unless they are denied credit for factors not associated with this ban. The revised effective date from 9 to 12 months will extend both the time to retrofit and the time to search for capital sources, if necessary. We conclude that the small firms in the trash hauling industry will not experience undue hardship relative to their larger competitors.

(e) *Conclusion.* (1) The Commission finds that this rule is reasonably necessary to eliminate or reduce the unreasonable risks of injury associated with refuse bins, as they are defined in § 1301.4, and which fail to meet the criteria specified in § 1301.5

(2) Based on all of the above findings, the Commission finds that the issuance of this rule is in the public interest.

(3) The Commission is aware of the fact that refuse bins are used for many years before being discarded. Estimates of their useful life range from 10 to 15 years. Although other products which may be hazardous may also have a long life in the hands of individual consumers, a substantial number of unstable refuse bins remain in commerce because they are rented or leased and are constantly available for use by large numbers of consumers. The combination of the long life of refuse bins plus the fact that unstable refuse bins could remain in commerce and be available for use by many people, persuaded the Commission to make this finding that no feasible consumer product safety standard under the CPSA could adequately protect the public from the unreasonable risk of injury associated with those unstable refuse bins coming under the coverage of this ban.

§ 1301.4 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1301.

(b) *Refuse bin* means a metal receptacle having an internal volume one cubic yard or greater, by actual measurement, which temporarily receives and holds refuse for ultimate disposal either by unloading into the body or loading hopper of a refuse collection vehicle or by other means.

(c) *Internal volume* means the actual volumetric capacity of the container. This may not necessarily correspond to the nominal size rating used by industry.

(d) *Tip over* means that during the application of either test force described in § 1301.7(a), the refuse bin begins to rotate forward about its forwardmost ground supports.

§ 1301.5 Banning criteria.

(a) Any refuse bin of metal construction produced or distributed, for sale to, or for the personal use, consumption or enjoyment of consumers, in or around a permanent or temporary household or residence, a school, in recreation or otherwise, which is in commerce or being distributed in commerce on or after the effective date of this ban and which has an actual internal volume one cubic yard or greater and tips over when tested under the conditions of § 1301.6 and using the procedures described in § 1301.7, is a banned hazardous product.

(b) The Commission considers a refuse bin to tip over when it begins to rotate forward about its forwardmost ground supports.

§ 1301.6 Test conditions.

(a) The refuse bin shall be empty and have its lids or covers in a position which would most adversely affect the stability of the bin when tested.

(b) The refuse bin shall be tested on a hard, flat surface. During testing, the bin shall not be tilted from level in such a way as to increase its stability.

(c) Those refuse bins equipped with casters or wheels shall have the casters or wheels positioned in a position which would most adversely affect the stability of the bin and shall be chocked to prevent movement.

(d) The stability of the refuse bin shall be tested without dependence upon non-permanent attachments or restraints such as chains or guys.

(e) For purposes of enforcement, bins will be tested by the Commission in that position which most adversely affects their stability.

§ 1301.7 Test procedures.

(a) The refuse bin shall be tested by applying forces as described in paragraphs (a) (1) and (2) of this section one after the other.

(1) A horizontal force of 70 pounds (311 N) shall be applied at a point and in a direction most likely to cause tipping, and

(2) A vertically downward force of 191 pounds (850 N) shall be applied to a point most likely to cause tipping. (See Figure 1.)

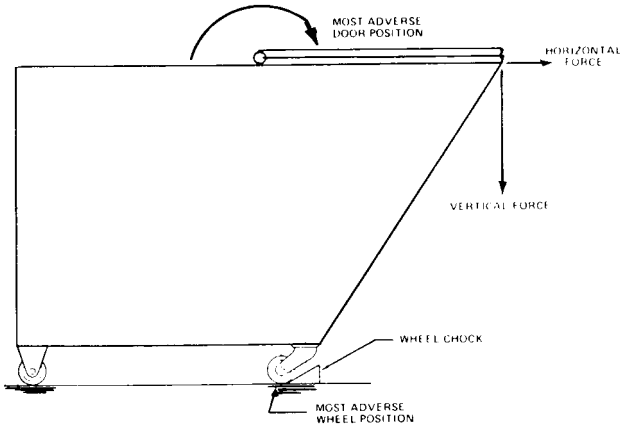

FIGURE 1

(b) These forces shall be applied separately and the bin shall not tip over under the application of either action cited above in paragraph (a)(1) or (a)(2).

§ 1301.8 Effective date.

The effective date of this ban shall be June 13, 1978.

PART 1302—BAN OF EXTREMELY FLAMMABLE CONTACT ADHESIVES

Sec.
1302.1 Scope and application.
1302.2 Purpose.
1302.3 Definitions.
1302.4 Banned hazardous products.
1302.5 Findings.
1302.6 Effective date.

AUTHORITY: Secs. 8, 9; 86 Stat. 1215–1217 as amended; 90 Stat. 506; (15 U.S.C. 2057, 2058).

SOURCE: 42 FR 63731, Dec. 19, 1977, unless otherwise noted.

§ 1302.1 Scope and application.

(a) In this part 1302 the Consumer Product Safety Commission (Commission) declares extremely flammable contact adhesives and similar liquid or semiliquid consumer products to be banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057 and 2058). This ban applies to those extremely flammable contact adhesives and similar liquid or semiliquid consumer products, as defined in § 1302.3(b), which are in commerce or are being distributed in commerce on or after the effective date of this regulation, and which are consumer products (as defined in section 3(a) of the Act (15 U.S.C. 2052) customarily produced or distributed for sale to, or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

(b) An extremely flammable contact adhesive as defined in § 1302.3(b) is a banned hazardous product if the manufacturer, distributor, or retailer customarily produces or distributes the product for sale to, or use by consumers, or if the manufacturer, distributor, or retailer fosters or facilitates the product's sale to, or use by, consumers. For example, contact adhesives available in retail stores, such as lumber yards or hardware stores, for sale to consumers would be included in the scope of the ban even though such