

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:

- develop 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.

Existing Regulations Under Review

Currently, the Commission is considering modifying or withdrawing six existing regulations -- Coal and Wood Burning Appliances - Notification of Performance and Technical Data (RIN 3041-AE14); CB Base Station Antennas, TV Antennas, and Supporting Structures (RIN 3041-AE15); Omnidirectional Citizens Band Base Station Antennas (RIN 3041-AE16); Banned Toys and Other Banned Articles Intended for Children (Baby-bouncers Only) (RIN 3041-AE17); Operating Cords on Custom Window Coverings (RIN 3041-AE18); and Flammability of Clothing Textiles System of Records (RIN 3041-AE25).

CPSC	PROPOSED RULE STAGE
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1. SAFETY STANDARD FOR LITHIUM-ION BATTERIES USED IN MICROMOBILITY PRODUCTS [3041-AE10]

Priority:

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

Regulatory Accounting:

Regulatory Unfunded Mandates:

Undetermined

Legal Authority:

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

CFR Citation:

16 CFR 1265

Legal Deadline:

None

Abstract:

The Commission's FY 2024 Operating Plan directed CPSC staff to develop a proposed mandatory standard for rechargeable lithium-ion batteries used in micromobility products. On January 8, 2025, staff submitted for Commission consideration a draft notice of proposed rulemaking (NPR) and briefed the Commission on the draft NPR on January 15, 2025. On March 26, 2025, staff submitted a replacement draft NPR to the Commission with corrections. The Commission voted to submit a draft NPR to OIRA on August 21, 2025.

Statement of Need:

A product safety rule in this product category is necessary to address the unreasonable risk of death and injury associated with lithium-ion batteries used in micromobility products due to hazards such as thermal runaway of lithium cells, which can lead to fires, explosions, gas releases, burns, overheating, and smoke inhalation. Although many provisions in the applicable voluntary standards are adequate to address the risks of injury, additional requirements are necessary to more fully address the unreasonable risks of injury associated with the covered products. Additionally, micromobility products do not substantially comply with the existing voluntary standards, therefore, a mandatory rule is reasonably necessary to address associated risks.

Summary of Legal Basis:

This action 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) limit the scope of the rule to eScooters and OMPs; (2) conduct marketing campaigns instead of promulgating a final rule; (3) conduct recalls instead of promulgating a final rule; (4) rely only on voluntary standards development; (5) propose a later effective date; and (6) take no action.

Anticipated Cost and Benefits:

The CPSC's proposed rule on micromobility products aims to improve safety by addressing battery fire incidents, with annual benefits estimated at \$100.10 million and upper-bound benefits at \$579.66 million, both discounted at 2%. The estimated costs are \$154.96 million annually, also discounted at 2%.

Risks:

Between 2019 through 2023, 227 unique incidents were contained in CPSC databases involving fires, explosions, gas releases, burns, overheating, and smoke inhalation that potentially could have been prevented by this proposed rule; 90 incidents are associated with 39 fatalities and 181 injuries, and 39 out of the 227 incidents involved multiple deaths and injuries.

Timetable:

Action	Date	FR Cite
Staff Submits Draft NPRM to Commission	01/08/25	
Staff Submits Corrected Draft NPR to Commission	03/26/25	
Staff develops briefing package	12/00/25	

NPRM	3/00/26	
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Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

Undetermined

Federalism:

Undetermined

Agency Contact:

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RIN: 3041-AE10

CPSC	FINAL RULE STAGE
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2. SAFETY STANDARD FOR PORTABLE GENERATORS [3041-AC36]

Priority:

Economically Significant. Major under 5 U.S.C. 801.

Regulatory Accounting:

Regulatory Legal Authority:

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

Relevant Executive Orders:

14267

CFR Citation:

16 CFR 1281

Legal Deadline:

None

Abstract:

In 2006, the Commission issued an advance notice of proposed rulemaking (ANPR) under the Consumer Product Safety Act (CPSA) concerning portable generators. 71 FR 74472 (December 12, 2006). The ANPR 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 (NPR) 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 NPR (SNPR) on portable generators to the Commission on March 8, 2023. The Commission published the SNPR on April 20, 2023. Staff has redacted data relied on in the SNPR for release to support a NOA. Staff is assessing whether the Commission should adopt the UL and PGMA standards and data will be included in the NOA.

Statement of Need:

From 2004 through 2021, there was 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 SNPR 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 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 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; (4) rely on continued education and information campaigns; or (5) take no action.

Anticipated Cost and Benefits:

The proposed rule is estimated to be highly effective and avert 2,148 deaths (nearly 72 deaths per year) and 126,377 injuries (roughly 4,213 injuries per year) over 30 years. Overall, the 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 April 17, 2023, CPSC databases contained reports of at least 789 generator-related consumer CO-poisoning deaths resulting from 616 incidents that occurred from 2012 through 2022.

Timetable:

Action	Date	FR Cite
Staff Sent ANPR to Commission	07/06/06	

Staff Sent Supplemental Material to Commission	10/12/06	
Commission Decision	10/26/06	
Staff Sent Draft ANPR to Commission	11/21/06	
ANPR	12/12/06	71 FR 74472
ANPR Comment Period End	02/12/07	
Staff Releases Research Report for Comment	10/10/12	
NPR	11/21/16	81 FR 83556
NPR Comment Period Extended	12/13/16	81 FR 89888
Public Hearing for Oral Comments	02/01/17	82 FR 8907
NPR 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 SNPR Briefing Package to Commission	03/08/23	
Commission Decision	04/05/23	
SNPR	04/20/23	88 FR 24346
SNPR Comment Period Ends	06/20/23	
Staff Sends NOA for Data to Commission	05/00/26	

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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