



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

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

Record of Commission Action Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Robert S. Adler
 Commissioner Marietta S. Robinson
 Commissioner Ann Marie Buerkle

ITEM:

Fiscal Year (FY) 2014 Midyear Review and Proposed Operating Plan Adjustments Supplemental
(Briefing package dated May 9, 2014)

DECISION:

The Commission voted unanimously (3-0) to approve reallocation of \$1.5 million for all-terrain vehicle data analysis, as requested in the Executive Director's recommendations for FY 2014 Midyear Review and Proposed Operating Plan Adjustments. Acting Chairman Adler and Commissioner Robinson voted for the same changes. Commissioner Buerkle voted for different changes. The proposed changes approved by Acting Chairman Adler and Commissioner Robinson and the changes proposed by Commissioner Buerkle that were not approved are attached.

For the Commission:

Todd A. Stevenson
Secretary

* Ballot vote due May 9, 2014

Attachments: The proposed changes approved
 The proposed changes not approved

Adler Amendments – FY 2014 Midyear Review and Proposed Operating Plan Adjustments Supplemental

1. On page 2 of the Executive Director’s recommendations for FY 2014 Midyear Review and Proposed Operating Plan Adjustments, under project #1 entitled, “Accelerate All-Terrain Vehicle (ATV) Data Analysis,” strike the following:

- 1. Accelerate All-Terrain Vehicle (ATV) Data Analysis - EXHR (\$1,150K):** Conduct a literature review and develop a testing strategy to evaluate steering and stability issues. Purchase six additional model year 2014 ATVs. Contract for methodology development for static measures (*e.g.*, weight, track width, wheel base), dynamic testing (*e.g.*, lateral acceleration, steering) and rollover testing. This work is required to support a notice of proposed rulemaking (NPR) in FY 2015, as directed by the Commission in the FY 2014 Operating Plan and the FY 2015 Performance Budget Request to Congress.

Replace with the following language:

- 1. Accelerate All-Terrain Vehicle (ATV) Data Analysis and Equipment Purchase – EXHR (\$1,096K):** Purchase a number of ATVs, including select models known to be involved in ATV-related fatalities. Contract to develop test fixtures, autonomous control systems, and measure static and dynamic test data on a cross-section of ATV types and sizes in various load conditions to quantify the stability characteristics of these widely used vehicles. Contract to quantify the effect of static stability and handling characteristics resulting from modifications in vehicle attributes (*e.g.* track width, center of gravity). Purchase crash test dummies for use in evaluating stability and occupant protection. Contract to quantitatively and qualitatively evaluate the functionality, usability, and acceptability of a prototype child-resistant ignition for an ATV, including the functionality in preventing children under 10-years-old from starting an ATV while retaining functionality for adults. Also, included in this contract will be work to assess how acceptable a prototype child-resistant ATV ignition is to adult. The work listed above is to support a notice of proposed rulemaking (NPR) in FY 2015, as directed by the Commission in the FY 2014 Operating Plan and the FY 2015 Performance Budget Request to Congress.

2. On page 3 of the Executive Director’s recommendations for FY 2014 Midyear Review and Proposed Operating Plan Adjustments, add the following project, to Tier 1, after project #7, entitled, “X-Ray Fluorescence (XRF) Analyzers”:

8. Potential Way to Reduce Third Party Testing Costs Through Determinations Consistent with Assuring Compliance – EXHR (\$54K): The Commission has been exploring potential ways to reduce third party testing costs through determinations consistent with assuring compliance with underlying requirements. This project would provide funds for a study to assist the Commission in determining whether unfinished wood or other natural materials are materials

that do not, and will not, contain any of the eight specific heavy metals, in levels that exceed the allowable limits, listed in the Toy Standard, ASTM F-963.

Attachment to FY 2014 Midyear
Review May 9, 2014

**Buerkle Amendment – FY 2014 Midyear Review and Proposed Operating Plan
Adjustments Supplemental**

1. On page 2 of the Executive Director’s recommendations for FY 2014 Midyear Review and Proposed Operating Plan Adjustments, under project #1 entitled, “Accelerate All-Terrain Vehicle (ATV) Data Analysis,” strike the following:

- 1. Accelerate All-Terrain Vehicle (ATV) Data Analysis - EXHR (\$1,150K):** Conduct a literature review and develop a testing strategy to evaluate steering and stability issues. Purchase six additional model year 2014 ATVs. Contract for methodology development for static measures (e.g., weight, track width, wheel base), dynamic testing (e.g., lateral acceleration, steering) and rollover testing. This work is required to support a notice of proposed rulemaking (NPR) in FY 2015, as directed by the Commission in the FY 2014 Operating Plan and the FY 2015 Performance Budget Request to Congress.

Replace with the following language:

- 1. Accelerate All-Terrain Vehicle (ATV) Data Analysis and Equipment Purchase – EXHR (\$846K):** Purchase a number of ATVs, including select models known to be involved in ATV-related fatalities. Contract to develop test fixtures, autonomous control systems, and measure static and dynamic test data on a cross-section of ATV types and sizes in various load conditions to quantify the stability characteristics of these widely used vehicles. Purchase crash test dummies for use in evaluating stability and occupant protection. The work listed above is to support a notice of proposed rulemaking (NPR) in FY 2015, as directed by the Commission in the FY 2014 Operating Plan and the FY 2015 Performance Budget Request to Congress.

2. On page 3 of the Executive Director’s recommendations for FY 2014 Midyear Review and Proposed Operating Plan Adjustments, add the following projects, to Tier 1, after project #7, entitled, “X-Ray Fluorescence (XRF) Analyzers”:

“8. Potential Way to Reduce Third Party Testing Costs Through Determinations Consistent with Assuring Compliance – EXHR (\$54K): The Commission has been exploring potential ways to reduce third party testing costs through determinations consistent with assuring compliance with underlying requirements. This project would provide funds for a study to assist the Commission in determining whether unfinished wood or other natural materials are materials that do not, and will not, contain any of the seven specific heavy metals (not including lead), in levels that exceed the allowable limits, listed in the Toy Standard, ASTM F-963.

“9. Phthalates Containing Plastics Physical Properties Correlation Study Phase I - Identification of Methods -- EXHR (\$250,000): Phthalates are a class of chemicals often used to modify the mechanical properties of polyvinyl chloride and other plastics that are used in

consumer products. Maximum legal limits have been placed on the amount of certain phthalates that are permitted to be present in certain products. Historically, solvent extraction coupled with advanced chemical analysis techniques such as liquid chromatography, gas chromatography, and mass spectrometry have been employed in order to measure the concentration of phthalates in plastics. The scope of the proposed work involves development of a method or methods to detect the presence and concentration of phthalates that does not rely on any of the conventional means of detection. Unconventional means of detection could include the measurement of one or more physical properties; development of a chemical compound, that when applied to the surface of plastic would reveal the presence and/or concentration of phthalates; or other technique or combination of techniques. This phase involves the identification of possible physical/mechanical property test methods or combinations of physical measurement techniques that may be used to detect phthalates within the constraints outlined above. This phase is expected to last 6 to 12 months after contract award.