



## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Parts 1203, 1401, 1402, and 1406

[Docket No. CPSC-2026-0364]

#### Removal of Obsolete or Unnecessary Requirements

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Consumer Product Safety Commission (Commission or CPSC) is reviewing its regulations to reduce regulatory burdens and costs. Pursuant to this review, CPSC has identified several obsolete or unnecessary provisions that are being removed or amended in this direct final rule. The changes in this rule will not affect consumer safety.

**DATES:** The rule is effective on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], unless the Commission receives a significant adverse comment by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. If the Commission receives such a comment, it will publish a notice in the *Federal Register*, withdrawing any portion of this direct final rule related to such a comment before its effective date. The approval of the Director of the Federal Register (FR) for incorporation by reference (IBR) of certain material listed in this rule expires as of [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You can submit comments, identified by Docket No. CPSC- 2026-0364, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by email, except as described below.

*Mail/Hand Delivery/Courier/Confidential Written Submissions:* CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however,

submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions must include the agency name and docket number.

CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit to this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC- 2026-0364, into the “Search” box, and follow the prompts.

#### **FOR FURTHER INFORMATION CONTACT:**

Matthew A. Campbell, General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-0124; email: [mcampbell@cpsc.gov](mailto:mcampbell@cpsc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Executive Order 14192, “Unleashing Prosperity Through Deregulation” (EO 14192) states the policy of the executive branch “to alleviate unnecessary regulatory burdens placed on the American people.” 90 FR 9065, Feb. 6, 2025; signed Jan. 31, 2025. In accordance with EO

14192, the Commission is reviewing its regulations to reduce regulatory burdens and costs and has identified several obsolete or unnecessary provisions in title 16 of the CFR.

This direct final rule removes 16 CFR part 1401 and subpart D of 16 CFR part 1203 as obsolete. It also removes requirements in parts 1402 and 1406 that require copies of performance and technical documents be provided to the Commission. Removing these outdated provisions from the Code of Federal Regulations (CFR) will streamline title 16 and increase clarity for regulated entities and the public. The Commission notes that the changes to the CFR in this rule will have no impact on safety.

## **II. Explanation of Provisions Removed**

### *A. Part 1203*

In 1995, the Commission issued an interim mandatory *Safety Standard for Bicycle Helmets* in 16 CFR part 1203 to make certain voluntary standards for bicycle helmets interim mandatory standards pursuant to direction in the Children's Bicycle Helmet Safety Act of 1994 (the Act). 60 FR 15231 (Mar. 23, 1995); 15 U.S.C. 6004(a). The interim mandatory standard for bicycle helmets covers bicycle helmets manufactured from March 17, 1995, through March 10, 1999. The Act also required the Commission to promulgate a final rule that would review the requirements of the interim bicycle helmet standards and establish a final standard for bicycle helmets based on such requirements. 15 U.S.C. 6004(c). In 1998, the Commission published a final rule, part 1203, *Safety Standard for Bicycle Helmets*, which applies to bicycle helmets manufactured after March 10, 1999. 63 FR 11712 (Mar. 10, 1998). Because this interim standard applies only to products manufactured more than twenty-seven years ago and no longer governs the manufacture of bicycle helmets, Subpart D no longer serves an ongoing regulatory purpose. Accordingly, the Commission is removing subpart D from part 1203 as obsolete. All other requirements in part 1203 remain unchanged.

### *B. Parts 1401, 1402, and 1406*

The Commission has issued several rules under section 27(e) of the Consumer Product Safety Act, 15 U.S.C. 2076(e), requiring manufacturers to provide performance and technical data for certain specified consumer products. Three such rules are contained in parts 1401, 1402, and 1406, which are discussed below.

### 1. Part 1401

In 1977, the Commission issued a final rule, part 1401, *Self Pressurized Consumer Products Containing Chlorofluorocarbons*, to provide consumers considering purchasing self-pressurized consumer products (mainly aerosol products) containing chlorofluorocarbons (CFCs) with the following statement: “WARNING—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.” 42 FR 42780 (Aug. 24, 1977). The rule also contained a reporting requirement requiring manufacturers to submit performance and technical data to the Commission regarding products subject to the requirements of part 1401. 16 CFR 1401.4. The rule went into effect on February 20, 1978. The Commission issued this rule because CFCs pose a risk of depletion of the ozone in the stratosphere and the rule states that the purpose of the rule is to enable consumers to make a conscious choice of whether to use consumer products that contain CFC propellants. 16 CFR 1401.2.

In 1984, the Commission revoked the reporting requirement for manufacturers to submit performance and technical data to the Commission regarding products subject to part 1401, because in the six years since the rule went into effect, most of the self-pressurized products subject to the reporting requirements no longer contained CFCs because of a U.S. Environmental Protection Agency (EPA) ban on those substances. 49 FR 28693 (July 16, 1984). The remaining requirements in part 1401 were not affected by the revocation of the reporting requirements.

CFCs have been regulated by the EPA for decades (Clean Air Act, 42 U.S.C. 7671 et seq. and 40 CFR part 82; specifically, §§ 82.4, 82.64, and 82.66) and are largely phased out globally

under the international treaty the *Montreal Protocol on Substances That Deplete the Ozone Layer*. Part 1401 was adopted principally to advance environmental policy objectives by informing consumers about the environmental consequences of CFC propellants rather than to address a product-specific safety hazard associated with the use of the product itself. Since the rule's adoption, Congress and EPA have established a comprehensive regulatory framework governing chlorofluorocarbons, resulting in the virtual elimination of the consumer products to which part 1401 applied. Accordingly, the Commission is removing the disclosure requirements under part 1401 from the CFR, which no longer serves its original purpose and is now obsolete.

## 2. Parts 1402 and 1406

In 1978, the Commission issued a final rule establishing part 1402, *CB Base Station Antennas, TV Antennas, and Supporting Structures*, to address a significant number of electrocutions that occurred when consumers contacted overhead powerlines with CB base station and outside TV antennas while installing or removing these antennas. 43 FR 28932 (June 29, 1978). Part 1402 requires manufacturers, including importers, to provide performance and technical data in the form of warnings and instructions to consumers with these antennas and their supporting structures so that consumers can be made aware of the hazards involved and of safe ways to install or remove these antennas. Part 1402 also requires manufacturers, including importers of CB base station antennas, TV antennas, and antenna supporting structures, to provide to the Commission samples of the labels, warning statements, and instructions that will be provided to the consumer. 16 CFR 1402.4(b).

In 1983, the Commission issued a final rule establishing part 1406, *Coal and Wood Burning Appliances*, to address fire hazards associated with inadequate information provided to consumers with these appliances regarding improper installation of appliances, insufficient clearances between the appliances and combustibles, and improper operation of the appliance. 48 FR 21898 (May 16, 1983). Part 1406 requires performance and technical data in the form of warnings and instructions to be furnished to consumers along with written notice on the

appliance regarding the installation and use of coal and wood burning appliances. Part 1406 also requires manufacturers, including importers, of coal and wood burning appliances, to provide to the Commission samples of labels, warning statements, and instructions that will be provided to the consumer along with specified rationales stating how manufactures calculated minimum necessary clearance distances to combustibles. 16 CFR 1406.5.

Parts 1402 and 1406 required manufacturers, including importers, to submit performance and technical data, either for antennas and supporting structures or for coal and wood burning appliances respectively, directly to the Commission to facilitate the agency assessing compliance with those rules. However, since the adoption of parts 1402 and 1406, advances in electronic communications, information availability, and the Commission's existing statutory authorities have substantially changed how the agency obtains information needed to assess compliance. When appropriate, the Commission may obtain labels, warnings, instructions, and other supporting materials directly from manufacturers and importers pursuant to its existing authorities, including section 16(b) of the CPSA, 15 U.S.C. 2065(b). Maintaining a requirement that every manufacturer routinely submit those materials to the Commission is therefore no longer necessary to carry out the purposes of these regulations and imposes unnecessary administrative burdens on regulated entities and the agency alike. Accordingly, the Commission is removing the submission requirements in 16 CFR 1402.4(b) and 1406.5. All substantive requirements in parts 1402 and 1406 requiring the provision of warnings, instructions, and other performance and technical information to consumers remain unchanged.

### 3. Commission findings for parts 1401, 1402, and 1406

Based on the foregoing, the Commission concludes that part 1401 no longer serves its original purpose because the products to which it applied have been effectively eliminated from commerce through the comprehensive regulatory framework governing chlorofluorocarbons. Accordingly, part 1401 is obsolete and no longer necessary to protect the public from unreasonable risk of injury associated with those products and should be removed from the CFR.

The Commission further finds that the submission requirements contained in sections 1402.4(b) and 1406.5 are no longer necessary to protect the public from unreasonable risk of injury associated with those products. Those provisions were adopted to facilitate the Commission's review of manufacturer compliance, but advances in information availability and the Commission's existing statutory authorities now provide more efficient means of obtaining the same information when needed. The removal of these Commission submission requirements does not affect the substantive obligations of manufacturers and importers to provide required warnings, instructions, and other performance and technical information to consumers.

### **III. Procedural Matters**

#### *A. Direct Final Rule Process*

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA; 5 U.S.C. 551-559) generally requires agencies to provide notice of a rule and an opportunity for public comment, section 553 of the APA provides an exception when the agency “for good cause finds” that notice and comment are “impracticable, unnecessary, or contrary to the public interest.” *Id.* 553(b)(B). The Commission has determined that part 1401 and the above-described provisions in parts 1203, 1402, and 1406, no longer serve the public interest because they are obsolete or otherwise unnecessary. Applying the “good cause” standard discussed above, the Commission concludes that prior notice and comment are unnecessary before repealing the rule and rules provisions in this direct final rule.

In Recommendation 2024-6, the Administrative Conference of the United States (ACUS) endorses direct final rulemaking as an appropriate procedure to expedite rules that are noncontroversial and that are not expected to generate significant adverse comments. *See* 89 FR 106406 (Dec. 30, 2024). ACUS recommends that agencies use the direct final rule process when they act under the “unnecessary” prong of the good cause exemption in 5 U.S.C. 553(b)(B). 89 FR 106406, 106409. Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule, because CPSC does not expect any significant adverse comments.

Unless CPSC receives a significant adverse comment within 30 days of this notification, the rule will become effective on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule would be inappropriate, "including challenges to the rule's underlying premise or approach," or where the commenter explains why the rule would be ineffective or unacceptable without change. *Id.* at 106409. If the Commission receives a significant adverse comment, the Commission will withdraw any portion of this direct final rule related to such a comment. Depending on the comment and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

*B. Removal of incorporations by reference*

Subpart D in 16 CFR part 1203 contains several standards incorporated by reference approved by the Office of the Federal Register. 16 CFR 1203.53. Because subpart D is being removed from 16 CFR part 1203, CPSC removes the following standards that have been approved for incorporation by reference in subpart D of 16 CFR part 1203:

- ANSI Z90.4-1984
- ASTM F1447-93
- ASTM F1447-94
- ASTM F1446-93
- ASTM F1446-94
- CAN/CSA-D113.2-M89
- Snell B-90
- Snell B-90S
- Snell N-94
- Snell 1995 standard for Protective Headgear for Use with Bicycles B-95

### *C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601-612) generally requires agencies to review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603, 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. 5 U.S.C. 601-612. As discussed in section III.A of this preamble regarding the Direct Final Rule Process, the Commission has determined that notice and the opportunity to comment are unnecessary for this rule. Therefore, the RFA does not apply.

### *D. Paperwork Reduction Act*

This direct final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (PRA) is not required. Parts 1401 and 1402 were promulgated before passage of the PRA in 1980 and thus those information collections are not subject to the requirements of the PRA. Regarding part 1406, coal and wood burning appliances (OMB Control number 3041-0040), the agency will assess whether the burden assessment for that rule should be revised in the next scheduled update.

### *E. Environmental Considerations*

The Commission's regulations provide for a categorical exclusion from any requirement to prepare an environmental assessment or an environmental impact statement where they "have little or no potential for affecting the human environment." 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

### *F. Congressional Review Act and Executive Order 12866*

Pursuant to the Congressional Review Act (CRA) and Executive Order (EO) 12866, the Office of Management and Budget's Office of Information and Regulatory Affairs has determined that this rule does not qualify as a "major rule," as defined in 5 U.S.C. 804(2), and is

not a significant regulatory action as defined under section 2(f) of EO 12866. To comply with the CRA, CPSC will submit the required information to each House of Congress and the Comptroller General.

#### **IV. Effective Date**

Unless the Commission receives a significant adverse comment by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], the rule will become effective on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. In Recommendation 2024-6, ACUS recommends, absent exceptional circumstances for providing a different effective date, the agency should provide that a direct final rule will take effect at least 30 days after the close of the comment period if the agency receives no significant adverse comments. An agency that does not publish a confirmation notice should consider providing an effective date greater than 30 days after the close of the comment period if the agency believes it is necessary to ensure that it has adequate time to withdraw the rule in the event it receives significant adverse comments. *See* 89 FR 106409. The 60 day effective date for the direct final rule is consistent with ACUS Recommendation 2024-6.

#### **List of Subjects**

##### *16 CFR Part 1203*

Bicycles, Consumer protection, Incorporation by reference, Infants and children, Reporting and recordkeeping requirements.

##### *16 CFR Part 1401*

Consumer protection, Hazardous materials, Labeling, Packing and containers.

##### *16 CFR Part 1402*

Consumer protection, Labeling, Radio, Television.

##### *16 CFR Part 1406*

Consumer protection, Fire prevention, Flammable materials, Household appliances, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Consumer Product Safety Commission amends 16 CFR as follows:

## **PART 1203 — SAFETY STANDARD FOR BICYCLE HELMETS**

1. The authority citation for part 1203 continues to read as follows:

**Authority:** 15 U.S.C. 2056, 2058, and 6001-6006. Subpart B is also issued under 15 U.S.C. 2063. Subpart C is also issued under 15 U.S.C. 2065.

### **Subpart D [Removed]**

2. Remove subpart D.

## **PART 1401 [REMOVED]**

3. Under the authority of 15 U.S.C. 2051, 2076, remove part 1401.

## **PART 1402 — CB BASE STATION ANTENNAS, TV ANTENNAS, AND SUPPORTING STRUCTURES**

4. The authority citation for part 1402 continues to read as follows:

**Authority:** 15 U.S.C. 2051, 2076.

### **§ 1402.1 [Amended]**

5. Amend § 1402.1 by removing the last sentence of paragraph (a)(2).

### **§ 1402.4 [Amended]**

6. Amend § 1402.4 by removing and reserving paragraph (b).

## **Part 1406 — COAL AND WOOD BURNING APPLIANCES—NOTIFICATION OF PERFORMANCE AND TECHNICAL DATA**

7. The authority citation for part 1406 continues to read as follows:

**Authority:** 15 U.S.C. 2051, 2076.

8. Amend § 1406.1 by revising paragraph (a) to read as follows:

### **§ 1406.1 Scope, purpose, and effective date.**

(a) *Scope*. This part requires manufacturers, including importers, of coal and wood burning appliances, as defined in § 1406.3(a), to provide consumers with a specified notification concerning the installation, operation, and maintenance of the appliances. The notification is intended to provide consumers with technical and performance information related to the safety of the appliances.

\* \* \* \* \*

**§ 1406.2 [Amended]**

9. Amend § 1406.2 by removing paragraph (c).

**§ 1406.5 [Removed]**

10. Remove § 1406.5.

**Alberta E. Mills,**  
*Secretary,*  
*Consumer Product Safety Commission.*

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