Response: Currently, the ANSI and Snell voluntary standards require the label ''For Bicycle Use Only.'' ASTM requires the label ''Not for Motor Vehicle Use.'' The ASTM label was originally proposed because helmets are currently not made specifically for many non-bicycling activities, and people should not be discouraged from using a helmet for such activities by a label that states it is for bicycle use only.[10]

Other commenters, however, disagreed. One indicated that labeling ''Not for Motor Vehicle Use'' would stifle the development of separate helmet standards for other sports by voluntary organizations. The commenter believed that the ''Not for Motor Vehicle Use'' label suggests that a bicycle helmet is as effective for any non-motorized use as a helmet designed specifically for that activity.

The Commission has no evidence to support the contention that the ASTM label would inhibit the development of voluntary standards for non-motorized activities, and no evidence that a bicycle helmet is inadequate for some of these activities. For this reason, the Commission continues to propose the ASTM label, ''Not for Motor Vehicle Use.''

Comment: Label language and format. Some commenters suggested that the labels have specific language and format (e.g., the ANSI Warning Format).

Response: The Commission concludes that requiring specific language or format is inappropriate for bicycle helmet labels, because the variety of helmet styles and limited space on the interior of some helmets requires more flexibility in labeling.

Comment: Fit information on box. One commenter recommended that information on how to properly fit a helmet be required on the outside of the box.

Response: Children frequently report uncomfortable fit as a reason for not wearing a helmet all the time. It is reasonable to expect that improper fit was sometimes involved in complaints that helmets are uncomfortable. A label on the box could inform parents, before they buy the helmet, that they need to properly fit it to the child's head. However, the Commission is not aware of any information which indicates that such a label would be any more effective in assuring proper fit in use than the originally proposed instructions, which need not be on the box. Accordingly, the Commission did not adopt this requested change.

Comment: Age-specific fit instructions. A commenter suggested that instructions on fitting a helmet be age-specific, so that a young child can read them.

Response: The Commission believes that age-specific instructions are unnecessary. The Commission lacks data showing that young children would act on age-specific instructions without urging from their parents. The originally proposed rule requires that the instruction sheet have graphics showing proper fit and position of the helmet. Children who can read may well be able to understand pictures showing proper fit. If not, the involvement of parents will likely be needed to convey the information on how to fit the helmet. Parents reading along with the child and discussing the pictures will likely deliver the message of proper fit.

Comment: Life of helmets. One commenter was concerned that the requirement of § 1203.6(a) that labels be legible for the life of the helmet was indefinite, because the life of a helmet is not known.

Response: Snell N–94 and B–95 helmet standards recommend that helmets be replaced after 5 years, or less if the manufacturer so recommends. The Commission concludes that the manufacturer or importer can determine the life of a particular helmet and assure that the labels will remain legible for that time. However, to make this requirement more definite, the Commission has amended the proposal to state that the labels shall remain legible for the intended design life of the helmet.

Comment: Helmet label—post-impact instructions. Some commenters requested that more direct information be provided about what to do with a helmet that has received an impact. One respondent stated that the current wording—''after receiving an impact, the helmet should be returned to manufacturer or be destroyed and replaced''—is ambiguous.

Response: Damage to a helmet from an impact is not always visible to the user. To describe on a label the circumstances in which helmets can be used again, can be fixed, or should be destroyed, if feasible at all, would make the label excessively wordy and likely to be skimmed or ignored. Therefore, the Commission concludes that the most specific and appropriate label would state that the helmet be returned to the manufacturer or destroyed after impact because any damage may not be visible to the user.

Comment: Neck injury protection. One commenter requested that the Commission include in this Federal Register notice a statement encouraging helmet manufacturers to ''undertake the development and marketing of helmets that protect wearers from paralyzing neck injuries as a result of bicycle riding.'' The commenter referred to a report that indicates that bike helmets reduce the risk of head injury, but do not seem to have any effect in reducing the risk of serious neck injury.

Response: The Commission is aware of some efforts to reduce the risks of serious neck injury to bicyclists and participants in other recreational activities. The Commission always encourages research and development of safety-related devices. The Commission's staff will continue to monitor progress in this area. However, such devices are beyond the scope of this proceeding.

Other changes to the standard:

1. Impact-attenuation test—support assembly mass. The specification that the mass of the support assembly be no greater than 25 percent of the mass of the total drop assembly has been deleted. The boundary on the location for the center of gravity at § 1203.17(a)(3) will adequately limit the mass variance between the support assembly and the headform assembly.

2. Dynamic strength of retention system test—mass of the test rig. The ASTM F1446 standard specifies a support assembly mass in the range of 6 kg to 12 kg (including the drop mass). CPSC considered this range too wide when developing the first CPSC proposed standard and specified a mass of 6 kg with a tight tolerance of ± 0.5 kg. Subsequent consideration of this issue by the ASTM Headgear Subcommittee concluded that the assembly mass, excluding the drop weight, should be specified at 7 kg (11 kg including the drop weight) with a narrow tolerance. It was agreed that this rig applies a rigorous test of retention system strength and provides a system better suited for adapting an electronic displacement transducer to provide an accurate means for measuring elongation. Accordingly, the mass of the test rig has been revised to 11 kg ± 0.5 kg.

3. Dynamic strength of retention system test—deletion of preload ballast procedure. The procedure to place a preload ballast on top of the helmet has been deleted, since the more massive test rig in the revised proposal applies a sufficient preload to the helmet retention system to set the helmet fit padding against the test headform.

[10] In fact, despite the ''For bicycle use only'' label, the U.S. Amateur Confederation of Roller Skating adopted the ANSI and Snell helmet standards years ago for use in competitive roller skating.