



UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 4330 EAST WEST HIGHWAY
 BETHESDA, MD 20814

This document has been electronically approved and signed.

BALLOT VOTE SHEET

Date: August 17, 2012

TO : The Commission
 Todd A. Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director

FROM : Cheryl A. Falvey, General Counsel
 Patricia M. Pollitzer, Acting Assistant General Counsel, RAD
 Andrew J. Kameros, Attorney

SUBJECT : Petition Requesting Rulemaking to Amend Test Procedures for Glazing Materials in Architectural Products

BALLOT VOTE DATE August 23, 2012

Correspondence from William M. Hannay, counsel for Safety Glazing Certification Council (Petitioner), requests that the U.S. Consumer Product Safety Commission (“CPSC” or “Commission”) initiate rulemaking to replace the current testing procedures for glazing materials codified at 16 CFR § 1201.4 with those contained in ANSI Z97.1, “American National Standard for Safety Glazing Materials Used in Building – Safety Performance Specifications and Methods of Test.” The Office of the General Counsel (OGC) has determined that this request should be docketed as a petition.

In accordance with the Commission Directive on Operational Procedures for Petitions (Order No. 0605.0, April 26, 1993), the OGC has drafted a notice for publication in the *Federal Register*, inviting comments on the petition for a period of 60 days. The draft notice is attached. The CPSC Office of Hazard Identification and Reduction (EXHR) recommends that the Commission issue the notice.

Please indicate your vote on the following options:

- I. Approve publication of the draft *Federal Register* notice, without change.

 Signature

 Date

II. Approve publication of the draft *Federal Register* notice, with changes (please specify changes):

Signature

Date

III. Do not approve publication of the draft *Federal Register* notice.

Signature

Date

IV. Take other action (please specify):

Signature

Date

Attachment: Draft *Federal Register* Notice on “Petition Requesting Rulemaking to Amend Test Procedures for Glazing Materials in Architectural Products”

[Billing Code 6355-01-P]

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Petition Requesting Rulemaking to Amend Test Procedures for Glazing Materials in Architectural Products

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The U.S. Consumer Product Safety Commission (Commission or we or CPSC) has received a petition (CP 12-3), requesting that the Commission initiate rulemaking to amend 16 CFR Part 1201 by replacing the testing procedures for glazing materials in certain architectural products set forth at 16 CFR 1201.4 with the testing procedures contained in ANSI Z97.1, “American National Standard for Safety Glazing Materials Used in Building – Safety Performance Specifications and Methods of Test.” We invite written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by [insert date 60 days after publication in the FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2012-_____, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail), except through www.regulations.gov.

Written Submissions

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

Instructions: All submissions received must include the agency name and petition number for this rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information to: <http://www.regulations.gov>. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: <http://www.regulations.gov>. A copy of the petition is available at <http://www.regulations.gov>, under Docket No. CPSC-2012-_____, Supporting and Related Materials.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-6833.

SUPPLEMENTARY INFORMATION: The Commission has received a submission from William M. Hannay, Attorney at Law, counsel for Safety Glazing Certification Council (petitioner), dated June 26, 2012, requesting that the Commission initiate a rulemaking to replace the current testing procedures for glazing materials codified at 16 CFR 1201.4, with those contained in ANSI Z97.1,

“American National Standard for Safety Glazing Materials Used in Building – Safety Performance Specifications and Methods of Test.” The Commission is docketing this request as a petition under the Consumer Product Safety Act (CPSA). 15 U.S.C. 2056 and 2058. The current standard for architectural glazing materials applies to glazing materials used or intended to be used in the architectural products subject to the standard, *i.e.*, storm doors or combination doors, doors, bathtub doors and enclosures, shower doors and enclosures, and sliding glass doors. The testing procedures set forth in Section 1201.4 require impact tests and accelerated environment durability tests, which are intended to determine if glazing materials used in these architectural products meet safety requirements designed to reduce or eliminate unreasonable risks of death or serious injury to consumers when glazing material is broken by human contact. The testing procedures further describe the testing equipment and apparatus required to be used, and the test result interpretation methodology to be employed in determining if the glazing materials being tested meet the safety requirements of the standard.

Petitioner asserts that consumers and the glazing industry would be better served by replacing the test procedures for glazing materials used in the above-referenced architectural products in 16 CFR 1201.4 with ANSI Z97.1’s purportedly more efficient and more modern procedures. Petitioner notes that the testing procedures set forth in Section 1201.4 were promulgated in 1977, and they have not been updated or clarified since their original adoption by the Commission. Petitioner points out that the ANSI standard for glazing materials has been updated periodically (in 1984, 1994, 2004, and 2009) since the mandatory standard was promulgated, and

that these updates include modifications in testing equipment and procedures that provide better protection for consumers.

Petitioner asserts that the absence of updates to the mandatory standard during a period in which the ANSI standard was revised four times has resulted in different testing methods and qualifying procedures that have created confusion in the industry regarding which test methodology must be used in what circumstance. Petitioner claims that the existence of overlapping but divergent mandatory and voluntary standards has created confusion for manufacturers in determining which standard applies, and resulted in manufacturers being required to pay for dual qualification testing, because different specifying agencies reference one or both standards. Petitioner also includes the proposed language that would replace the current Section 1201.4, directing manufacturers and private labelers of glazing material to test and certify the compliance of their products to the current ANSI standard.

By this notice, we seek comments concerning this petition. Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923. A copy of the petition is also available at <http://www.regulations.gov>, under Docket No. CPSC-2012-_____, Supporting and Related Materials.

Dated: _____

Todd A. Stevenson, Secretary
U.S. Consumer Product Safety Commission