(5) Data. Record the maximum acceleration in g's during impact.

§1203.18 Reflectivity. [Reserved]

Subpart B—Certification

§1203.30 Purpose and scope.

(a) Purpose. Section 14(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2063(a), requires every manufacturer (including importers) and private labeler of a product which is subject to a consumer product safety standard to issue a certificate that the product conforms to the applicable standard. Section 14(a) further requires that the certificate be based either on a test of each product or on a "reasonable testing program." The purpose of this subpart is to establish requirements that manufacturers and importers of bicycle helmets subject to the Safety Standard for Bicycle Helmets (Subpart A of this Part 1203) shall issue certificates of compliance in the form specified.

(b) Scope. The provisions of this subpart apply to all bicycle helmets that are subject to the requirements of the Safety Standard for Bicycle Helmets.

§1203.31 Effective date.

Any bicycle helmet manufactured more than 1 year after publication of a final rule must meet the standard and must be certified as complying with the standard in accordance with this Subpart B.

§1203.32 Definitions.

The following definitions shall apply to this subpart:

(a) Foreign manufacturer means an entity that manufactured a bicycle helmet outside the United States.

(b) Manufacturer means the entity that either manufactured a helmet in the United States or imported a helmet manufactured outside the United States.

(c) Private labeler means an owner of a brand or trademark that is used on a bicycle helmet subject to the standard and which is not the brand or trademark of the manufacturer of the bicycle helmet, provided the owner of the brand or trademark caused, authorized, or approved its use.

(d) Production lot means a quantity of bicycle helmets from which certain bicycle helmets are selected for testing prior to certifying the lot. All bicycle helmets in a lot must be essentially identical in those design, construction, and material features that relate to the ability of a bicycle helmet to comply with the standard.

(e) Reasonable testing program means any tests which are identical or equivalent to, or more stringent than, the tests defined in the standard and which are performed on one or more bicycle helmets selected from the production lot to determine whether there is reasonable assurance that all of the bicycle helmets in that lot comply with the requirements of the standard.

§1203.33 Certification testing.

(a) General. Manufacturers, as defined in § 1203.32(a), shall conduct a reasonable testing program to demonstrate that their bicycle helmets comply with the requirements of the standard.

(b) Reasonable testing program. This paragraph provides guidance for establishing a reasonable testing program.

(1) Manufacturers and importers may define their own reasonable testing programs. Reasonable testing programs may, at the option of manufacturers and importers, be conducted by an independent third party qualified to perform such testing programs. However, manufacturers, as defined in § 1203.32(a), are responsible for insuring compliance with all requirements of this standard.

(2) To conduct a reasonable testing program, the bicycle helmets shall be divided into production lots. Sample bicycle helmets from each production lot shall be tested in accordance with the reasonable testing program. Whenever there is a change in parts, suppliers of parts, or production methods that could affect the ability of the bicycle helmet to comply with the requirements of the standard, the manufacturer shall establish a new production lot for testing.

(3) The Commission will test for compliance with the standard by using the standard's test procedures. However, a reasonable testing program need not be identical to the tests prescribed in the standard.

(4) If the reasonable testing program shows that a bicycle helmet may not comply with one or more requirements of the standard, no bicycle helmet in the production lot can be certified as complying until all noncomplying bicycle helmets in the lot have been identified and destroyed or altered by repair, redesign, or use of a different material or components to the extent necessary to make them conform to the standard.

(5) The sale or offering for sale of a bicycle helmet that does not comply with the standard is a prohibited act and a violation of § 19(a) of the CPSA (15 U.S.C. 2068(a)), regardless of whether the bicycle helmet has been validly certified.

§1203.34 Product certification and labeling by manufacturers (including importers).

(a) Form of permanent label of certification. Manufacturers, as defined in § 1203.32(a), shall issue certificates of compliance for bicycle helmets manufactured after the effective date of the standard in the form of a legible and readily visible label which can reasonably be expected to remain on the bicycle helmet and legible for the intended design life of the helmet. Such labeling shall be deemed to be a certificate of compliance, as that term is used in § 14 of the CPSA, 15 U.S.C. 2063.

(b) Contents of certification label. The certification labels required by this section shall contain the following:

(1) The statement "Complies with CPSC Safety Standard for Bicycle Helmets for Adults and Children Age 5 and Older (16 CFR 1203)" or "Complies with CPSC Safety Standard for Bicycle Helmets for Children Under 5 Years (16 CFR 1203)", as appropriate (for a helmet that meets the criteria for both an adult helmet and a helmet for children under age 5, the label may state "Complies with the CPSC Safety Standard for Bicycle Helmets for Persons of All Ages", or equivalent language);

(2) The name of the U.S. manufacturer or importer responsible for issuing the certificate;

(3) The address of the U.S. manufacturer or importer responsible for issuing the certificate or, if the name of a private labeler is on the label, the address of the private labeler;

(4) The name and address of the foreign manufacturer, if the helmet was manufactured outside the United States;

(5) An identification of the production lot; and

(6) The month and year the product was manufactured.

(c) Coding. (1) The information required by paragraphs (b) (4) through (6) of this section may be in code, provided:

(i) the person or firm issuing the certificate maintains a written record of the meaning of each symbol used in the code, and

(ii) the record shall be made available to the distributor, retailer, consumer, and Commission upon request.

(2) A serial number may be used in place of a production lot identification on the helmet if it can serve as a code to identify the production lot. If a bicycle helmet is manufactured for sale by a private labeler, and if the name of the private labeler is on the certification label, the name of the manufacturer or importer issuing the certificate, and the name and address of any foreign