position to define their production lot and set up a reasonable testing program in order to assure that their helmets meet the standard. Furthermore, testing on only a number or time basis could allow changes in the helmets specifications during a production lot that might cause failing results to go undetected until the specified interval occurs. Accordingly, the Commission is not proposing to require testing after a specified number of helmets or time period of production.

A firm is not restricted in any way from establishing its own quality control program, including programs based on Mil Std. 105D, ISO 9000, or ASQC. Therefore, no change in the proposal is

required in this regard.

The Commission believes that the certifying firms can determine, based on their production lot and methods of manufacture, how best to sample their lot in order to insure that the helmets meet the standard.

Comment: Sampling. A commenter stated that the testing program should provide for sampling over the entire production lot in order to discover the production of noncomplying helmets.

Response: Under the proposed rule, there is no requirement that sampling be conducted over the entire production lot. The rule states that the manufacturers and importers may set up their own testing program, provided the program is reasonable. The testing program is to insure that the helmets selected for testing represent all the helmets in the production lot. For the guidance of certifying firms, however, the Commission notes that a reasonable testing program would include both prototype and production testing, to provide reasonable assurance that all of the bicycle helmets in the production lot being tested comply with the requirements of the standard.

Comment: Certification label. A commenter inquired whether the content of the certification label could be divided among more than one label.

Response: The originally proposed regulation did not address whether the placement should be on one label. However, the restricted space inside helmets requires that there be flexibility for the format of the certification labeling.

The Commission's Division of Human Factors believes that the name and address of the manufacturer, private labeler, or importer, where required and not in code, should be on one label. This is so the consumer can associate the address with the name if it is necessary to contact the manufacturer, private labeler, or importer for repair or replacement of the helmet. Also, if it is

too difficult to find the information, consumers are less likely to follow through with repair or replacement of helmets. Accordingly, the Commission is revising the proposal to require that the name and address of firms required to be identified uncoded on the label must be on the same label.

However, the Commission now proposes to allow separate labels for the other required information, including the statement of compliance with the CPSC standard, the production lot, and

the date of manufacture.

Comment: Third-party testing. A commenter suggested that certification testing should be conducted by a third party and include off-the-shelf random testing.

*Response:* Under the proposed rule, testing may be done by the manufacturer or importer or by a third party. Regardless of who performs the test, certifying firms are responsible for insuring compliance with all requirements of the standard. No data are available showing that third-party certification would improve compliance with the standard. Accordingly, there is no reason to change the proposal in that regard.

Comment: Verification by CPSC. A commenter suggested that the quality control testing program, testing equipment, and calibration of the testing equipment should be verified by CPSC.

Response: It would be an inefficient use of Commission resources to conduct either quality control verification or calibration of industry equipment, and the need to do this has not been demonstrated. Accordingly, the proposal is unchanged in this regard.

Comment: Production testing of features unlikely to change. A commenter stated that, once a model is certified, testing of helmets for peripheral vision, labeling, and instructions are unnecessary when performing routine compliance testing.

Response: The proposal allows each firm to establish its own testing program, provided the testing program is reasonable. No specific tests are required. When there have not been any changes in the design of the helmet, the firm may establish simple visual examination of some attributes of helmets. For example, if the manufacturer is assured that there has been no change in the physical dimensions of a helmet, there would be no need to retest the helmet's peripheral

No change to the proposal is required to accommodate this commenter's concern.

Comment: Certification label content-coding of foreign

manufacturer. A commenter complained that the true name of the foreign manufacturer could be coded and not disclosed.

Response: The intent of the certification label is to identify a party that the consumer or the CPSC can contact concerning the safety of a helmet. In addition, consumers need to be able to contact someone in the U.S. for repair or replacement information. Since foreign manufacturers are not subject to this regulation, there is no need for consumers to know the identity of the foreign manufacturer. Accordingly, the importer may code the foreign manufacturer's name. Similarly, a private labeler may code the U.S. manufacturer or both the importer and

foreign manufacturer. The identification of the coded information must be available upon request from the importer or private labeler whose name is required to appear on the certification label. This adequately protects the interests the consumer and the CPSC have in this information. In addition, consumers could be confused if two firms were identified on the label. Accordingly, no change to the proposal is made in this

regard.

Comment: Certification label content—age of helmet. A commenter stated that permitting the coding of the product lot number and the date of manufacture denies consumers important information on the age of their helmets, as manufacturers commonly recommend replacing the helmet after 5 years. The commenter contends also that it would be easier for consumers to recognize recalls of helmets identified by dates on the helmets rather than by other codes.

*Response:* Under the proposed rule, the manufacturer, importer, or private labeler may code the production lot and the date of production. These codes on the helmets should not place an undue burden on the consumer in determining the date of manufacture, as this information can be obtained if necessary.

Manufacturers recommend that helmets be replaced after 5 years of use. The manufacture date or code would not identify the "use" age of the helmet, which relates more to the date of purchase of the helmet.

During recalls, the affected firms will identify the model of the helmet, any codes, where it was sold, and the dates of distribution. A consumer can readily ascertain if his/her helmet is being recalled by examining the model number and the date of manufacture, which may be coded. Having the manufacturing date coded would not