local requirements. *See* 15 U.S.C. 1261n(b)(4).

c. *Support of regulation.* One commenter asked who supports further regulation of fireworks and what their relationship is to CPSC.

Based on the comments received in response to the ANPR, the NFPA, Fire Marshals Association of North America (FMANA), and United States Eye Injury Registry (USEIR) favor a ban of multiple tube devices. The NFPA and FMANA maintain that only licensed professionals should be permitted to use fireworks. Other commenters, such as AFSL and the family of one of the victims, favor additional regulation of multiple tube devices. Many consumers stated that they oppose a ban of these devices, but most of them also stated that they do not oppose a mandatory performance standard or improved

labeling. None of these groups or individuals has any special relationship to CPSC other than as parties interested in the Commission's activities.

H. The Proposed Standard

The Commission is proposing a standard requiring that multiple tube devices that have any tube measuring 1.5 inches (3.8 cm) or more in inner diameter must have a minimum tip angle greater than 60 degrees. Large multiple tube devices that do not meet the tip angle requirement would be banned. The tip angle may be measured by placing the device on an inclined plane, that is, a smooth surface inclined at an angle 60 degrees from the horizontal. The tip angle of each edge of the device must be measured. The device must not tip over from the 60 degree angle when measured at any edge of the device.

An apparatus or "testing block" for testing multiple tube devices is illustrated in the figure below. The height and width of the inclined plane (not including the portion of the plane below the mechanical stop) must be at least 1 inch (2.54 cm) greater than the largest dimension of the base of the device(s) to be tested. The test apparatus must be placed on a smooth, hard surface that is shown to be horizontal with a spirit level or equivalent instrument. The mechanical stop must be 1/16 inches (1.6 mm) in height and perpendicular to the inclined plane. The stop must be positioned parallel to the bottom edge of the inclined plane and in such a way that no portion of the device to be tested or its base touches the horizontal surface. BILLING CODE 6355-01-P



Side view of an apparatus or testing block for testing compliance with the proposed 60 degree tilt angle standard.

BILLING CODE 6355-01-C

Any device that cannot be tested using the apparatus described above or that presents a tipover hazard while functioning even though it complies with the static test, may be examined to determine whether it presents a "substantial product hazard" under section 15 of the Consumer Product Safety Act. 15 U.S.C. 2064. If the Commission determines that a substantial product hazard exists, then appropriate enforcement action may be taken.

The Commission notes that all of the devices tested complied with the voluntary standard's limitation of 12 grams of lift powder per tube. The Commission encourages manufacturers to continue to follow this aspect of the voluntary standard since the amount of lift charge may affect tipover. If the Commission observes large devices with more than 12 grams of lift powder, the Commission could revisit this issue.

1. Potential Effect on Reduction of Injuries

The Commission is aware of two deaths involving the tipover of multiple tube devices with tubes that have an inside diameter of 1.5 inches or more. The Commission is proposing a performance standard that would require these devices to have a