to the hazard; and
- additional criteria that warrant Commission attention.

Significant Regulatory Actions

Currently, the Commission is considering acting in the next 12 months on three rules -- Table Saws (RIN 3041-AC31); Portable Generators (RIN 3041-AC36); and Residential Gas Furnaces and Boilers (RIN 3041-AD70) -- which would constitute “significant regulatory actions” under the definition of that term in Executive Order 12866, as amended by Executive Order 14094.

CPSC	FINAL RULE STAGE
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1. REGULATORY OPTIONS FOR TABLE SAWS [3041-AC31]

Priority:

Section 3(f)(1) Significant. Major under 5 U.S.C. 801.

Legal Authority:

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

CFR Citation:

16 CFR 1245

Legal Deadline:

None

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. In November 2023, the Commission published a supplemental notice of proposed rulemaking (SNPRM) based on analysis of newly available incident data, evaluation of newly available products, and other market information that did not exist at the time of the 2017 NPRM. On February 28, 2024, the Commission provided an opportunity for interested parties to make oral presentations on the SNPRM. The hybrid hearing was held in person at CPSC's headquarters and remotely via webinar. Staff is redacting data for release for additional public comment to support a notice of availability (NOA).

Statement of Need:

In the NPRM, the Commission preliminarily determined that there is an unreasonable risk associated with blade-contact injuries on table saws. Based on injury data reviewed in 2015, there were an estimated 33,400 table saw, emergency department treated injuries. Of these, staff estimated that 30,800 (92 percent) are likely related to the victim making contact with the saw blade. Of the 30,800 ED treated blade-contact injuries, an estimated 28,900 injuries (93.8 percent) involved the finger, with 4,700 amputations (15.3 percent).

Summary of Legal Basis:

Table saws are consumer products that can be regulated by the Commission under the authority of the CPSA. See 15 U.S.C. 2052(a). Section 7 of the CPSA authorizes the Commission to promulgate a mandatory consumer product safety standard that sets forth performance requirements for a consumer product or that sets forth requirements that a product be marked or accompanied by clear and adequate warnings or instructions. 15 U.S.C. 2056. Section 7(a) of the CPSA authorizes the Commission to promulgate a mandatory consumer product safety standard that sets forth performance or labeling

requirements for a consumer product if such requirements are reasonably necessary to prevent or reduce an unreasonable risk of injury. *Id.* Section 9 of the CPSA specifies the procedure that the Commission must follow to issue a consumer product safety standard under section 7 of the CPSA.

Alternatives:

The Commission could: (1) pursue table saw voluntary standard activities; (2) extend the effective dates of a possible rule; (3) exempt certain categories of table saws from the draft proposed rule; (4) limit the applicability of the performance requirements to some, but not all, tables saws; or (5) pursue an information and education campaign to inform the public of the hazards of blade contact and the benefits of the AIM technology.

Anticipated Cost and Benefits:

As published in the regulatory analysis in the SNPRM in 2023, the estimated benefits per saw are between \$3,503 to \$12,865. The estimated costs per saw are between \$338 to \$1,376. Net benefits (i.e., benefits minus costs) per saw therefore range from \$241 to \$1,326.

Risks:

The CPSC has determined preliminarily that there is an unreasonable risk of blade-contact injuries associated with table saws. Each year, approximately 30,000 table saw blade contact injuries are treated in emergency room departments. The most common diagnoses in blade-contact injuries were lacerations (60.9 percent), fractures (20.6 percent), and amputations (10.7 percent).

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 Open Comment Period	02/15/12	77 FR 8751
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	83FR62561
Staff Sends a Status Briefing Package on Table Saws to Commission	08/28/19	
Commission Decision	09/10/19	
Staff Sends SNPRM Briefing Package to Commission	09/21/23	
Commission Decision Approving SNPRM	10/25/23	
Oral comment presentations	02/28/24	89 FR 8582
Staff Redacts Data for Release to Support NOA	07/00/25	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

Undetermined

Federalism:

Undetermined

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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2. PORTABLE GENERATORS [3041-AC36]

Priority:

Section 3(f)(1) Significant. Major under 5 U.S.C. 801.

Legal Authority:

15 U.S.C. 2056; 15 U.S.C. 2058

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

In 2006, the Commission issued an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. 71 FR 74472 (December 12, 2006). 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, UL 2201 and PGMA G300, 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 (NOA) of the modified plan, based on staff's review and consideration of the comments, for evaluating the voluntary standards; the Commission published the NOA 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 provided a supplemental NPRM (SNPRM) on portable generators to the Commission on March 8, 2023. The Commission published the SNPRM on April 20, 2023. Staff is redacting data for release to support an NOA. Staff is assessing the newly revised PGMA standard and preparing a final rule briefing package for the Commission.

Statement of Need:

From 2004 through 2021, there were an annual average of 74 consumer CO poisoning deaths and an estimated 4,314 medically-attended consumer CO poisoning injuries caused by generators over this 18-year period. The Commission expects that the proposed rule would be highly effective in avoiding generator-related CO incidents, producing benefits that far exceed the estimated costs. For every \$1 in estimated direct cost to consumers and manufacturers, the proposed rule generates more than \$7 in benefits from mitigated deaths and injuries.

Summary of Legal Basis:

This SNPRM is authorized by the CPSA. 15 U.S.C. 2051-2084. Section 7(a) of the CPSA authorizes the Commission to promulgate a mandatory consumer product safety standard that sets forth performance or labeling requirements for a consumer product if such requirements are reasonably necessary to prevent or reduce an unreasonable risk of injury. 15 U.S.C. 2056(a). Section 9 of the CPSA specifies the procedure that the Commission must follow to issue a consumer product safety standard under section 7 of the CPSA.

Alternatives:

The Commission could: (1) implement the draft proposed rule with the exception of the CO emission requirements and CO concentrations for shutoff included in voluntary standard UL 2201; (2) rely on voluntary standard stakeholders to adopt the requirements included in the draft proposed rule into either existing voluntary standard, UL 2201 or PGMA G300; (3) require portable generators to comply with either UL 2201 (2nd Edition; 2019) or PGMA G300-2023; or (4) rely on continued education and information campaigns.

Anticipated Cost and Benefits:

The proposed rule is estimated to be highly effective and avert 2,148 deaths (nearly 72 deaths per year) and 126,387 injuries (roughly 4,213 injuries per year) over 30 years. Overall, the draft proposed rule has net benefits (benefits over and above costs) of \$897.06 million on an annualized basis at a 3 percent discount rate, and for every \$1 in direct cost to consumers and manufacturers, the draft proposed rule generates \$7.02 in benefits from mitigated deaths and injuries.

Risks:

As of May 10, 2022, CPSC databases contained reports of at least 770 generator-related consumer CO-poisoning deaths resulting from 588 incidents that occurred from 2011 through 2021.

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
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 SNPRM Briefing Package to Commission	03/08/23	
Commission Decision	04/05/23	
SNPRM	04/20/23	88 FR 24346
SNPRM Comment Period Ends	06/20/23	
NOA for Data to Commission	04/00/25	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

Undetermined

Federalism:

Undetermined

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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3. SAFETY STANDARD FOR RESIDENTIAL GAS FURNACES AND BOILERS [3041-AD70]

Priority:

Other Significant. Major status under 5 U.S.C. 801 is undetermined.

Legal Authority:

15 U.S.C. 2056; 15 U.S.C. 2058

CFR Citation:

None

Legal Deadline:

None

Abstract:

Over several years, staff has conducted research and worked with voluntary standards organizations concerning the risk of injury and death associated with carbon monoxide (CO) production and leakage from residential gas furnaces and boilers. This proposed rule would establish a performance requirement, under which gas furnaces or boilers would be required to shut off or modulate when CO levels reach a specified level for a specified duration of time. In 2019, the Commission issued an advance notice of proposed rulemaking (ANPRM) to initiate rulemaking under the Consumer Product Safety Act (CPSA) and requested comments on the risk of injury and alternative approaches to address the risk. On September 24, 2021, the Commission voted to change the fiscal year 2022 deliverable from a notice of proposed rulemaking (NPRM) to Data Analysis and/or Technical Review (DA/TR). On February 9, 2022, staff provided a summary and status update in a public briefing to the Commission. On September 25, 2023, staff sent an NPRM briefing package to the Commission. On October 11, 2023, the Commission approved publication of the NPRM in the **Federal Register**. On February 21, 2024, the Commission provided an opportunity for interested parties to make oral presentations on the NPRM. The hybrid hearing was held in person at CPSC's headquarters and remotely via webinar. Staff is redacting data for release to support a Notice of Availability (NOA).

Statement of Need:

From 2017 to 2019, there were annually an estimated 21 CO-related deaths associated with gas furnaces and boilers. For the 20-year period, 2000 through 2019, gas furnaces and boilers were associated with a total of 532 deaths from CO poisoning. Staff estimated 30,587 nonfatal injuries from CO leakages from gas furnace and boilers from 2014 to 2018.

Summary of Legal Basis:

This notice of proposed rulemaking is authorized by the CPSA. 15 U.S.C. 2051-2084. Section 7(a) of the CPSA authorizes the Commission to promulgate a mandatory consumer product safety standard that sets forth performance or labeling requirements for a consumer product if such requirements are reasonably necessary to prevent or reduce an unreasonable risk of injury. 15 U.S.C. 2056(a). Section 9 of the CPSA specifies the procedure that the Commission must follow to issue a consumer product safety standard under section 7 of the CPSA.

Alternatives:

The Commission could: (1) continue to work and advocate for change through the voluntary standards process; (2) rely on the use of residential CO alarms; (3) continue to conduct education and information campaigns; or (4) take no action.

Anticipated Cost and Benefits:

The proposed rule is estimated to avert 576 deaths (19.20 deaths per year) and 126,387 injuries (roughly 5,357 injuries per year) over 30 years. Overall, the draft proposed rule has total annualized benefits of \$356.52 million, discounted at 3 percent, and for every \$1 in direct cost to consumers and manufacturers, the draft proposed rule generates \$0.59 in benefits from mitigated deaths and injuries.

Risks:

For the 20-year period, 2000 through 2019, these products were associated with a total of 539 CO deaths.

Timetable:

Action	Date	FR Cite
Staff Sent ANPRM Briefing Package to Commission	07/31/19	
Commission Voted to Publish ANPRM	08/07/19	
ANPRM Published in FR	08/19/19	84 FR 42847
ANPRM Comment Period End	10/18/19	
Staff Sent FR Notice to Commission to Reopen Comment Period	10/23/19	
Commission Voted to Reopen Comment Period	11/01/19	
Notice to Reopen Comment Period Published in FR	11/07/19	84 FR 60010
ANPRM Comment Period End	01/06/20	
Commission Vote to Change Deliverable from NPRM to DA/TR	09/24/21	
Public Briefing to Commission	02/09/22	
Staff Sends NPRM Briefing Package to Commission	09/25/23	
Commission Decision to publish NPRM	11/11/23	
NPRM Published in FR	11/25/23	88 FR 85862
NPRM Comment Period Extended	12/11/23	
NPRM Comment Period End	01/25/24	
Oral Comment Presentation	02/21/24	89 FR 8583
Staff Sends NOA Regarding Data to the Commission	04/00/25	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

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