



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

This is a DRAFT RCA.
It will be replaced by a Final RCA.

Commissioners Voting: Chairman Inez M. Tenenbaum
 Commissioner Nancy A. Nord
 Commissioner Robert S. Adler

ITEM:

Petition CP12-3; Architectural Glazing Petition (Briefing package dated April 3, 2013. OS no. 5458)

DECISION:

The Commission voted unanimously (3-0) to grant the Petition CP 12-3, the petition requesting that the Commission amend 16 C.F.R. part 1201, *Safety Standard for Architectural Glazing Materials*, to replace the current testing procedures for glazing materials in section 1201.4 with those contained in ANSI Z97.12009^e, *American National Standard for Safety Glazing Materials Used in Building – Safety Performance Specifications and Methods of Test*. The petition was submitted by William M. Hannay, counsel for Safety Glazing Certification Council (Petitioner). Commissioner Nord submitted the attached statement regarding this matter.

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due April 9, 2013

Attachment: Statement of Commissioner Nord



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BETHESDA, MARYLAND 20814**

COMMISSIONER NANCY A. NORD

**Statement on the Commission's vote to grant the petition to amend the
architectural glazing material mandatory standard**

April 9, 2013

Today, the Consumer Product Safety Commission granted a petition from the Safety Glazing Certification Council, the voluntary standards group that tests and certifies glass products designed to break in a manner that reduces the risk of serious injury. SGCC has asked us to begin the rulemaking process to replace the testing provisions of our current mandatory architectural glazing standard with the testing requirements of the most current version of the relevant voluntary standard, ANSI Z97.1. The current CPSC standard has remained fundamentally unchanged since we issued it in 1977, and SGCC argued that changes in the industry and testing procedures have made the standard obsolete and, in some cases, put it in conflict with the more recent and advanced ANSI standard.

I am pleased to join in approving this petition, because I consider it a responsible effort to improve our regulation. I am disappointed, however, that the voluntary standard community had to provide the impetus for us to act on even this limited example of retrospective review and modernization.

Currently, because the voluntary standard surpassed ours, many manufacturers test to the CPSC standard only to meet their legal obligations and test to the ANSI standard for real safety certification. Thus, our rule ceased helping consumers by increasing safety and instead gave manufacturers and consumers only added paperwork and testing costs. Our failure is not one of commission, but of omission—that is, neglect. I fear this failure is also representative of too many of our rules, left to wither because of a refusal to review our older rules to keep them relevant.

Producers make products, and regulators regulate. While we certainly need a dialogue between producers and regulators, regulators should not wait until producers are forced into a corner to bring outdated regulations to an agency's attention. We should lead the charge to adopt and enforce effective regulations, not wait to be led.

I appreciate the work SGCC and our staff have done in bringing this petition this far, and I hope the rulemaking process will give us a current, effective architectural glazing rule. I also hope this demonstration of the state of our rules will motivate the agency to take a more rigorous look back at our rules.