

manufacturer, may also be in such a code.

(d) Placement of the label(s). The information required by paragraphs (b) (2) through (3) must be on one label, unless allowed to be in code. The other required information may be on separate labels. The label(s) required by this section must be affixed to the bicycle helmet. If the label(s) are not immediately visible to the ultimate purchaser of the bicycle helmet prior to purchase because of packaging or other marketing practices, a second label is required. That label shall state, as appropriate, "Complies with CPSC Safety Standard for Bicycle Helmets for Adults and Children Age 5 and Older", or "Complies with CPSC Safety Standard for Bicycle Helmets for Children Under 5 Years". The additional label must appear on the container or, if the container is not visible before purchase, on the promotional material used with the sale of the bicycle helmet. (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.)

(e) Additional provisions for importers.

(1) General. The importer of any bicycle helmet subject to the standard in Subpart A of this Part 1203 must issue the certificate of compliance required by § 14(a) of the CPSA and this section.

(i) If a reasonable testing program meeting the requirements of this subpart has been performed by or for the foreign manufacturer of the product, the importer may rely in good faith on such tests to support the certificate of compliance provided:

(A) the importer is a resident of the United States or has a resident agent in the United States,

(B) the records of such tests required by § 1203.41 of Subpart C of this part are maintained in the United States, and

(C) such records are available to the Commission upon request to the importer.

(ii) Test records may be maintained outside of the United States if they will be provided to the Commission within 48 hours of a request for the records.

(2) Responsibility of importer. If the importer relies on tests by the foreign manufacturer to support the certificate of compliance, the importer shall—in addition to complying with paragraph (e)(1) of this section—examine the records supplied by the manufacturer to determine that they comply with § 1203.41 of Subpart C of this part.

## Subpart C—Recordkeeping

### § 1203.40 Effective date.

The recordkeeping requirements in this subpart are effective [1 year after publication of the final rule] and apply to bicycle helmets manufactured after that date.

### § 1203.41 Recordkeeping requirements.

(a) General. Every person issuing certificates of compliance for bicycle helmets subject to the standard in Subpart A of this part shall maintain records which show that the certificates are based on a reasonable testing program. The records shall be maintained for a period of at least 3 years from the date of certification of the last bicycle helmet in each production lot. These records shall be available, upon request, to any designated officer or employee of the Commission, in accordance with § 16(b) of the CPSA, 15 U.S.C. 2065(b).

(b) Contents of records. Complete test records shall be maintained. Records shall contain the following information.

- (1) An identification of the bicycle helmets tested;
  - (2) An identification of the production lot;
  - (3) The results of the tests, including the precise nature of any failures;
  - (4) A description of the specific actions taken to address any failures;
  - (5) A detailed description of the tests;
  - (6) The manufacturer's name and address;
  - (7) The model and size of each helmet tested;
  - (8) Identifying information for each helmet tested, including the production lot for each helmet, and the environmental condition under which each helmet was tested;
  - (9) The temperatures in each conditioning environment, and the relative humidity and temperature of the laboratory;
  - (10) The peripheral vision clearance;
  - (11) A description of any failures to conform to any of the labeling and instruction requirements;
  - (12) Performance impact results, stating the location of impact, type of anvil used, velocity prior to impact, and maximum acceleration measured in g's;
  - (13) The results of the positional stability test;
  - (14) The results of the dynamic strength of retention system test;
  - (15) The name and location of the test laboratory;
  - (16) The name of the person(s) who performed the test;
  - (17) The date of the test; and
  - (18) The system check results.
- (c) Format for records. The records required to be maintained by this

section may be in any appropriate form or format that clearly provides the required information. Certification test results may be kept on paper, microfiche, computer disk, or other retrievable media. Where records are kept on computer disk or other retrievable media, the records shall be made available to the Commission on paper copies, or via electronic mail in the same format as paper copies, upon request.

## Subpart D—Bicycle Helmets Manufactured From March 16, 1995, Through Date That Is 1 Year After the Final Rule Is Issued

### § 1203.51 Purpose and basis.

The purpose and basis of this rule is to protect bicyclists from head injuries by ensuring that bicycle helmets comply with the requirements of appropriate existing voluntary standards, as provided in 15 U.S.C. 6004(a).

### § 1203.52 Scope and effective date.

(a) Bicycle helmets manufactured after March 16, 1995, through the date that is 1 year after issuance of the final standard (Subparts A, B, and C) shall comply with the requirements of one of the standards specified in § 1203.53. This requirement shall be considered a consumer product safety standard issued under the Consumer Product Safety Act.

(b) The term "bicycle helmet" is defined at § 1203.4(b).

(c) These interim mandatory safety standards will not apply to bicycle helmets manufactured after the effective date of the final bicycle helmet standard.

### § 1203.53 Interim safety standards.

(a) Bicycle helmets must comply with one or more of the following standards, which are incorporated herein by reference:

- (1) American National Standards Institute (ANSI) standard Z90.4-1984, Protective Headgear for Bicyclists,
- (2) ASTM standards F 1447-93 or F 1447-94, Standard Specification for Protective Headgear Used in Bicycling, incorporating the relevant provisions of ASTM F 1446-93 or ASTM F 1446-94, Standard Test Methods for Equipment and Procedures Used in Evaluating the Performance Characteristics of Protective Headgear, respectively,
- (3) Canadian Standard Association standard, Cycling Helmets—CAN/CSA—D113.2-M89,
- (4) Snell Memorial Foundation (Snell) 1990 Standard for Protective Headgear for Use in Bicycling (designation B-90),
- (5) Snell 1990 Standard for Protective Headgear for Use in Bicycling, including