

REVISIONS TO IFR ALTITUDES AND CHANGE OVER POINTS—Continued

[Amendment 413 Effective Date, January 28, 1999]

From	To	MEA	MAA
*2500—MRA ABIDE, AL FIX	EUFAULA, AL VORTAC	2000	
§ 95.6243 VOR Federal Airway 243 is Amended to Read in Part			
RENRO, KY FIX	HUNTINGBURG, IN VOR/DME	*4500	
*2100—MOCA			
§ 95.6541 VOR Federal Airway 541 is Amended to Read in Part			
GADSDEN, AL VOR/DME	HOBBI, AL FIX	*3600	
From	To	MEA	MAA
§ 95.7042 Jet route No. 42 is Amended to Read in part			
NASHVILLE, TN VORTAC	FOUNT, KY FIX	18000	45000
FOUNT, KY FIX	TONIO, KY FIX	20000	35000
§ 95.7146 Jet Route No. 146 is Amended to Read in Part			
ALLENTOWN, PA VORTAC	KENNEDY, NY VOR/DME	#18000	45000
#FJC R-104 UNUSABLE. US JFK R-287.			
From	To	Changeover points	
		Distance	From
§ 95.8003 VOR Federal Airways Changeover Points Airway Segment V-203 is Amended by Adding			
SARANAC LAKE, NY VOR/DME	MASSENA, NY VORTAC	11	SARANAC LAKE.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Codification of Guidance Policy on Hazardous Liquids in Consumer Products

AGENCY: Consumer Product Safety Commission.

ACTION: Final policy statement.

SUMMARY: The Commission codifies a statement, issued previously and published in the **Federal Register**, that provides guidance for manufacturers, importers, distributors, and retailers of consumer products that are filled with a liquid, usually to help provide some type of visual effect. Examples of such products are paperweights containing snow scenes or boats, and some keychains and pens. To protect children and other persons from toxic effects of exposure to these liquids, the Commission recommends that manufacturers of such products not fill the products with hazardous liquids.

Further, the Commission recommends that, before purchasing liquid-filled products for resale, importers, distributors, and retailers obtain assurances from the manufacturers that the products do not contain hazardous liquids.

DATES: This codification is effective December 22, 1998. This policy has been applicable since May 13, 1998.

FOR FURTHER INFORMATION CONTACT: Frank Krivda, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0400, ext. 1372.

SUPPLEMENTARY INFORMATION: On May 28, 1998, the Commission published in the **Federal Register** the text of a document that provides guidance for manufacturers, importers, distributors, and retailers of consumer products that may contain hazardous liquids. 63 FR 29182. To protect children and other persons from the toxic effects of exposure to these chemicals, the Commission recommends that manufacturers of such products refrain from filling the products with hazardous liquids. Further, the Commission recommends that, before purchasing such products for resale, importers,

distributors, and retailers obtain assurances from manufacturers that liquid-filled children's products do not contain hazardous liquid chemicals.

In order to make this policy more accessible to interested parties, the Commission is codifying the policy as 16 CFR 1500.231.

Since this is a statement of policy and an interpretative rule, neither a general notice of proposed rulemaking nor a delayed effective date is required. 5 U.S.C. 553(d)(2). A delayed effective date is not required for the additional reason that this policy is not a substantive rule. 5 U.S.C. 553(d)(3). Accordingly, this codification will become effective immediately upon its publication in the **Federal Register**.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Reporting and recordkeeping requirements, and Toys.

For the reasons given above, the Commission amends 16 CFR Part 1500 as follows:

PART 1500—[AMENDED]

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

Authority: 15 U.S.C. 1261–1278.

2. A new § 1500.231 is added, to read as follows:

§ 1500.231 Guidance for hazardous liquid chemicals in children's products.

(a) *Summary.* The U.S. Consumer Product Safety Commission issues this guidance to manufacturers, importers, distributors, and retailers to protect children from exposure to hazardous chemicals found in liquid-filled children's products, such as rolling balls, bubble watches, necklaces, pens, paperweights, keychains, liquid timers, and mazes.¹ The Commission identifies the major factors that it considers when evaluating liquid-filled children's products that contain hazardous chemicals, and informs the public of its experience with exposure to these hazardous chemicals to children. To reduce the risk of exposure to hazardous chemicals, such as mercury, ethylene glycol, diethylene glycol, methanol, methylene chloride, petroleum distillates, toluene, xylene, and related chemicals, the Commission requests manufacturers to eliminate the use of such chemicals in children's products. The Commission also recommends that, before purchasing products for resale, importers, distributors, and retailers obtain assurances from manufacturers that liquid-filled children's products do not contain hazardous liquid chemicals.

(b) *Hazard.* During reasonably foreseeable handling or use of liquid-filled children's products, hazardous chemicals may become accessible to young children in a manner that places children at risk. Young children are exposed to the chemicals from directly mouthing them or from handling such objects and subsequent hand-to-mouth or hand-to-eye activity. The specific type and frequency of behavior that a child exposed to a product will exhibit depends on the age of the child and the characteristics and pattern of use of the product. The adverse health effects of these chemicals to children include chemical poisoning from ingestion of the chemicals, pneumonia from aspiration of the chemicals into the lungs, and skin and eye irritation from exposure to the chemicals. The chemicals may also be combustible.

(c) *Guidance.* (1) Under the Federal Hazardous Substances Act (FHSA),

products that are toxic or irritants and that may cause substantial injury or illness under reasonably foreseeable conditions of handling or use, including reasonably foreseeable ingestion by children, are "hazardous substances." 15 U.S.C. 1261(f)(1). A product that is not intended for children, but that creates a risk of substantial injury or illness because it contains hazardous chemicals, requires precautionary labeling under the Act. 15 U.S.C. 1261(p). A toy or other article intended for use by children that contains an accessible and harmful amount of a hazardous chemical is banned. 15 U.S.C. 1261(q)(1)(A). In evaluating the potential hazard associated with children's products that contain hazardous chemicals, the Commission's staff considers certain factors on a case-by-case basis, including: the total amount of the hazardous chemical in a product, the accessibility of the hazardous chemicals to children, the risk presented by that accessibility, the age and foreseeable behavior of the children exposed to the product, and the marketing, patterns of use, and life cycle of the product.

(2) The Commission's staff has identified a number of liquid-filled children's products, such as rolling balls, bubble watches, necklaces, pens, paperweights, maze toys, liquid timers, and keychains, that contain hazardous chemicals. In several of these cases, the staff determined that these products violated the FHSA because they presented a risk of chemical poisoning and/or chemical pneumonia from aspiration. This determination resulted in recalls or in the replacement of those products with substitutes, as well as in agreements with the manufacturers to discontinue the use of hazardous chemicals in liquid-filled children's products in future production. The Commission believes that these hazardous substances pose a risk to young children and, consequently, manufacturers should not have included them in the product design or manufacturing process.

(3) Therefore, the Commission considers the use of hazardous chemicals in children's products such as those described above to be ill-advised and encourages manufacturers to avoid using them in such products. Further, the Commission recommends that, before purchasing such products for resale, importers, distributors, and retailers obtain assurances from the manufacturers that liquid-filled children's products do not contain hazardous liquid chemicals.

Dated: December 17, 1998.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Codification of Guidance Policy on Lead in Consumer Products

AGENCY: Consumer Product Safety Commission.

ACTION: Final policy statement.

SUMMARY: The Commission codifies a policy statement, previously approved by the Commission and published in the **Federal Register**, that provides guidance for manufacturers, importers, distributors, and retailers of consumer products that may contain harmful amounts of the element lead. To protect children and other persons from the toxic effects of exposure to lead, the Commission recommends that such persons obtain sufficient tests and analyses to ensure that their products do not contain harmful levels of lead.

DATES: This codification is effective December 22, 1998. This policy has been applicable since December 24, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Toro, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0608, ext. 1378.

SUPPLEMENTARY INFORMATION: On January 22, 1998, the Commission published in the **Federal Register** the text of a document that provides guidance for manufacturers, importers, distributors, and retailers of consumer products that may contain harmful amounts of the element lead. 63 FR 3310. To protect children and other persons from the toxic effects of exposure to lead, the Commission recommends that such persons obtain sufficient tests and analyses to ensure that their products do not contain harmful levels of lead.

In order to make this policy more accessible to interested parties, the Commission is codifying the policy as 16 CFR 1500.230.

Since this is a statement of policy and interpretative rule, neither a general notice of proposed rulemaking or a delayed effective date is required. 5 U.S.C. 553(d)(2). A delayed effective date is not required for the additional reason that this policy is not a

¹ This guidance is not a rule. It is intended to highlight certain obligations under the Federal Hazardous Substances Act. Companies should read that Act and the accompanying regulations in this part for more detailed information.