

three U.S. voluntary standards. These labels provide the model designation and warnings regarding the protective limitations of the helmet. The labels also provide instructions regarding how to care for the helmet and what to do if the helmet receives an impact. The labels also must carry the statement "Not for Motor Vehicle Use" and a warning that for maximum protection the helmet must be fitted and attached properly to the wearer's head in accordance with the manufacturer's fitting instructions.

The proposed mandatory standard also requires that helmets be accompanied by fitting and positioning instructions, including graphic representation of proper positioning. As noted above, the proposed mandatory standard has performance criteria for the effectiveness of the retention system in keeping a helmet on the wearer's head. However, these criteria may not be effective if the helmet is not well matched to the wearer's head and carefully adjusted to obtain the best fit. Thus, the proposed mandatory standard contains the labeling requirement described above to help ensure that users will purchase the proper helmet and adjust it correctly.

To avoid damaging the helmet by contacting it with harmful common substances, the helmet must be labeled with any recommended cleaning agents, a list of any known common substances that will cause damage, and instructions to avoid contact between such substances and the helmet.

6. Roll off. The originally proposed mandatory standard specified a test procedure and requirement for the retention system's effectiveness in preventing a helmet from "rolling off" a head. The procedure specifies a dynamic impact load of a 4-kg (8.8-lb) weight dropped from a height of 0.6 m (2 ft) to impact a steel stop anvil. This load is applied to the edge of a helmet that is placed on a headform on a support stand (see Figure 7). The helmet fails if it comes off the headform during the test.

These safety requirements, which are proposed pursuant to the Bicycle Helmet Safety Act, are found in Subpart A of the proposed Safety Standard for Bicycle Helmets. The comments received in response to the original proposal, the Commission's responses to these comments, and other changes to the original proposal are discussed in section C of this notice.

Under the authority of section 14(a) of the CPSA, the Commission also proposed certification testing and labeling requirements to ensure that bicycle helmets meet the standard's

safety requirements. These certification requirements are found in Subpart B of the proposed Safety Standard for Bicycle Helmets and are discussed in section D of this notice.

Also, under the authority of section 16(b) of the CPSA, the Commission proposed requirements that records be kept of the required certification testing. These recordkeeping requirements are found in Subpart C of the proposed Safety Standard for Bicycle Helmets and are discussed in section E of this notice.

The interim standards, which are currently codified as 16 CFR 1203, will continue to apply to bicycle helmets manufactured from March 16, 1995, to the date that the final standard becomes effective. Accordingly, the interim standards will continue to be codified, as Subpart D of the standard.

As discussed below, although the Commission is proposing certain changes to the standard, the revised proposal still addresses each of the elements in the original proposal.

The Commission received 37 comments on the proposed bicycle helmet standard from 30 individuals and organizations. After considering these comments and other available information, the Commission decided to propose certain revisions to the originally proposed standard. The proposed revisions are discussed in sections C–E of this notice.

C. The Revised Proposed Standard—Comments, Responses and Other Changes

Comment: Definition of bicycle helmet. The original proposal defined bicycle helmet as "any headgear marketed as suitable for providing protection from head injuries while riding a bicycle." One comment suggested that the definition of a product should not be in terms of how it is marketed.

Response: The Commission disagrees with this comment. It is important that all products marketed as suitable for providing protection from head injuries while bicycling meet the applicable safety standard. However, the Commission proposes to amend the definition to include not only products specifically marketed for use as a bicycle helmet but also those products that can be reasonably foreseen to be used for that purpose.

Comment: Compliance with third-party standards as compliance with the rule. The Snell Memorial Foundation urged that the following statement be added to the certification portion of the rule that describes a reasonable testing program: "Helmets that are certified by the Snell Memorial Foundation to the

Snell B-95 or Snell N-94 Standards are considered to be in compliance with this regulation."

Response: One of the objectives of the Children's Bicycle Helmet Safety Act of 1994 is to establish a unified bicycle helmet safety standard that is recognized nationally by all manufacturers and consumers. The Commission believes it would be contrary to the intent of the Act to provide that certified conformance to any particular existing voluntary standard is compliance with the mandatory rule.

Allowing third-party certification to a voluntary standard to serve as compliance to the mandatory rule would not adequately deal with the issue of recalls or other corrective actions if defective helmets are nonetheless produced. A third party can only decertify helmets that do not meet its standard and can only request that the responsible firm take appropriate corrective action for previously produced helmets. CPSC, on the other hand, has the authority to order a firm to take corrective actions if necessary and to assess penalties where appropriate. Accordingly, the Commission declines to adopt the language requested by this commenter.

Comment: Multiple-activity helmets. Some commenters recommended that the CPSC include provisions for children's bicycle helmets so that helmets would provide protection in activities in addition to bicycling, such as skateboarding, skating, sledding, and the like. Two commenters recommended that the CPSC bike helmet standard also apply to helmets for roller skating and in-line skating. Other comments stated that the Commission should not delay promulgation of the bike helmet standard while multi-activity issues are explored.

Response: Recent forums on head protection concluded that there is a need to develop helmets that are suitable for use in a number of recreational activities, not just bicycling.⁷ However, the CPSC's authority under the Children's Bicycle Helmet Safety Act of 1994 is to set mandatory requirements for *bicycle* helmets. Establishing criteria for products other than bicycle helmets would require the Commission to follow the procedures and make the findings

⁷ Forum on Head Protection in Recreational Sports, Harborview Injury Prevention and Research Center (February 18, 1994); Chairman's Roundtable, Multi-Activity Helmets, U.S. Consumer Product Safety Commission (September 19, 1994).