

Consumer Product Safety Commission

§ 1202.2

Subpart B [Reserved]

Subpart C—Statements of Policy and Interpretation

§ 1201.40 Interpretation concerning bathtub and shower doors and enclosures.

(a) *Purpose and background.* The purpose of this section is to clarify the scope of the terms “bathtub doors and enclosures” and “shower door and enclosure” as they are used in the Standard in subpart A. The Standard lists the products that are subject to it (§1201.1(a)). This list includes *bathtub doors and enclosures*, a term defined in the Standard to mean “assemblies of panels and/or doors that are installed on the lip of or immediately surrounding a bathtub” (§1201.2(a)(2)). The list also includes *shower doors and enclosures*, a term defined to mean “(assemblies) of one or more panels installed to form all or part of the wall and/or door of a shower stall” (§1201.2(a)(30)). Since the Standard became effective on July 6, 1977, the question has arisen whether the definitions of these products include glazing materials in a window that is located over a bathtub or within a shower stall and in the exterior wall of a building. The definitions of the terms “bathtub doors and enclosures” and “shower door and enclosure” contain no specific exemption for glazing materials in such windows. If read literally, the Standard could include glazing materials in an exterior wall window located above a bathtub because that window could be interpreted as being “immediately surrounding” the bathtub. Similarly, the Standard, if read literally, could include glazing materials in an exterior wall window because that window could be interpreted as forming “all or part of the wall \* \* \* of a shower stall.”

(b) *Interpretation.* When the Consumer Product Safety Commission issued the Standard, it did not intend the standard to apply to any item of glazing material in a window that is located over a bathtub or within a shower stall and in the exterior wall of a building. The Commission clarifies that the Standard does not apply to such items of glazing material or such windows. This inter-

pretation applies only to the term “bathtub doors and enclosures” and “shower door and enclosure” and does not affect the applicability of the Standard to any other product.

[46 FR 45751, Sept. 15, 1981]

PART 1202—SAFETY STANDARD FOR MATCHBOOKS

- Sec.
- 1202.1 Scope and effective date.
- 1202.2 Findings.
- 1202.3 Definitions.
- 1202.4 Matchbook general requirements.
- 1202.5 Certification.
- 1202.6 Marking.
- 1202.7 Prohibited stockpiling.

AUTHORITY: Secs. 2, 3, 7, 9, 14, 16, and 19, Pub. L. 92-573, 86 Stat. 1212-17 (15 U.S.C. 2051, 2052, 2056, 2058, 2063, 2065, and 2068).

SOURCE: 43 FR 53709, Nov. 17, 1978, unless otherwise noted.

§ 1202.1 Scope and effective date.

(a) *Scope.* This part 1202, a consumer product safety standard, prescribes the safety requirements, including labeling requirements, for the matchbook. This part 1202 applies to all matchbooks manufactured in or imported into the United States after its effective date.

(b) *Effective date.* The effective date shall be May 4, 1978.

§ 1202.2 Findings.<sup>1</sup>

(a) *Risk of injury.* The Commission finds that unreasonable risks of injury from accidents are associated with matchbooks. These unreasonable risks,

<sup>1</sup>The Commission's findings apply to the matchbook standard that it published on May 4, 1977 (42 FR 22656-70). On Mar. 31, 1978, the U.S. Court of Appeals for the First Circuit set aside portions of that standard (*D. D. Bean & Sons, Co. v. CPSC*, 574 F. 2d 643). On Nov. 17, 1978, the Commission published a revised version of the standard which reflects the court's decision. However, the findings have not been revised and they are therefore not fully applicable to the revised matchbook requirements. For example, the revised standard does not address the unreasonable risk of injury of “[b]urn injuries that have been sustained by persons from fires that have been set by the afterglow of extinguished bookmatches” (§1202.2(a)(6)) because the court set aside the afterglow performance requirement.