United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

CPSC/OFFICE OF THE SECRETARY
1999 MAR -9 A 9:10

BALLOT VOTE SHEET

DATE: MAR 8 1999

TO : The Commission
Sadye E. Dunn, Secretary

FROM : Jeffrey S. Bromme, General Counsel
Stephen Lemberg, Asst. General Counsel
Harleigh Ewell, Attorney, GCRA (Ext. 2217) HE

SUBJECT: Proposed rule for bunk beds; opportunity for oral presentations of comments 0661

BALLOT VOTE DUE: MAR 16 1999, 1999

Section 9(d)(2) of the Consumer Product Safety Act (CPSA) requires the Commission to give interested persons an opportunity for the oral presentation of data, views, or arguments on proposed CPSA rules. 15 U.S.C. § 2058(d)(2). Attached for the Commission's consideration is a draft Federal Register notice announcing the date, time, and ground rules of the opportunity for oral comments on the proposed bunk bed rule (10 a.m., May 6, 1999).

Please indicate your vote on the following options.

I. APPROVE THE ATTACHED DRAFT FEDERAL REGISTER NOTICE WITHOUT CHANGE.

(Signature) (Date)

II. APPROVE THE ATTACHED DRAFT FEDERAL REGISTER NOTICE WITH CHANGES (please specify).

(Signature) (Date)

NOTE: This document has not been reviewed or accepted by the Commission.
Initial SD Date 3/8/99

CPSA 6 (b)(1) Cleared
3/8/99
X No Mfrs/PrvtLblrs
Products Identified
Excepted by
Firms Notified

III. TAKE OTHER ACTION (please specify).

_____ _____
(Signature) (Date)

Attachment

Comments/Instructions:

DRAFT - 3/8/99 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1213, 1500 and 1513

Bunk Beds; Notice of Opportunity for Oral Presentation of Comments

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of opportunity for oral presentation of comments.

SUMMARY: The Commission announces that there will be an opportunity for interested parties to present oral comments on a proposed rule that, if issued, would reduce unreasonable risks of injury and death associated with bunk beds that are constructed so that children can become entrapped in the beds' structure or become wedged between the bed and a wall. Any oral comments will be part of the rulemaking record.

DATES: If requests for oral presentations of comments are received, the presentations will begin at 10 a.m., May 6, 1999, in Room 420 in the Commission's offices at 4330 East-West Highway, Bethesda, MD 20814.

Requests to present oral comments must be received by April 22, 1999. Persons requesting an oral presentation must file a written text of their presentations no later than April 29, 1999.

ADDRESSES: Requests for oral presentations of comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland; telephone (301) 504-0800. Requests may also be filed by telefacsimile to (301) 504-0127 or by email to cpsc-os@cpsc.gov. Requests to make oral presentations and texts of presentations should be captioned "Oral Comment; NPR for Bunk Beds."

FOR FURTHER INFORMATION CONTACT: Concerning the substance of the proposed rule: John Preston, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207-0001; telephone (301) 504-0494, ext. 1315; email jpreston@cpsc.gov. Concerning requests and procedures for oral presentations of comments: Rockelle Hammond, Docket Control and Communications Specialist, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0800 ext. 1232.

SUPPLEMENTARY INFORMATION:

The Consumer Product Safety Commission ("CPSC" or "Commission") has reason to believe that unreasonable risks of injury and death are associated with bunk beds that are constructed so that children can become entrapped in the beds' structure or become wedged between the bed and a wall.

On March 3, 1999, the Commission proposed a rule that, if issued, would mandate bunk bed performance requirements to reduce this hazard. 64 Fed. Reg. 10245.[1] These requirements would be issued under both the Federal Hazardous Substances Act ("FHSA"), for bunk beds intended for use by children, and the Consumer Product Safety Act ("CPSA"), for beds not intended for children.

As required by Section 9(d)(2) of the Consumer Product Safety Act, 15 U.S.C. 2058(d)(2), there will be an opportunity for interested parties to present oral comments on the proposal. See the information under the headings "DATES" and "ADDRESSES" at the beginning of this notice. Any oral comments will be part of the rulemaking record.

Commenters should limit their presentations to approximately 10 minutes, exclusive of any periods of

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[1] The Commission approved the notice publishing the proposed rule by a vote of 2-0-1. Chairman Ann Brown and Commissioner Thomas H. Moore voted to approve the notice; Commissioner Mary Sheila Gall abstained. Each commissioner issued a statement concerning his or her position on the proposal. Copies of the statements can be obtained from the Commission's Office of the Secretary.

questioning by the Commissioners or the CPSC staff. The Commission reserves the right to further limit the time for any presentation and to impose restrictions to avoid excessive duplication of presentations.

Dated: _____, 1999.

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Sadye E. Dunn, Secretary

Consumer Product Safety Commission