this section, all of the information required by § 1205.35 may be in code, provided the person or firm issuing the certificate maintains a written record of the meaning of each symbol used in the code that will be made available to the distributor, retailer, consumer, and the Commission upon request. If a mower is manufactured for sale by a private labeler, and if the name of the private labeler is also on the certification label, the name of the manufacturer or importer issuing the certificate may also be in such a code.

(d) *Placement of label.* The label required by this section must be visible and legible to the ultimate purchaser of the lawn mower. For mowers manufactured before January 1, 1984, where the label is not visible to the consumer at the time of sale because of packaging or marketing practices, an additional label or notice, which may be temporary, stating ''Meets CPSC blade safety requirements'' shall also appear on the container, or, if the container is not so visible, the promotional material, used in connection with the sale of the mowers.

[44 FR 70386, Dec. 6, 1979, as amended at 49 FR 28241, July 11, 1984]

§ 1205.36 Product certification and labeling by importers.

(a) *General.* The importer of any rotary walk-behind power lawn mower subject to the standard must issue the certificate of compliance required by section 14(a) of the Act and § 1205.35 of this regulation. If testing of each mower, or a reasonable testing program, meeting the requirements of this subpart B of part 1205 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 the importer is a resident of the United States or has a resident agent in the United States and the records of such tests required by § 1205.34 of this part are maintained in the United States.

(b) *Responsibility of importer.* If the importer relies on tests by the foreign manufacturer to support the certificate of compliance, the importer bears the responsibility for examining the records supplied by the manufacturer to determine that the records of such tests appear to comply with § 1205.34 of this part.

PART 1207—SAFETY STANDARD FOR SWIMMING POOL SLIDES

Sec.
1207.1 Scope, purpose, and findings.
1207.2 Effective date.
1207.3 Definitions.
1207.4 Recommended standards for materials of manufacture.
1207.5 Design.
1207.6–1207.8 [Reserved]
1207.9 Product certification.
1207.10 Handling, storage, and marking.
1207.11 References.
1207.12 Stockpiling.

AUTHORITY: Secs. 2, 7, 9, 14, 30, Pub. L. 92–573; 86 Stat. 1207, 1212, 1215, 1220, 1236; (15 U.S.C. 2051, 2056, 2058, 2063, 2079).

SOURCE: 41 FR 2751, Jan. 19, 1976, unless otherwise noted.

§ 1207.1 Scope, purpose, and findings.

(a) *Scope and purpose.* This part 1207 sets forth the consumer product safety standard issued by the Consumer Product Safety Commission for the manufacture and construction of slides for use in swimming pools. The requirements of this standard are designed to reduce or eliminate the unreasonable risks of death or injury associated with swimming pool slides. This standard also makes certain recommendations regarding the installation, maintenance, and intended use of swimming pool slides that supplement its mandatory requirements. This standard is applicable to all swimming pool slides manufactured after July 17, 1976. Paragraph (b) of this section sets forth the findings which the Commission is required to make by section 9(c) of the Consumer Product Safety Act (15 U.S.C. 2058(c)).

(b) *Findings.*[1] (1) The Commission finds that unreasonable risks of death

[1] The Commission's findings apply to the swimming pool slide standard that it published on January 19, 1976 (42 FR 2751). On March 3, 1978 the U.S. Court of Appeals for the Fifth Circuit set aside portions of that standard (*Aqua Slide 'N' Drive Corporation* v. *CPSC*, 569 F.2d 831 (5th Cir. 1978)). On December 18, 1978, the Commission published revisions to the standard which reflect the

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or injury from accidents are associated with swimming pool slides. These risks are (i) quadriplegia and paraplegia resulting from users (primarily adults using the swimming pool slide for the first time) sliding down the slide in a head first position and striking the bottom of the pool, (ii) leg fractures resulting from feet first entry, (iii) impact of sliders with other people in the pool, and (iv) falls from the slide ladder.

(2) The Commission finds that the types or classes of products that are subject to this standard are those swimming pool slides manufactured, constructed, or imported for use in connection with all swimming pools, whether in-ground, on-ground, or above-ground, regardless of the materials of manufacture or structural characteristics of the slides. It is estimated that 350,000 of these slides are currently in service and that each year the number of slides in use may increase by 5 to 10 percent.

(3) The Commission finds that the public uses swimming pool slides in recreation at both public and private swimming pools, and it is estimated that 75% of these slides are located at residential pools. It is anticipated that public demand for the products will decline slightly for a time following issuance of this standard as a result of consumer awareness of hazards associated with the product caused by the mandatory signs placed on the slides and as a result of recommendations regarding the installation and intended use of the products. The decline in demand is expected to be short-term. It is anticipated that the utility of the slides as a recreational device will be increased to the extent that injury or death associated with the use of the product is eliminated or reduced.

(4) The Commission also finds that manufacturing cost increases as a direct result of this standard and promotional cost increases as an indirect result of this standard are expected to be modest for the industry as a whole. Any resulting increase in the cost of slides to consumers attributable directly or indirectly to the requirements of this standard will be small. No adverse effect on the availability of the product to consumers is expected.

(5) The Commission has considered other means of achieving the objective of the standard, but has found none that would have fewer adverse effects on competition or that would cause less disruption or dislocation of manufacturing and other commercial practices, consistent with the public health and safety.

(6) The Commission also finds that this standard, including its effective date, is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with swimming pool slides and that promulgation of the standard is in the public interest.

[41 FR 2751, Jan. 19, 1976; 41 FR 9307, Mar. 4, 1976, as amended at 41 FR 23187, June 9, 1976; 43 FR 58813, Dec. 18, 1978]

court's decision. However, the findings have not been revised and they are therefore not fully applicable to the revised swimming pool slide requirements. For example, the revised standard does not address the risk of quadriplegia and paraplegia (except insofar as the standard specifies a low angle of attack of the slider into the water) because the court set aside the provisions concerning installation instructions and warning signs.

§ 1207.2 Effective date.

This part 1207 shall become effective July 17, 1976. All swimming pool slides manufactured after that date must meet the requirements of this part 1207.

[41 FR 23187, June 9, 1976]

§ 1207.3 Definitions.

(a) As used in this part 1207:

(1) *Aboveground pool slide ladder* means a slide ladder that is not anchored in the ground or support deck and that can be removed from the slide or hinged and locked so that unauthorized or unsupervised use of the slide is prevented.

(2) *Abrasion hazard* means a sharp or rough surface of a swimming pool slide that would scrape the skin upon casual contact.

(3) *Assembled product* means all parts, components, and fasteners as defined in and assembled according to the manufacturer's assembly and installation instructions.