



UNITED STATES  
 CONSUMER PRODUCT SAFETY COMMISSION  
 WASHINGTON, DC 20207

**BALLOT VOTE SHEET**

DATE: APR - 6 2004

TO: The Commission  
 Todd A. Stevenson, Secretary

THRU: John Gibson Mullan, General Counsel *JGM*

FROM: Lowell F. Martin, Assistant General Counsel for Regulatory Affairs *L.F.M.*

SUBJECT: Petition Requesting Ban of Sulfuric Acid Drain Openers for Consumer Use,  
 Petition No. HP 04-2

Ballot Vote Due: APR 20, 2004

The Office of the General Counsel has docketed as a petition for rulemaking under the Federal Hazardous Substances Act (FHSA)(Petition No. HP 04-2) the request of Mr. Michael Fox that the Commission issue a ban on sulfuric acid drain openers (SADOs) for use by consumers, or in the alternative, that the Commission require that SADOs for consumers be "packaged in one-shot containers" and be limited to a maximum sulfuric acid concentration of 84 percent. The Office of the Secretary has provided the Commissioners with copies of the petition and a restricted memorandum from this office concerning the petition. The Office of the General Counsel has prepared the attached draft *Federal Register* notice should the Commission in its discretion pursuant to Directive No. 0605.0 decide to request comment on the petition.

The Office of Hazard Identification and Reduction recommends that the Commission seek public comment (Option I) on the petition. The Office of the General Counsel concurs in that recommendation.

Please indicate your vote on the following options.

- I. Issue the *Federal Register* notice as drafted.

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Date)

II. Do not issue the *Federal Register* notice.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

III. Issue the *Federal Register* notice with changes. (Please specify.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Attachment: Draft *Federal Register* notice

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Billing Code 6355-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

**Petition Requesting Ban of Sulfuric Acid Drain Openers for Consumer Use (Petition No. HP 04-2)**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The United States Consumer Product Safety Commission (Commission or CPSC) has received a petition (HP 04-2) requesting that the Commission ban sulfuric acid drain openers (SADOs) for consumer use, or in the alternative, require that SADOs for consumers be packaged in "one-shot" containers and be limited to a maximum sulfuric acid concentration of 84 percent. The Commission solicits written comments concerning the petition.

**DATES:** The Office of the Secretary must receive comments on the petition by [insert date 60 days after publication in the Federal Register].

**ADDRESSES:** Comments on the petition, preferably in five copies, should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda,

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Maryland 20814. Comments may also be filed by facsimile to (301) 504-0127 or by email to [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov). Comments should be captioned "Petition HP 04-2, Petition for Ban on Sulfuric Acid Drain Openers for Consumer Use." A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland. The petition is also available on the CPSC web site at [www.cpssc.gov](http://www.cpssc.gov).

**FOR FURTHER INFORMATION CONTACT:** Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-6833, e-mail [rhammond@cpssc.gov](mailto:rhammond@cpssc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission has received correspondence from Mr. Michael Fox requesting that the Commission ban SADOs for consumer use, or in the alternative, require that SADOs for consumers be packaged in "one-shot" containers and be limited to a maximum sulfuric acid concentration of 84 percent.

Mr Fox asserts that such action is necessary because "sulfuric acid drain cleaners (SADOs) are unreasonably dangerous and should not be sold to ordinary consumers." Mr. Fox provides injury data that he asserts supports that proposition.

The request for a ban or a restriction to packaging in

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"one-shot" containers with a limit on sulfuric acid concentration of a maximum of 84 percent is docketed as petition number HP 04-2 under the Federal Hazardous Substances Act, 15 U.S.C. 1261 - 1278.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800. The petition is available on the CPSC web site at [www.cpsc.gov](http://www.cpsc.gov). A copy of the petition is also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated:

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Todd A. Stevenson, Secretary  
Consumer Product Safety Commission