

LOG OF MEETING
OFFICE OF GENERAL COUNSEL

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SUBJECT: The Bicycle Product Suppliers Association (BPSA) petitioned the Commission for an extension of the stay of enforcement of the testing and certification requirements imposed by section 102 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) related to 16 CFR part 1512.

DATE OF MEETING: May 3, 2010

PLACE OF MEETING: U.S. Consumer Product Safety Commission, Bethesda, MD

LOG ENTRY SOURCE: Jan Carlson, General Attorney, OGC

COMMISSION ATTENDEES: See attached attendance list

NON-COMMISSION ATTENDEES: See attached attendance list

SUMMARY OF MEETING:

The attendees reviewed the various methods by which bicycle manufacturers currently test for compliance with the standards in part 1512; at least some manufacturers send their products to third party conformity assessment bodies (laboratories). CPSC reviewed that for non-children's bicycles, a reasonable testing program is sufficient to support a general conformity certificate under the CPSIA.

The attendees then discussed the current capacity of CPSC-accepted conformity assessment bodies to test for compliance to part 1512. Currently 5 entities are on the list of CPSC-approved labs that are accredited to test for compliance with some, but not all, aspects of part 1512. BPSA did not know how many additional conformity assessment bodies (also known as "third party laboratories" or "labs") would be needed to satisfy the need for third party testing of children's bicycles, but related that there are well over 1,000 different models of children's bicycles on the market. BPSA noted that none of the labs currently on CPSC's list are accredited to test reflectors, thus there is no lab that can perform all testing under part 1512. Further, BPSA noted that 2 of the 5 CPSC-accepted labs cannot test for compliance with other children's product safety rules (e.g., lead).

CPSC staff asked what actions bicycle manufacturers have taken to let the laboratory industry know of the demand for CPSC-accepted conformity assessment bodies accredited to test to part 1512. Some bicycle manufacturers have been reluctant to have robust conversations with labs because the manufacturers do not want to be perceived as unduly influencing the lab. CPSC staff said that simply communicating a need for bicycle testing capacity and/or inquiring as to a particular entity's ability to or interest in conducting CPSC- accepted bicycle tests would not, in and of itself, be considered

exerting undue influence. The attendees then discussed lab capacity in general, and the current lack of CPSC-accepted labs accredited to test reflectors. CPSC staff encouraged the bicycle industry to engage with the testing industry to develop lab capacity for part 1512 testing.

The attendees then discussed the current bicycle standards found in part 1512. BPSA stated that some standards in part 1512 are out-of-date for certain bicycles, but acknowledged that this is mostly a problem for non-children's bicycles. CPSC staff indicated that a project is underway to update the standard, although such a project is limited to addressing obvious problems and is unlikely to reach issues of harmonization with European bicycle standards. One BPSA representative said she is pleased that the CPSC is considering updating part 1512.

CPSC staff mentioned a proposal currently before the Commission (noting that the Commission has not yet approved this proposal, and indeed may not approve it at all) that would allow certifications based on tests of component parts. Some BPSA representatives said such a policy would be helpful to the bicycle industry. However, component testing would not resolve the bicycle reflector testing issue because part 1512 requires the reflector to be on the bicycle at the time of the test.

The attendees discussed testing costs. The BPSA surveyed the 5 accepted bicycle labs, and received estimates from 3. The estimates ranged from \$700-\$1200 depending on the model. BPSA representatives noted that there is a question as to when one bicycle model becomes a different model for testing purposes (i.e., does a minor difference mean it is a different model). CPSC staff encouraged BPSA to look for upcoming CPSC rules that might address that issue.

MEETING ATTENDANCE RECORD
 BPSA/CPSC Staff – May 3, 2010

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