SUBJECT 10

Re: Night-Lights, electric, plug-in type without cord — Item 109880

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Proponent: Commodity Classification Standards Board

Present Classification Provisions

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>109880</td>
<td><strong>LAMPS OR LIGHTING GROUP</strong>: Night Lights, electric, plug-in type without cord, in boxes</td>
<td>85</td>
</tr>
</tbody>
</table>

Proposed Classification Provisions

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</tr>
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<tbody>
<tr>
<td>109880</td>
<td><strong>LAMPS OR LIGHTING GROUP</strong>: Night-Lights, electric, plug-in type without cord, see Note, item NEW, in boxes</td>
<td>125</td>
</tr>
</tbody>
</table>

NEW NOTE—Does not apply on night-lights that contain or include an air freshening, cleaning or purifying component. For applicable provisions, see item 62055.

Analysis

Research Project 1221

This proposal is based on information developed through Research Project 1221 involving electric, plug-in type night-lights without a cord, which was initiated in April 2014 to review the products' transportation characteristics. Hereinafter, these products will be referred to as “night-lights.”

As part of the research, 107 potential manufacturers or shippers, and four associations believed to represent those companies, were sent questionnaires in April 2014, and for those that did not respond, again in June 2014, inviting them to participate in the research. From those mailings, three companies indicated that they do not manufacture or ship the involved products, and four provided some information. One association indicated that they would forward the questionnaire to their members, while no response was received from the remaining associations.

History of Provisions

The current provisions of item 109880 were established as a result of action taken on Docket 83, Subject 42 (March-April 1958). Information on that record indicated densities ranging from 11.76 to 13.60 pcf, and a range in value per pound of $1.90 to $2.50 (in 1958 dollars). The proposal was approved as modified, and the provisions first appeared in
SUBJECT 10

Supplement 5 to NMFC A-4, effective August 12, 1958. The provisions have remained substantially unchanged to the present.

About Night-Lights

Item 109880 is limited to electric, plug-in night-lights without a power cord. A night-light is typically a small light placed for comfort or convenience in dark areas or areas that may become dark at certain times†. Night-lights may be decorative, such as having a seasonal or thematic cover or design. Night-lights are commonly made of plastic, while their covers may be made of other materials, such as stained glass or ceramic materials. Night-lights containing or including air freshening, cleaning or purifying components were not included in the research and are not involved in this proposal.

Examples of night-lights as named in item 109880 are shown below.

Transportation Characteristics

Density—The information of record includes 267 density observations obtained from shippers and the CCSB’s Density Study². The products range in density from 2.34 to 22.50 pcf, with an average density of 7.10 pcf. The frequency distribution on the following page shows that almost 77% of the figures fall between 4 and 10 pcf.

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² The Density Study is part of an ongoing effort by the CCSB to collect information on actual shipments; it is not tied to any particular research project, nor does it target any particular product category. Carriers that choose to participate in the study periodically submit shipment data captured through their respective freight auditing programs. The data is identified by NMFC® item, and only verifiable data points, which include the weight and the dimensions and/or cube of the shipping unit involved, are used.
Handling and Stowability—The limited information available relating to packaging indicates that night-lights are generally tendered for shipment in boxes of regular size and shape, which may be securely fastened to lift truck skids or pallets. Handling and stowability should be comparable to that of other like-packaged freight.

Liability—Night-lights are not perishable, unusually susceptible to theft, hazardous in nature, unusually liable to damage, nor do they appear likely to damage other freight. Responding shippers and carriers reported no claims for the involved articles, and no information on the value of these articles was obtained.

Relationship to CCSB Policies and Guidelines

CCSB policy calls for establishing or amending classification provisions to reflect a commodity’s known transportation characteristics. Information of record indicates that night-lights range in density from 2.34 to 22.50 pcf, with an average density of 7.10 pcf, and no unusual or significant handling, stowability or liability characteristics. As shown in the frequency distribution above, the preponderance of density figures are concentrated within a narrow range around the overall average. An average density of 7.10 pcf is generally associated with a class 125 under CCSB density guidelines, which call for a minimum average density of 7 pcf. This proposal would assign item 109880 class 125 in lieu of the current class 85.

A similar approach was taken on Docket 2015-1, Subject 7 (January 2015), involving item 17310, for ice or roller skates. No significant handling, stowability or liability concerns were reported, and, as such, density was determined to be the primary transportation characteristic. As with night-lights, ice or roller skates exhibited a wide range of densities—from 0.51 to 25.20 pcf—with a significant concentration of density observations—over 73%—clustered around the overall average density of 7.05 pcf. Based on the information of record, and in keeping with CCSB guidelines, that proposal was approved as docketed, assigned
SUBJECT 10

class 125, and the change first appeared in Supplement 1 to NMF 100-AO, effective April 18, 2015.

Furthermore, a dictionary review\(^3\) revealed that the spelling of the involved commodity includes a hyphen between the two words, properly spelled “night-light.” This spelling is already present elsewhere in the NMFC®, notably in item 62055, reading, “Fresheners, Cleaners or Purifiers, air, portable, with or without night-light.” Amending the description of item 109880 accordingly would be consistent with CCSB policies. As a corollary, establishing an attendant Note to item 109880 to clarify that its provisions do not apply on night-lights that contain or include an air freshening, cleaning or purifying component, and to direct the NMFC® user to item 62055 for applicable provisions, as proposed, would clarify the intent of the involved item.

Based on the information of record, this proposal, as docketed, is in keeping with CCSB policy and precedent.

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