



United States

CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

OFFICE OF THE SECRETARY

2001 SEP -6 P 3:48

BALLOT VOTE SHEET

DATE: September 5, 2001

TO : The Commission
Todd Stevenson, Acting Secretary

THROUGH: Caroline Croft, Executive Director *CC*

FROM : Michael S. Solender, General Counsel *MS*
Stephen Lemberg, Assistant General Counsel *SL*

SUBJECT: October Regulatory Agenda

BALLOT VOTE DUE: SEP 13, 2001

Section 602 of the Regulatory Flexibility Act (RFA) (5 U.S.C. § 602) requires all Federal agencies to publish a regulatory agenda in the Federal Register twice each year. The semi-annual publications must list those rules which are expected to be proposed or issued during the next twelve months and which may have a significant economic impact on a substantial number of small entities, including small businesses.

Additionally, Executive Order 12866, issued on September 30, 1993, requires all agencies, including independent agencies such as the Commission, to publish an agenda of regulatory actions expected to be under development or review by the agency during the next 12 months. That order provides that such an agenda shall be in the format specified by the Office of Management and Budget, and that it may be combined with the regulatory flexibility agenda published in accordance with the RFA.

Attached is a draft Federal Register notice to announce the Commission's current regulatory agenda. This draft, including the preamble, is in the format specified by OMB for inclusion in the Unified Agenda of Federal Regulatory and Deregulatory Actions, to be published in October, 2001. That format is generally similar to the one used for previous editions of the Unified Agenda.

NOTE: This document has not been reviewed or accepted by the Commission.
Initial MS Date 9/5/01

CPSA 6 (b)(1) Cleared *[Signature]*
 No Mrs./Priv/Ltrs or
 Products Identified
 Excepted by _____
 Firms Notified.

October Regulatory Agenda
Ballot vote
September 5, 2001

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The information in the attached draft is current through September 4, 2001. If the Commission approves publication of the attached draft, the draft will be revised to reflect any change in the status of any activity described in the agenda which occurs between September 4, 2001, and the closing date for submission of changes to OMB. Please note that items marked with a number sign ("#") will not print, so they have not been updated or edited from the October 2000 edition.

Please indicate your vote:

- I. Approve the attached draft of the Commission's regulatory agenda without change.

Signature

Date

- II. Approve the attached draft of the Commission's regulatory agenda with the following changes (please specify):

Signature

Date

Attachment

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 2001.

ADDRESSES: Comments on the regulatory flexibility agenda should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001; telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814-4423. Comments should be captioned "Regulatory Flexibility Agenda." Comments may also be filed by telefacsimile to (301) 504-0127, or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Stephen Lemberg, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207-0001, telephone (301) 504-0980, ext. 2218. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated that is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda is also required to contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification, or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish twice each year a regulatory agenda of regulations under development or review during the next year, and states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda published below lists the regulatory activities expected to be under development or review during the next 12 months. This agenda also includes regulatory activities that have been completed by the Commission prior to publication. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the

objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity, and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207-0001

For this edition of the Commission's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in Part 2 of this issue of the Federal Register. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in Part 2.

Dated:

September __, 2001.

NAME: Todd Stevenson,

Acting Secretary, Consumer Product Safety Commission.

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 1

TITLE: Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

REGULATORY PLAN: Yes

LOOKBACK: No

PRIORITY:

Economically Significant. Major under 5 USC 801.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

15 USC 1193, Flammable Fabrics Act

CFR CITATION:

16 CFR 1640

LEGAL DEADLINE:

None.

ABSTRACT:

On June 15, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding for development of a flammability standard to address risks of death, injury, and property damage from fires associated with ignition of upholstered furniture by small open-flame sources such as matches, lighters, or candles. This ANPRM was issued after the Commission granted part of a petition requesting development of a mandatory flammability standard to address risks of injury from ignition of upholstered furniture by: (1) small open-flame sources; (2) large open-flame sources; and (3) cigarettes. The Commission voted to deny that part of the petition requesting development of a mandatory standard to address hazards associated with ignition of upholstered furniture by large open-flame sources. The Commission also voted to defer a decision on that part of the petition requesting development of a standard to address cigarette ignition, and directed the staff to report to the Commission on the effectiveness of, and the extent of industry compliance with, a voluntary program to reduce risks of ignition of upholstered furniture by cigarettes. The Commission staff developed a draft standard to address ignition of upholstered furniture by small open-flame sources.

On March 2, 1998, the Commission voted to defer action on small open-flame sources and gather additional information on the potential toxicity of flame-retardant chemicals that might be used to meet a standard. A public hearing on this subject was held May 5-6, 1998. The staff is analyzing data from the hearing and completing other technical studies. In CPSC's 1999 appropriations legislation, Congress directed the Commission to contract with the National Academy of Sciences (NAS) for an independent study of potential health hazards associated with the use of flame retardant chemicals that might be used in upholstered furniture fabrics to meet a CPSC standard. The draft NAS report was completed and forwarded to Congress in April 2000; the final NAS report was published in July 2000. The report concluded that of 16 flame-retardant chemicals reviewed, 8 could be used in upholstered furniture fabrics without presenting health hazards to consumers. Additional exposure studies were recommended for the remaining eight chemicals. The report indicates that a number of suitable flame-retardant treatments are available; these include treatments already in use in various textile products, including

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TITLE: Flammability Standard for Upholstered Furniture
RIN: 3041-AB35 (Proposed Rule)

upholstered furniture sold in the United Kingdom to meet existing U.K. flammability regulations.

CPSC is also considering possible impacts of flame-retardant chemical use on worker safety and the environment. At the CPSC staff's request, the National Institute of Occupational Safety and Health is assessing potential worker exposure to and risks from certain flame-retardant chemicals that may be used by textile and furniture producers to comply with an upholstered furniture flammability standard. The CPSC staff is also working with the Environmental Protection Agency to consider possible controls on flame-retardant compounds used in residential upholstered furniture fabrics under that agency's Toxic Substances Control Act Authority. Upon completion of its chemical risk assessment and other technical activities, the CPSC staff will present alternatives for future action by the Commission.

STATEMENT OF NEED:

In 1998, approximately 480 deaths, more than 1,300 injuries, and about \$191 million in property damage resulted from 9,400 residential fires in the United States in which upholstered furniture was the first item to ignite. The total societal cost attributable to upholstered furniture fires was approximately \$2.8 billion in 1998. This total includes fires ignited by small open-flame sources, large open-flame sources, and cigarettes. Of these, small open-flame fires accounted for approximately 80 deaths, 350 injuries and \$32 million in property losses.

SUMMARY OF THE LEGAL BASIS:

Section 4 of the Flammable Fabrics Act (FFA) (15 USC 1193) authorizes the Commission to issue a flammability standard or other regulation for a product of interior furnishing if the Commission determines that such a standard is "needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage."

The Commission's regulatory proceeding could result in several actions, one of which could be the development of a mandatory standard requiring that upholstered furniture sold in the United States meet mandatory labeling requirements, resist ignition, or meet other performance criteria under test conditions specified in the standard.

ALTERNATIVES:

The ANPRM stated that the Commission was considering the following alternatives:

(1) The Commission could issue a mandatory flammability standard if the Commission finds that such a standard is needed to address an unreasonable risk of the occurrence of fire from ignition of upholstered furniture by small open-flame sources;

(2) The Commission could issue mandatory requirements for labeling of upholstered furniture, in addition to, or as an alternative to, the requirements of a mandatory flammability standard;

(3) The Commission could terminate the proceeding for development of a flammability standard and rely on a voluntary standard if a voluntary standard would adequately address the risk of fire and substantial compliance with such a standard is likely to result; and

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TITLE: Flammability Standard for Upholstered Furniture
RIN: 3041-AB35 (Proposed Rule)

(4) The Commission could terminate the proceeding and withdraw the ANPRM.

ANTICIPATED COSTS AND BENEFITS:

The estimated annual cost of imposing a mandatory standard to address ignition of upholstered furniture by small open-flame sources will depend upon the test requirements imposed by the standard and the steps manufacturers take to meet those requirements. Again, depending upon the test requirements, a small open-flame standard could also reduce cigarette-ignited fire losses, the societal cost of which was over \$2 billion in 1997. For this reason, the potential benefits of a mandatory standard to address the risk of ignition of upholstered furniture by small open-flame sources could be significant, even if the standard did not prevent all such fires started by open-flame sources.

RISKS:

The estimated total cost to society from all residential fires associated with upholstered furniture was \$2.8 billion in 1997.

Societal costs associated with upholstered furniture fires are among the highest associated with any product subject to the Commission's authority. A standard has the potential to reduce these societal costs.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	06/15/1994	59 FR 30735
ANPRM Comment Period End	08/15/1994	
Staff Briefing of Commission on NPRM	12/18/1997	
Commission Voted To Defer Action Pending Results of Toxicity Hearing	03/02/1998	
Commission Hearing May 5 & 6, 1998 on Possible Toxicity of Flame Retardant Chemicals	03/17/1998	63 FR 13017
NAS Study Completed (Required by Congress)	07/10/2000	
Staff Sends Briefing Package to Commission	11/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (Proposed Rule)

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- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 5

TITLE: Baby Walkers
RIN: 3041-AB40 (Proposed Rule)

REGULATORY PLAN: No
PRIORITY:
Substantive, Nonsignificant

UNFUNDED MANDATES:
No

MAJOR: No

LEGAL AUTHORITY:
15 USC 1261, Federal Hazardous Substances Act; 15 USC 1262, Federal Hazardous Substances Act

CFR CITATION:
16 CFR 1500

LEGAL DEADLINE:
None.

ABSTRACT:
On August 2, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in the issuance of mandatory design or performance requirements for baby walkers. A baby walker is a device that supports a child so that the child can use his or her feet to move about before or while learning to walk. Typically, a baby walker consists of a fabric seat that has leg openings and is mounted to a rigid plastic deck. The deck is attached to a base that is mounted on wheels to allow mobility. In 1994, an estimated 25,500 children younger than 15 months of age were treated in hospital emergency rooms for injuries associated with baby walkers. The majority of these injuries resulted from falls down stairs. Among the options under consideration by the Commission are mandatory performance or design requirements to reduce risks of injury associated with baby walkers, particularly those resulting to children from falls down stairs.

In response to the Commission's work in this area, the industry published revisions to the voluntary standard for baby walkers in 1997 to address the hazard of falling down stairs. The American Society for Testing and Materials (ASTM) standard contains performance requirements to address risks of injury to children from falls down stairs associated with baby walkers. In 1999, baby walker injuries had dropped to 8,800. The staff is currently assessing the extent of industry conformance with that voluntary standard, designated "Standard Consumer Safety Specification for Infant Walkers," SF 977-97, published by ASTM. The staff will send that information to the Commission together with options for Commission action, including withdrawal of the ANPRM or further regulatory proceedings.

- # STATEMENT OF NEED:**
- # SUMMARY OF THE LEGAL BASIS:**
- # ALTERNATIVES:**
- # ANTICIPATED COSTS AND BENEFITS:**
- # RISKS:**
- TIMETABLE:**

AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Baby Walkers
RIN: 3041-AB40 (Proposed Rule)

ACTION	DATE	FR CITE
ANPRM	08/02/1994	59 FR 39309
ANPRM Comment Period End	10/03/1994	59 FR 39309
Staff Provided Technical Recommendations to Revise Voluntary Standard	12/16/1994	
Revised Voluntary Standard Approved	10/01/1996	
Voluntary Certification Program Began	06/30/1997	
Staff Completed Monitoring Conformance to Revised Voluntary Standard	05/31/2000	
Staff Completed Special Study of Injury Data	09/29/2000	
Staff Completed Testing of New Walker Designs	05/01/2001	
Staff Sends Briefing Package to Commission	11/00/2001	
Commission Decision	12/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

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- # - WILL NOT PRINT IN AGENDA
- * - MISSING DATA ELEMENT

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 7

TITLE: Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets

RIN: 3041-AB47 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from the New York City Department of Consumer Affairs requests the Commission to develop a rule to ban certain backyard playsets. The petition asserts that backyard playsets present unreasonable risks of injury to children if they do not meet the requirements of a voluntary standard for home playground equipment published by the American Society for Testing and Materials (ASTM); are not accompanied with adequate information about ground surfacing; or lack specific features described in the petition. On May 21, 1996, the Commission denied those parts of the petition requesting issuance of a rule to ban any backyard playset that does not conform to all requirements of the ASTM voluntary standard; that has an accessible height that exceeds six feet above protective surfacing; that does not have adequate fall zones under climbing structures; or that does not provide adequate space between any item of swinging equipment and any other item of swinging or stationary equipment. The Commission deferred a decision on those parts of the petition requesting a rule to ban backyard playsets that are not accompanied with instructions to use and maintain specified ground surfacing; that do not have handrails on all platforms that are 30 inches or higher above protective surfacing; that have swing seats made of wood, metal, plastic, or other hard material capable of inflicting serious injury to the head; that have free-swinging ropes; and that are unanchored playsets with swings. The staff will transmit additional information to the Commission concerning revisions of the voluntary standard, conformance to the voluntary standard, and injury data. The Commission will then decide whether to grant, deny, or continue to defer the remaining requests in the petition.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 8

TITLE: Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets

RIN: 3041-AB47 (Prerule)

ACTION	DATE	FR CITE
Partial Denial of Petition	05/21/1996	
Revisions to Voluntary Standard Completed	07/10/1998	
Staff Began Monitoring Conformance to Voluntary Standard	08/10/1999	
Staff Completed Monitoring Conformance	08/31/2000	
Staff Completed Injury Study	02/28/2001	
Staff Sends Additional Information to Commission	10/00/2001	
Commission Decision	11/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

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- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: Requirements for Child-Resistant Packaging of Household Products
Containing Petroleum Distillates or Other Hydrocarbons

RIN: 3041-AB57 (Final Rule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

15 USC 1471, Poison Prevention Packaging Act

CFR CITATION:

16 CFR 1700.14(a)

LEGAL DEADLINE:

None.

ABSTRACT:

Some household products containing 10 percent or more by weight of petroleum distillates are subject to requirements for child-resistant packaging by regulations issued under the Poison Prevention Packaging Act and codified at 16 CFR 1700.14(a). These products include liquid furniture polish (section 1700.14(a)(2)), lighter fluid (section 1700.14(a)(7)), and prepackaged solvents for paint (section 1700.14(a)(15)). However, many other household products containing petroleum distillates or other hydrocarbons are not required to be in child-resistant packaging. On February 26, 1997, the Commission published an advance notice of proposed rulemaking (ANPRM) to initiate a proceeding that may result in mandatory requirements for child-resistant packaging of household products containing petroleum distillates or other hydrocarbons. Following consideration of the comments, the Commission proposed requirements for child-resistant packaging of additional household products containing petroleum distillates or other hydrocarbons. The notice of proposed rulemaking (NPRM) was published on January 3, 2000, and the comment period ended March 20, 2000. Seven comments were received. The Commission also requested that additional information about cosmetics that contain mineral oil be obtained. The staff purchased additional information on mineral oil-based cosmetic poisonings from the American Association of Poison Control Centers. The public comment period on the staff analysis of this data closed on June 11, 2001. The staff is evaluating comments and preparing a briefing package for Commission consideration.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION
ANPRM

DATE FR CITE
02/26/1997 62 FR 8659

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: Requirements for Child-Resistant Packaging of Household Products
Containing Petroleum Distillates or Other Hydrocarbons
RIN: 3041-AB57 (Final Rule)

ACTION	DATE	FR CITE
Extension of ANPRM Comment Period	04/28/1997	62 FR 22897
ANPRM Comment Period End	05/12/1997	62 FR 8659
Comment Period End	07/11/1997	62 FR 22897
Reopening of ANPRM Comment Period	07/21/1997	62 FR 38948
NPRM	01/03/2000	65 FR 93
NPRM Comment Period End	03/20/2000	
Staff Purchased Additional Poisoning Data on Cosmetics Notice	04/04/2000	
Comment Period Extended	04/11/2001	66 FR 18738
Comment Period End	05/04/2001	66 FR 22491
Staff Sent Briefing Package to Commission	06/11/2001	
Commission Decision	09/10/2001	
	10/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

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- # - WILL NOT PRINT IN AGENDA
- * - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 11

TITLE: Amendment of Safety Regulations for Cribs
RIN: 3041-AB67 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553, Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

16 CFR 1508; 16 CFR 1509

LEGAL DEADLINE:

None.

ABSTRACT:

On December 16, 1996, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in amendment of the safety regulations for full-size and non-full-size cribs, 16 CFR parts 1508 and 1509. Among the regulatory alternatives under consideration is amendment of the regulations to add tests to assure that slats will not disengage from the side panels of cribs. The Commission began this proceeding after considering information about incidents in which crib slats disengaged from the side panels of cribs, creating a risk that children may become entrapped between the remaining slats or fall out of the crib. At the urging of CPSC staff, in April 1999, the voluntary standard for cribs designated, "Specification for Full Size Baby Cribs (ASTM F1169-99)," and published by the American Society for Testing and Materials (ASTM) was revised to include performance requirements for crib slats. The Commission will consider written comments received in response to the ANPRM, and assess conformance with the voluntary standard before deciding whether to continue the proceeding by publication of a notice of proposed rulemaking (NPRM), or terminate further proceedings in reliance on the voluntary standard.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Staff Recommended Revisions to Voluntary Standard	09/30/1996	
ANPRM	12/16/1996	61 FR 65996
ANPRM Comment Period End	02/14/1997	
Revisions to Voluntary Standard Approved	04/10/1999	
Voluntary Certification Program Begins	03/01/2000	

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 12

TITLE: Amendment of Safety Regulations for Cribs
RIN: 3041-AB67 (Long-Term Action)

ACTION	DATE	FR CITE
Staff Begins Monitoring Conformance to Revised Voluntary Standard	04/00/2001	
Staff Completes Monitoring Conformance	00/00/0000	
Staff Sends Briefing Package to Commission	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

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- WILL NOT PRINT IN AGENDA

* - MISSING DATA ELEMENT

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 13

TITLE: Amendment of the Standard for the Flammability of Clothing Textiles
RIN: 3041-AB68 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

15 USC 1191, Flammable Fabrics Act

CFR CITATION:

16 CFR 1610

LEGAL DEADLINE:

None.

ABSTRACT:

The Standard for the Flammability of Clothing Textiles prohibits the manufacture, importation, or sale of clothing, and fabrics and related materials intended for use in clothing, which are dangerously flammable because of rapid and intense burning. The standard prescribes the apparatus, procedure, and criteria to be used for testing to determine compliance with that standard. The standard was made mandatory by the Flammable Fabrics Act of 1953 (Pub. L. 83-88, 67 Stat. 111; June 30, 1953). Some of the equipment and procedures specified by the standard, particularly those for laundering and cleaning of test specimens, have become obsolete, unavailable, or unrepresentative of current practices. The staff is preparing a briefing package describing modifications of the standard that may be needed to assure that the test in the standard is conducted with equipment and procedures representative of conditions to which garments currently are exposed. After consideration of the briefing package, the Commission will decide whether to begin a proceeding for amendment of the standard.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Staff Sends Briefing Package to Commission	00/00/0000	
Commission Decision	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Amendment of the Standard for the Flammability of Clothing Textiles
RIN: 3041-AB68 (Long-Term Action)

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petition HP 99-1 for a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children 5 Years of Age and Under

RIN: 3041-AB79 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY:

Other Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

15 USC 1261 to 1278, Federal Hazardous Substances Act

CFR CITATION:

16 CFR 1500

LEGAL DEADLINE:

None.

ABSTRACT:

The National Environmental Trust and 11 other organizations petitioned the Commission to ban polyvinyl chloride (PVC) in toys and other articles intended for the use of children 5 years and under, based upon concerns they have about the potential for health risks from phthalates (especially diisononyl phthalate (DINP)), lead, and cadmium that can be in PVC. A Federal Register notice was issued on December 22, 1998, requesting comment on the petition. Comments were received.

The Commission established a Chronic Hazard Advisory Panel (CHAP) of independent scientists to study issues related to the chronic toxicity and risk, including the risk of cancer, associated with exposure to DINP in children's PVC products. The CHAP submitted its report to the Commission on June 15, 2001. The Commission has begun an extensive exposure study to obtain a broader range of data from which to better define the amount of time children mouth products that could contain phthalates. The observation phase is complete and data is being analyzed.

Following completion of this work, the staff will send a briefing package to the Commission recommending that the Commission grant, deny, or defer the petition.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Notice Advising of Receipt of Petition	12/22/1998	63 FR 70756
Initiated Formation of CHAP	02/16/1999	
Comment Period End	02/22/1999	
Awarded Contract for Child Observation Study	09/30/1999	
First Meeting of CHAP	05/10/2000	
Second Meeting of CHAP	06/20/2000	

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TITLE: Petition HP 99-1 for a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children 5 Years of Age and Under

RIN: 3041-AB79 (Long-Term Action)

ACTION	DATE	FR CITE
Third Meeting of CHAP	09/12/2000	
CHAP Sent Report to Commission	06/15/2001	
Staff Sends Briefing Package to Commission	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petition FP 99-1 Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture

RIN: 3041-AB81 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 1191, Flammable Fabrics Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from the National Association of State Fire Marshals (NASFM) requests that the Commission require labels under the Flammable Fabrics Act warning that polyurethane foam in upholstered furniture poses a fire hazard. NASFM asserts that polyurethane foam in upholstered furniture poses an unreasonable risk of fire because once ignited it burns rapidly and emits toxic gases. NASFM asks the Commission to require that upholstered furniture manufacturers and retailers provide flammability warnings to the public. On April 6, 1999, the Commission published a Federal Register notice to solicit public comments on the petition.

The Commission has another ongoing rulemaking proceeding related to the risk of fire associated with upholstered furniture (RIN 3041-AB35) that may bear on the disposition of this petition. In 1994, CPSC published an ANPRM announcing the agency's intent to consider a possible rule or other alternatives to address the risk of upholstered furniture fires ignited by small open-flame sources, e.g., lighters, matches and candles. Such a rule could affect fabrics or other furniture components, including filling materials such as polyurethane foam. The Commission staff is evaluating the technical issues raised in the polyurethane foam petition as part of the larger regulatory development effort. The Commission's consideration of the petition will, therefore, be incorporated into the decision on how to proceed on the small open-flame matter.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Notice	04/06/1999	64 FR 16711
Comment Period End	06/07/1999	

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DATE : 09/04/2001

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TITLE: Petition FP 99-1 Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture

RIN: 3041-AB81 (Prerule)

ACTION	DATE	FR CITE
Staff Sends Briefing Package to Commission	11/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petition HP 00-3 Requesting a Ban of Candle Wicks Containing Lead and Candles With Such Wicks

RIN: 3041-AB87 (Completed Action)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

Separate petitions were received from Public Citizen and jointly from the National Apartment Association and the National Multi-Housing Council to ban candle wicks that contain lead and to ban candles with such wicks. The petitioners claimed that burning candles with such wicks produces hazardous combustion products containing lead. On April 2, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested parties. The comment period closed June 12, 2000. Over 140 comments were received. The staff sent a briefing package to the Commission on December 15, 2001, recommending that the Commission publish an advance notice of proposed rulemaking (ANPR) to ban metal-cored wicks containing more than 0.06% lead by weight. The staff briefed the Commission on January 30, 2001. On February 13, 2001 the Commission granted the petitions and voted to issue an ANPR.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	03/17/2000	
Notice	04/12/2000	65 FR 19742
Comment Period End	06/12/2000	
Commission Voted to Grant Petition and Issue ANPR	02/13/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petition HP 00-3 Requesting a Ban of Candle Wicks Containing Lead and Candles With Such Wicks

RIN: 3041-AB87 (Completed Action)

GOVERNMENT LEVELS AFFECTED:

None

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: Petition HP 00-2 Requesting a Rule Declaring Natural Rubber Latex a Strong Sensitizer

RIN: 3041-AB88 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from Debi Adkins, Editor, Latex Allergy News, requests that the Commission issue a rule declaring that natural rubber latex (NRL) and products containing NRL are strong sensitizers under the Federal Hazardous Substances Act (FHSA) and requiring labeling. NRL is in such consumer products as gloves, adhesives, shoes, balloons, pacifiers, and carpet backing, as well as many medical products. The petitioner states that a portion of the population has developed an allergy to latex that can be debilitating, even causing death. On March 21, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. On May 24, 2000, at the request of several persons, the Commission published a notice extending the original due date for comments of May 22, 2000 for 30 days to June 21, 2000. Eighty-four comments were received. The staff prepared a briefing package for consideration by the Commission.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	03/02/2000	
Notice	03/21/2000	65 FR 15133
Comment Period End	05/22/2000	
Comment Period Extended	05/24/2000	65 FR 33525
Comment Period End	06/21/2000	
Staff Sends Briefing Package to Commission	11/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

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DATE : 09/04/2001

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TITLE: Petition HP 00-2 Requesting a Rule Declaring Natural Rubber Latex a Strong Sensitizer

RIN: 3041-AB88 (Prerule)

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

None

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petitions FP 00-1, FP 00-2, FP 00-3, and FP 00-4 Requesting Requirements for Flammability of Mattresses

RIN: 3041-AB89 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 1191, Flammable Fabrics Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

The Commission has received correspondence from Whitney A. Davis, Director of the Children's Coalition for Fire-Safe Mattresses, requesting that the Commission take various actions concerning mattress flammability. The Commission has docketed as petitions his requests for rules requiring: (1) an open-flame standard similar to the full-scale test set forth in California Technical Bulletin 129; (2) an open flame standard similar to the component test set forth in British Standard 5852; (3) a warning label for flammable mattresses; and (4) a permanent mattress identification tag attached to the inner spring of the mattress. The petitioner focuses primarily on the role polyurethane foam plays in mattress fires. He notes that the Commission's existing mattress flammability standard only addresses cigarette ignition; yet childplay with open-flame sources causes nearly two-thirds of mattress fires. He argues that with polyurethane foam mattresses, fires have become increasingly more deadly than with cotton-batting mattresses due to increased smoke generation, heat production and flame spread. With regard to labels, he notes that polyurethane foam manufacturers provide warnings to mattress manufacturers, but these warnings are not passed on to the consumer. With regard to an identification tag, the petitioner argues that such a tag would help to identify mattresses involved in fires because often only the inner spring unit remains after a mattress fire. The Commission has docketed these petitions under provisions of the Flammable Fabrics Act. The staff has prepared a briefing package for the Commission to consider.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION

DATE

FR CITE

AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petitions FP 00-1, FP 00-2, FP 00-3, and FP 00-4 Requesting Requirements for Flammability of Mattresses
RIN: 3041-AB89 (Long-Term Action)

ACTION	DATE	FR CITE
Petitions Docketed	05/22/2000	
Notice	06/12/2000	65 FR 36890
Comment Period End	08/11/2000	
Staff Sent Briefing Package to Commission	08/16/2001	
Commission Decision	09/21/2001	
Next Action Undetermined		

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: Petition CP 00-1 Requesting Performance Requirements for Non-Wood Baseball Bats

RIN: 3041-AB90 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant

UNFUNDED MANDATES:

No

MAJOR: No

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 2051, Consumer Product Safety Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

The Commission has received correspondence from J.W. MacKay, Jr. requesting that the Commission issue a rule requiring that all non-wood baseball bats perform like wood bats. He states that such bats have a faster bat swing speed, a larger "sweet spot," and lower balance point than wood bats. These high performance bats, he asserts, allow the ball to achieve a faster exit velocity so that the pitcher does not have time to react if a ball is batted at him. The petitioner asserts that non-wood bats (primarily made of aluminum and composite materials) have become increasingly dangerous. For these reasons, the petitioner argues, such non-wood bats present an unreasonable risk of injury. The Commission docketed his request as a petition under the Consumer Product Safety Act and published a notice in the Federal Register on June 15, 2000 to solicit comments on the petition from interested persons. The staff prepared a briefing package for the Commission to consider.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	05/24/2000	
Notice	06/15/2000	65 FR 37525
Comment Period End	08/14/2000	
Staff Sent Briefing Package to Commission	09/14/2001	
Next Action Undetermined		

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petition CP 00-1 Requesting Performance Requirements for Non-Wood
Baseball Bats

RIN: 3041-AB90 (Long-Term Action)

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Portable Bed Rails
RIN: 3041-AB91 (Proposed Rule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

The Commission is considering whether certain portable bed rails present an unreasonable risk of injury that should be regulated. A portable bed rail is a device intended to be installed on an adult bed to prevent a child from falling out of the bed. Such bed rails may be constructed in a manner that children can become entrapped between the portable bed rail and the bed. This entrapment can result in serious injury or death.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Staff Sends Briefing Package to Commission	06/28/2000	
Commission Decision	09/21/2000	
ANPRM	10/03/2000	65 FR 58968
ANPRM Comment Period End	12/04/2000	
Staff Sends Briefing Package to Commission	10/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

AGENDA REVIEW REPORT

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TITLE: Portable Bed Rails
RIN: 3041-AB91 (Proposed Rule)

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Requirement for Special Packaging of Oral Prescription Drugs That Are Granted Over-The-Counter Status by the Food and Drug Administration

RIN: 3041-AB92 (Completed Action)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant

UNFUNDED MANDATES:

No

MAJOR: No

LEGAL AUTHORITY:

15 USC 1471, Poison Prevention Packaging Act

CFR CITATION:

16 CFR 1700.14(a)(30); 16 CFR 1702.16

LEGAL DEADLINE:

None.

ABSTRACT:

On June 23, 2000, the Commission directed the CPSC staff to draft a notice of proposed rulemaking (NPR) to require that the child-resistant packaging requirements for oral prescription drugs continue when the active chemicals are granted over-the-counter (OTC) status by the Food and Drug Administration (FDA). The current regulations under the Poison Prevention Packaging Act (PPPA) require child-resistant packaging of most oral prescription drugs. However, when the FDA allows an oral prescription drug to be sold OTC, child-resistant packaging of that drug is no longer required. When the Commission finds that a particular switched OTC drug requires child-resistant packaging because it may cause serious injury or serious illness, it must issue an individual rule, which may not take effect for several years after the switch.

On August 30, 2000, the Commission issued a proposed rule that would automatically require drugs that have been switched after the effective date of the rule to be in child-resistant packaging. Under the proposed rule, drugs switched by FDA from prescription to OTC before the effective date of the rule would not automatically have to be in child-resistant packaging. This proposed rule provides that those companies that believe their drug product does not need to be in child-resistant packaging can provide information to the Commission, as they do currently under the PPPA oral prescription drug rule, to demonstrate either: (1) that the drug product will not injure children if it is marketed in non-child-resistant packaging, or (2) that child-resistant packaging is not technically feasible, practicable, or appropriate for the oral drug when marketed as an OTC product. If the Commission agrees, it will by rule exempt the drug product from the PPPA requirements. The Federal Register notice also proposes to revoke 16 CFR 1702.16(b) to allow petitions for exemptions from child-resistant packaging requirements to be submitted and considered by the Commission before the new drug applications (NDA) are approved by the FDA. This would decrease the potential financial and regulatory burdens to the drug company associated with a post-marketing package change.

The Commission considered written comments received in response to the NPR and voted to issue a final rule.

STATEMENT OF NEED:

AGENDA REVIEW REPORT

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TITLE: Requirement for Special Packaging of Oral Prescription Drugs That Are Granted Over-The-Counter Status by the Food and Drug Administration

RIN: 3041-AB92 (Completed Action)

- # SUMMARY OF THE LEGAL BASIS:
- # ALTERNATIVES:
- # ANTICIPATED COSTS AND BENEFITS:
- # RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Staff Briefing of Commission on Whether to Issue an NPRM	06/07/2000	
Commission Decision to Prepare a Draft NPRM	06/23/2000	
NPRM	08/30/2000	65 FR 52678
NPRM Comment Period End	11/13/2000	
Staff Sends Briefing Package to Commission	07/03/2001	
Final Rule	08/02/2001	66 FR 40111
Final Rule Effective	01/29/2002	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

None

FEDERALISM:

No

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: Petition HP 00-4 Requesting a Rule Banning Baby Bath Seats
RIN: 3041-AB93 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

Undetermined

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from the Consumer Federation of America and other consumer groups, docketed on August 4, 2000, requests that the Commission ban baby bath seats and bath rings. These are consumer products used to hold an infant in a bathtub while the child is being bathed. The petitioners assert that bath seats pose an unreasonable risk of injury, primarily because they create a false sense of security that the child is safe in the bathtub. They assert that 66 incidents of drowning and 37 reports of near drowning involving baby bath seats have been identified. On August 22, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff briefed the Commission on May 23, 2001. On May 30, 2001, the Commission granted the petition and voted to issue an advance notice of proposed rulemaking (ANPR).

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	08/04/2000	
Notice	08/22/2000	65 FR 50968
Comment Period End	10/23/2000	
Staff Sends Briefing Package to Commission	03/30/2001	
Commission Decision	05/30/2001	
ANPRM	08/01/2001	66 FR 39692
ANPRM Comment Period End	10/01/2001	
Staff Sends Briefing Package to Commission	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

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TITLE: Petition HP 00-4 Requesting a Rule Banning Baby Bath Seats
RIN: 3041-AB93 (Prerule)

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

None

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 33

TITLE: Petition HP 01-1 Requesting Development of Performance Standard for Bicycle Handlebars

RIN: 3041-AB94 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from Flaura Koplin Winston, MD. Ph.D., Director, Trauma Link: The Interdisciplinary Pediatric Injury Control Research Center, Children's Hospital of Philadelphia, requests that the Commission develop a performance standard for bicycle handlebars regarding energy dissipation and distribution during impact. The request was docketed as a petition on January 23, 2001. A notice requesting comment on the petition was published in the Federal Register on February 14, 2001. The initial comment period closed on April 16, 2001. The comment period was extended to May 16, 2001.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	01/23/2001	
Notice	02/14/2001	66 FR 10273
Comment Period End	04/16/2001	
Notice	04/16/2001	66 FR 19429
Comment Period End	05/16/2001	
Staff Sends Briefing Package to Commission	11/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: Petition HP 01-1 Requesting Development of Performance Standard for
Bicycle Handlebars

RIN: 3041-AB94 (Prerule)

None

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: Petition HP 01-02 Requesting Exemption for Model Rocket Propellant Devices Used With Ground Vehicles

RIN: 3041-AB95 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

Undetermined

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e) Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from Centuri Corporation requests that the Commission issue a rule exempting certain model rocket propellant devices to be used for model rocket ground vehicles. The petitioner requests that the Commission extend the existing exemption for motors used for flying model rockets to motors used for certain model rocket cars that travel on a tethered line along the ground. The request was docketed as a petition on February 14, 2001. A notice requesting comment on the petition was published in the Federal Register on March 8, 2001. The comment period closed on May 7, 2001.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	02/14/2001	
Notice	03/08/2001	66 FR 13914
Comment Period End	05/07/2001	
Staff Sent Briefing Package to Commission	09/28/2001	
Commission Decision	10/00/2001	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: Petition HP 01-02 Requesting Exemption for Model Rocket Propellant
Devices Used With Ground Vehicles

RIN: 3041-AB95 (Prerule)

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: ● Proposed Ban of Candles with Lead-Containing Wicks and Wicks Sold for Candle-Making that Contain Lead

RIN: 3041-AB96 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

15 USC 1261, Federal Hazardous Substances Act

*** CFR CITATION:**

*** LEGAL DEADLINE:**

ABSTRACT:

An advance notice of proposed rulemaking (ANPR), published in the Federal Register on February 20, 2001, requested comments on a rulemaking proceeding that could result in a mandatory rule addressing the use of lead in candle wicks. The Commission voted to publish the ANPR and proceed with rulemaking after considering the staff's analysis of the available data on lead-cored candle wicks as well as information provided by the petitioners Public Citizen, National Apartment Association, and National Multi Housing Council. The staff recommended that the Commission proceed with rulemaking to ban metal-cored wicks containing more than 0.06% lead by weight in the metal. The staff is addressing public comments received in response to the ANPR and is preparing a briefing package for Commission consideration.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM	02/20/2001	66 FR 10863
ANPRM Comment Period End	04/23/2001	
Staff Sends Briefing Package to Commission	10/00/2001	
Commission Decision	11/00/2001	

*** REGULATORY FLEXIBILITY ANALYSIS REQUIRED:**

SMALL ENTITIES AFFECTED:

*** GOVERNMENT LEVELS AFFECTED:**

AGENDA REVIEW REPORT

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TITLE: ● Proposed Ban of Candles with Lead-Containing Wicks and Wicks Sold for
Candle-Making that Contain Lead

RIN: 3041-AB96 (Prerule)

* **PROCUREMENT:**

ENERGY EO:

ADDITIONAL INFORMATION:

AGENCY CONTACT:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 39

TITLE: ● Petition HP 01-03 Requesting a Ban on Use of Chromated-Cooper-Arsenate (CCA) Treated Wood in Playground Equipment

RIN: 3041-AB97 (Long-Term Action)

REGULATORY PLAN: No

PRIORITY:

Economically Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

15 USC 1262, Federal Hazardous Substance Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from the Environmental Working Group and Healthy Building Network, docketed June 20, 2001, requests that the Commission enact an immediate ban on the use of chromated copper arsenate (CCA) treated wood in playground equipment. This treatment is used as a pesticide in the wood. The petitioners assert that a ban is necessary because recent research has shown that arsenic is more carcinogenic than was previously recognized, and is present at significant concentrations on CCA treated wood and in underlying soil. They further assert that the health risks posed by this wood are greater than was previously recognized, and that past risk assessments were incomplete. On July 13, 2001, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. This is a 60-day comment period that will end on September 11, 2001. The petitioners also requested that the Commission review the safety of CCA treated wood for general use. Such a review would not require rulemaking to implement, therefore, the request was not docketed.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	06/20/2001	
Notice	07/13/2001	66 FR 36756
Comment Period End	09/11/2001	
Staff Sends Briefing Package to Commission	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

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DATE : 09/04/2001

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TITLE: ● Petition HP 01-03 Requesting a Ban on Use of Chromated-Copper-Arsenate (CCA) Treated Wood in Playground Equipment

RIN: 3041-AB97 (Long-Term Action)

No

GOVERNMENT LEVELS AFFECTED:

Undetermined

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: ● Petition CP 01-01 Requesting Rule Requiring Product Registration Cards for Products Intended for Children

RIN: 3041-AB98 (Prerule)

REGULATORY PLAN: No

PRIORITY:

Economically Significant. Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES:

No

MAJOR:

LEGAL AUTHORITY:

5 USC 553(e), Administrative Procedure Act; 15 USC 2065(b), Consumer Product Safety Act

CFR CITATION:

Not Yet Determined

LEGAL DEADLINE:

None.

ABSTRACT:

A petition from the Consumer Federation of America requests that the Commission issue a rule requiring product registration cards with every product intended for children. The petitioner asks for a rule that would "require manufacturers (or distributors, retailers, or importers) of products intended for children provide along with every product a Consumer Safety Registration Card that allows the purchaser to register information, through the mail or electronically." This would enable a manufacturer to contact the purchaser if the product were recalled or otherwise presented a safety hazard. On August 1, 2001, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff will prepare a briefing package for consideration by the Commission.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	07/10/2001	
Notice	08/01/2001	66 FR 39737
Comment Period End	10/01/2001	
Staff Sends Briefing Package to the Commission	00/00/0000	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

Undetermined

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

Undetermined

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DATE : 09/04/2001

AGENDA: OCT 2001

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TITLE: ● Petition CP 01-01 Requesting Rule Requiring Product Registration Cards
for Products Intended for Children

RIN: 3041-AB98 (Prerule)

FEDERALISM:

Undetermined

PROCUREMENT:

Not procurement-related

ENERGY EO:

Undetermined

ADDITIONAL INFORMATION:

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AGENDA REVIEW REPORT

DATE : 09/04/2001

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TITLE: ● Petition PP 00-1 Requesting Partial Exemption From Special Packaging Requirements for Lidoderm

RIN: 3041-AB99 (Completed Action)

REGULATORY PLAN: No

PRIORITY:

Substantive, Nonsignificant

UNFUNDED MANDATES:

No

MAJOR: No

LEGAL AUTHORITY:

15 USC 1471, Poison Prevention Packaging Act

CFR CITATION:

16 CFR 1700.14(a)(23)

LEGAL DEADLINE:

None.

ABSTRACT:

On October 5, 2000 the Commission docketed a petition from Endo Pharmaceuticals requesting a partial exemption from special packaging for Lidoderm patches on the ground that it was too costly to provide child-resistant ("CR") packaging for Lidoderm patches. Lidoderm is an orphan prescription drug used for post herpetic neuralgia. Under the Poison Prevention Packaging Act, CR packaging is required for products with more than 5 mg of lidocaine. Therefore, because each patch contains 700 mg of lidocaine, Lidoderm must be sold in CR packaging. On August 7, 2001, the Commission voted unanimously to deny the petition and instead issued a conditional stay of enforcement that will adequately protect children.

STATEMENT OF NEED:

SUMMARY OF THE LEGAL BASIS:

ALTERNATIVES:

ANTICIPATED COSTS AND BENEFITS:

RISKS:

TIMETABLE:

ACTION	DATE	FR CITE
Petition Docketed	10/05/2000	
Staff Sent Briefing Package to Commission	05/16/2001	
Commission Denied Petition and Granted Stay of Enforcement	08/07/2001	
Notice	08/30/2001	66 FR 45841

REGULATORY FLEXIBILITY ANALYSIS REQUIRED:

No

SMALL ENTITIES AFFECTED:

GOVERNMENT LEVELS AFFECTED:

None

FEDERALISM:

AGENDA REVIEW REPORT

DATE : 09/04/2001

AGENDA: OCT 2001

PAGE : 44

TITLE: ● Petition PP 00-1 Requesting Partial Exemption From Special Packaging Requirements for Lidoderm

RIN: 3041-AB99 (Completed Action)

No

PROCUREMENT:

Not procurement-related

ENERGY EO:

No

ADDITIONAL INFORMATION:

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