

standard. The Commission observed that this alternative would have a relatively small economic impact on the industry. The Commission also observed that extensive efforts to promote public awareness of the dangers of contacting overhead powerlines have been conducted in the past by the Commission, antenna manufacturers, and utility companies, and that electrocutions and serious injuries continue to occur during installation and removal of CB base station antennas. For this reason, the Commission concluded that a public information campaign would prevent fewer deaths and injuries than issuance of a mandatory standard, and rejected such a campaign as an alternative to issuance of the standard.

(f) *The rule, including its effective date, is reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product.* (1) The provisions of the standard constitute a related system of performance parameters which are needed as a group to ensure that the performance of new antennas will provide the degree of safety which the Commission has determined is reasonably necessary. Minor changes in the value of each parameter would not significantly reduce the costs of the standard, although in some cases they could substantially reduce the standard's effectiveness.

(2) The Commission estimates that increased retail prices due to the standard will cost consumers up to about \$750,000 per year. The Commission also estimates that the standard will prevent approximately 8 deaths and 8 or more injuries during the first year the standard is in effect. Thus, if the standard saves 8 lives per year, the cost of the standard will be about \$94,000 for each life saved.<sup>1</sup>

<sup>1</sup>The Commission believes that, in the area of consumer product safety, it is not generally necessary or appropriate to assign a specific monetary value to human life. However, several studies on the costs of injuries and deaths have been conducted in recent years. Value-of-life estimates based on discounted future earnings and the willingness-to-pay approach range from about \$200,000 to about \$3 million. The estimated costs of the CB antenna standard per life saved fall below

(3) As to the benefits from reduced injuries, the Commission estimates that, if 8 injuries are prevented during the first year the standard is in effect, the actual costs saved by the accidents prevented by the standard will amount to up to \$21,000 to \$37,000, exclusive of pain, suffering, or disability. If a monetary factor for these less quantifiable components is included, annual injury reduction benefits could be about \$288,000 to \$1,680,000.

(4) The effective date of the standard was selected after balancing the increased costs to manufacturers and consumers that are associated with shorter effective dates against the benefits to the public that would be caused by having the effective date as soon as possible.

(5) The requirement for the cautionary statement in the instructions for the antenna is intended to ensure the effectiveness of the standard by discouraging any relaxation of present safety practices involving staying away from powerlines. Since instructions for this product are already required by 16 CFR part 1402, the additional statement should have little or no adverse economic impact.

(6) After considering the costs and benefits associated with the standard, the Commission concludes that the standard, including its effective date, is reasonably necessary to eliminate or reduce an unreasonable risk of electric shock injury associated with omnidirectional CB base station antennas and that promulgation of the rule is in the public interest.

### Subpart B—Certification

#### § 1204.11 General.

Section 14(a) of the Consumer Product Safety Act ("the act"), 15 U.S.C. 2063(a), requires each manufacturer, private labeler, or importer of a product which is subject to a Consumer Product Safety Standard and which is distributed in commerce to issue a certificate of compliance with the applicable standard and to base that certificate upon a test of each item or upon

or within the range suggested by these value-of-life estimating methodologies.

## § 1204.12

a reasonable testing program. The purpose of this subpart B of part 1204 is to establish requirements that manufacturers and importers must follow to certify that their products comply with the Safety Standard for Omnidirectional CB base Station Antennas (16 CFR part 1204, subpart A). Private labelers of CB antennas subject to the standard need not issue a certificate of compliance if they have been furnished a certificate issued by the manufacturer or importer of the antennas. This subpart B describes the minimum features of a reasonable testing program and includes requirements for recordkeeping.

### § 1204.12 Definitions.

In addition to the definitions set forth in section 3 of the act, and in §1204.2 of the standard, the following definitions shall apply to this subpart B of part 1204:

(a) *Private labeler* means an owner of a brand or trademark which is used on the label of a CB antenna subject to the standard, which bears a private label as defined in section 3(a)(7) of the act, 15 U.S.C. 2052(a)(7).

(b) *Production interval* means a period of time determined by the manufacturer or importer that is appropriate for conducting a test on one or more samples of the CB antennas produced during that period in order to provide a high degree of assurance that all of the products manufactured during that period meet the requirements of the standard. An appropriate production interval may vary depending on the construction of the antenna, the likelihood of variations in the production process, and the severity of the test that is used. The time period for a production interval shall be short enough to provide a high degree of assurance that if the samples selected for testing pass the test, all other CB antennas produced during the period will meet the standard.

### § 1204.13 Certificate of compliance.

(a) The manufacturer or importer of any product subject to the standard must issue the certificate of compliance required by section 14(a) of the act. If the testing required by this subpart B of part 1204 has been performed

## 16 CFR Ch. II (1–1–04 Edition)

by or for the foreign manufacturer of a product, the importer may rely on such tests to support the certificate of compliance if the importer is a resident of the United States or has a resident agent in the U.S., and the records are maintained in the U.S. The importer is responsible for ensuring that the foreign manufacturer's records show that all testing used to support the certificate of compliance has been performed properly with passing or acceptable results and that the records provide a reasonable assurance that all antennas imported comply with the standard.

(b) A certificate of compliance must accompany each product or otherwise be furnished to any distributor or retailer to whom the product is delivered by the manufacturer or importer.

(c) The certificate shall state:

(1) That the product "complies with all applicable consumer product safety standards (16 CFR part 1204)";

(2) The name and address of the manufacturer or importer issuing the certificate, and

(3) The date of manufacture and, if different from the address in paragraph (c)(2) of this section, the place of manufacture.

### § 1204.14 Certification tests.

(a) *General.* As explained in § 1204.11 of this subpart, certificates of compliance required by section 14(a) of the act must be based on either a test of each item or on a reasonable testing program.

(b) *Tests of each item.* If the certificate is based on tests of each item, the tests may be either those prescribed by the standard or any other test procedure that will determine that the item tested will comply with the standard.

(c) *Reasonable testing programs—(1) Requirements.* (i) A reasonable testing program for a particular model of CB antennas is one which demonstrates with a high degree of assurance that all the antennas of that model will meet all requirements of the standard. Manufacturers and importers shall determine the types and frequency of testing for their own reasonable testing programs. A reasonable testing program which does not test each item produced should be sufficiently stringent that any variations in production,