



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Record of Commission Action
Commissioners Voting by Ballot *

Commissioners Voting: Chairman Ann Brown
Commissioner Mary Sheila Gall
Commissioner Thomas H. Moore

ITEM:

Federal Register Notice Issuing Final Rule for Entrapment Hazards in Bunk Beds

DECISION:

The Commission voted 2-0-1 to approve with specified changes a draft Federal Register notice issuing a final rule addressing entrapment of children in the structure of bunk beds. The Federal Register notice implements the Commission's decision of December 2, 1999, to issue a final rule for bunk beds. Chairman Brown and Commissioner Moore voted to approve the Federal Register notice. Commissioner Gall refrained from voting on the Federal Register notice because it implements a decision from which she dissented. Commissioner Gall filed a statement concerning the Federal Register notice.

For the Commission:

A handwritten signature in cursive script that reads "Sadye E. Dunn".

Sadye E. Dunn
Secretary

* Ballot due December 9, 1999

Ballot 12/9/99



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**Commissioner Mary Sheila Gall's
Statement on
Bunk Beds Final Rule: Federal Register Notice**

December 8, 1999

I must recuse myself, today, from voting on this ballot due to my vote in opposition to promulgating this final rule. I do, however, want to offer my endorsement for the approach contained in this Federal Register notice addressing the legal standards determining what constitutes "substantial compliance" with a voluntary standard. The Commission's explicit rejection of the rigid formula recommended by our Office of General Counsel and the more flexible alternative adopted here are consistent with the approach I have articulated from the outset of this proceeding. While I disagree with their conclusion that there was no substantial compliance in the present case, I commend my colleagues for incorporating language here that clarifies and affirms the historical approach to substantial compliance taken by this Commission.