

## Conclusion

For the reasons stated above, the Commission preliminarily concludes that infant bath seats that do not meet the requirements for stability, leg openings, and labeling that are specified in the proposed rule are hazardous substances under section 2(f)(1)(D) of the FHSA. Such bath seats are intended for children and present a mechanical hazard under section 2(s) of the FHSA because in normal use or when subjected to reasonably foreseeable damage or abuse their design or manufacture presents an unreasonable risk of injury. 15 U.S.C. 1261(s). The risk of injury is from the bath seats' instability, openings, and other aspects of their design or manufacture. Therefore, the Commission proposes to amend title 16 of the Code of Federal Regulations as follows:

### PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. The authority for part 1500 continues to read as follows:

**Authority:** 15 U.S.C. 1261–1278.

2. Section 1500.18 is amended to add a new paragraph (a)(18) to read as follows:

#### § 1500.18 Banned toys and other banned articles intended for use by children.

(a) \* \* \*

(20) Any bath seat (as defined in § 1514.2 of this chapter) that does not comply with the requirements of part 1514 of this chapter.

\* \* \* \* \*

3. Add part 1514 to read as follows:

### PART 1514—REQUIREMENTS FOR BATH SEATS

Sec.

1514.1 Scope.

1514.2 Definitions.

1514.3 Requirements.

1514.4 Test Methods.

1514.5 Marking and Labeling.

FIGURE 1 TO PART 1514—DIAGRAM OF FORCE APPLICATION

FIGURE 2 TO PART 1514—BATH SEAT TORSO PROBE

FIGURE 3 TO PART 1514—BATH SEAT SHOULDER PROBE

**Authority:** 15 U.S.C. 1261, 1262.

#### § 1514.1 Scope.

This part 1514 sets forth the requirements for a bath seat as defined in § 1514.2. Bath seats meeting these requirements are exempted from 16 CFR 1500.18(a)(20).

#### § 1514.2 Definitions.

As used in this part 1514:

(a) *Bath seat* means an article that is used in a bath tub, sink, or similar bathing enclosure and that provides support, at a minimum, to the front and back of a seated infant during bathing by a caregiver.

(b) *Most adverse* means a test condition that produces the most severe result that would indicate a failure of the test.

(c) *Test surface* means a smooth surface (cleaned thoroughly with an alcohol or other solvent-based cleaner and dried) upon which commercially available adhesive backed safety tread strips (for bath use) have been applied over the Test Surface Coverage Area in the following manner. The safety tread strips shall be rectangular in shape, approximately .75 inch (1.9 cm) wide by 7 inches (17.8 cm) or greater in length, and evenly applied from edge to edge so that they are .5 inch (1.3 cm) or less apart from each other.

(d) *Test Surface Coverage Area* means the area of the test surface that extends a minimum of 1 inch (2.5 cm) beyond the perimeter outlined by any part of the bath seat that is designed to contact a surface.

#### § 1514.3 Requirements.

(a) *Stability*. The geometry and construction of the bath seat shall not allow the bath seat to tip over after being tested in accordance with § 1514.4(a).

(b) *Leg openings*. (1) All openings on the sides of the bath seat through which a seated occupant can slide or otherwise insert any extremity shall not permit the passage of the Bath Seat Torso Probe when tested in accordance with § 1514.4(b)(1).

(2) All openings on the sides of the bath seat through which a seated occupant can slide or otherwise insert any extremity shall not permit any portion of the top 1 inch (2.5 cm) perimeter of the shoulder breadth end of the Bath Seat Shoulder Probe to contact the seating surface of the bath seat when tested in accordance with § 1514.4(b)(2).

#### § 1514.4 Test methods.

(a) *Stability*. (1) Install the bath seat according to the manufacturer's instructions onto the prepared Test Surface. Flood the Test Surface with water that is at an initial temperature of 100 to 105° F (37.8 to 10.6° C) and a depth of 2 inch (51 mm) above the highest point of the occupant seating surface.

(2) Rigidly attach a 1 by ¼-inch (25 × 6-mm) aluminum flat bar to the inside edge of the occupant seating space in a

vertical orientation at the most adverse position of the bath seat. The length of the flat bar must be such that it extends beyond the uppermost edge or surface of the bath seat at least as far as the maximum distance D as shown in Figure 1.

(3) Calculate the distance D for a tip-over force to be applied to the aluminum bar using the following formula:

$$D = (20.4 \text{ inch} - H)/2; [(518 \text{ mm} - H)/2]$$

(4) Apply a force of 17.0 lbf. (76.5 N) to the aluminum bar at this distance D above the height H. Apply the force in a horizontal plane and outward from the center of the bath seat over a period of 5 seconds (see Figure 1). Maintain this force for an additional 10 seconds. If the bath seat begins to release from the test surface, continue to maintain this force and its orientation relative to the aluminum bar until the bath seat tips over or the 10 second time limit is attained. If necessary, to prevent the bath seat from sliding horizontally on the test surface during this test protocol, the bottom edge of the bath seat may be blocked or wedged to prevent such sliding. However, such blocking should in no way move the fulcrum point of the tip-over to a location that increases the tip-over force.

(5) Repeat this test protocol three additional times at 90 degree increments, including the re-calculation of the distance D.

(6) Repeat this test protocol with the bath seat in each of the use positions recommended by the bath seat's manufacturer.

(b) *Leg openings*. (1) For each of the use positions recommended by the bath seat's manufacturer, insert the tapered end of the Bath Seat Torso Probe (Figure 2) in the most adverse orientation into each opening from the direction of the occupant seating surface. Apply a force of 15 lbf (67 N) in the direction of the major axis of the probe. The force shall be applied gradually within 5 seconds and maintained for an additional 10 seconds.

(2) For each of the use positions recommended by the bath seat's manufacturer, insert the tapered end of the Bath Seat Shoulder Probe (Figure 3) in the most adverse orientation into each opening from the direction of the occupant seating surface. Apply a force of 15 lbf (67 N) in the direction of the major axis of the probe. The force shall be applied gradually within 5 seconds and maintained for an additional 10 seconds. Release the force, leaving the probe in position. Apply a force of 10 lbf (44.4 N) to the highest point on the probe, in a direction vertically