



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

BALLOT VOTE SHEET

DATE: APR 10 1997

TO : The Commission
 Sadye E. Dunn, Secretary

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

SUBJECT: Request for a 60-Day Extension of the Comment Period on
 Child-Resistant Packaging Requirements for Products
 Containing Petroleum Distillates and Other Hydrocarbons

BALLOT VOTE DUE: APR 18, 1997

Attached is a memorandum from the staff concerning a request from the Chemical Specialties Manufacturers Association for a 60-day extension of the comment period on the advance notice of proposed rulemaking for child-resistant packaging requirements for products containing petroleum distillates and other hydrocarbons. A draft Federal Register notice granting the request is attached for the Commission's consideration.

Please indicate your vote on the following options.

- I. GRANT THE REQUESTED 60-DAY EXTENSION AND APPROVE THE ATTACHED DRAFT FEDERAL REGISTER NOTICE WITHOUT CHANGE.

 (Signature)

 (Date)

NOTE: This document has not been reviewed or accepted by the Commission.
 Initial ph Date 4/10/97

CPSA 6 (b)(1) Cleared
4/10/97
 No Affs/PrvtLbrs of
 Products Identified
 Excepted by _____

II. GRANT THE REQUESTED 60-DAY EXTENSION AND APPROVE THE ATTACHED DRAFT FEDERAL REGISTER NOTICE WITH CHANGES (please specify).

(Signature)

(Date)

III. DO NOT GRANT THE REQUESTED EXTENSION.

(Signature)

(Date)

IV. TAKE OTHER ACTION (please specify).

(Signature)

(Date)

Attachments

Comments/Instructions:

TABLE OF CONTENTS

	Page
Staff Memorandum	4
TABS	
TAB A Correspondence from Chemical Specialty Manufacturers Association requesting a 60 day extension of the comment period for the ANPR on Household Products Containing Petroleum Distillates and other Hydrocarbons, March 14, 1997	5
TAB B Correspondence from Chemical Specialty Manufacturers Association requesting information under the Freedom of Information Act, February 21, 1997	8
TAB C Draft <u>Federal Register</u> Advance Notice of Proposed Rulemaking for the Special Packaging of Products Containing Petroleum Distillates or Other Hydrocarbons; Extension of Comment Period	10



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

MEMORANDUM

Date: APR 10 1997

TO : The Commission
: Sadye E. Dunn, Secretary

Through : Jeffrey S. Bromme, General Counsel *JB*
Through : Pamela Gilbert, Executive Director *PG*

FROM : Ronald L. Medford, Assistant Executive Director for Hazard *RLM*
Identification and Reduction
: Suzanne Barone, Ph.D. *SB*
Project Manager for Poison Prevention
Directorate for Epidemiology and Health Sciences, 504-0477 ext.
1196

SUBJECT : Response to the request by the Chemical Specialties Manufacturers
Association for an extension of the comment period for the ANPR on
Household Products Containing Petroleum Distillates and Other
Hydrocarbons.

A written request by Brigid Klein on behalf of the Chemical Specialties Manufacturers Association (CSMA), to extend the comment period for the Advance Notice of Proposed Rulemaking (ANPR) on Household Products Containing Petroleum Distillates and Other Hydrocarbons, was received on March 14, 1997, (Tab A). The CSMA requested a 60-day extension to the comment period for written responses. The comment period currently ends on May 12, 1997.

The CSMA states that it and its members intend to submit "detailed comments in response to the ANPR" and that due to "the breadth of issues..., the current comment period is not long enough to address all of the issues raised." The CSMA also requested the extension due to the time required to complete the processing of a Freedom of Information request made by the CSMA for CPSC documents (Tab B).

Since the CSMA represents many companies that manufacture products that contain petroleum distillates or other hydrocarbons, it is important that we receive substantive information from these companies on the issues outlined in the ANPR. Therefore, the staff recommends that the Commission extend the comment period for 60 additional days.

NOTE: This document has not been
reviewed or accepted by the Commission.
Initial RLM Date 4/10/97

CPSA 6 (b)(1) Cleared

4/10/97
No Mrs/PrivLibr
Products Identified
Exceeded RLM

T A B A



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1913 Eye St. N.W.
Washington, DC 20006

CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION

202-872-8110
Telex 202-872-8114

HAND DELIVERED

March 14, 1997

The Honorable Ann Brown, Chairman
Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

RE: Request for 60-day extension to comment on ANPR on Household Products
Containing Petroleum Distillates and Other Hydrocarbons, 62 Federal Register
8659 (February 26, 1997).

Dear Chairman Brown:

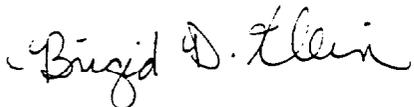
The Chemical Specialties Manufacturers Association (CSMA) hereby requests a 60-day extension to the comment period for the Advanced Notice of Proposed Rulemaking on Household Products Containing Petroleum Distillates and other Hydrocarbons, published in the Federal Register on February 26, 1997 (62 F.R. 8659). CSMA is a voluntary, nonprofit trade association composed of over 400 companies engaged in the manufacture, formulation, distribution, and sale of non-agricultural pesticides, antimicrobials, detergents and cleaning compounds, industrial and automotive specialty chemicals and polishes and floor maintenance products for household, institutional and industrial uses. Since several chemical specialty products contain petroleum distillates, our membership is keenly interested in this rulemaking. Due to the breadth of issues to be considered during the rulemaking, the current comment period is not long enough to adequately address all of the issues raised.

CSMA is committed to working with the Commission on this rulemaking. As you may know, CSMA along with several member companies, met with members of your staff in September of 1995 to discuss this issue. CSMA and its member companies plan to submit detailed comments in response to the ANPR, which we trust will assist the Commission in assessing the need for child-resistant closures on household products which contain petroleum distillates. An additional 60 days would allow the regulated community the time it needs to appropriately respond to the ANPR.

An extension of the comment period also appears warranted in light of the fact that "[d]ue to the heavy volume of FOIA requests. . .and because of certain procedural steps. . .there may be substantial delays" in forwarding a response to the Freedom of Information Act request CSMA filed on February 21, 1997, see Attachment 1. We have requested the data utilized in the development the ANPR.

Thank you for consideration of our request.

Sincerely,

A handwritten signature in cursive script that reads "Brigid D. Klein".

Brigid D. Klein
Regulatory Counsel

cc: Commissioner Mary Gall
Commissioner Thomas Moore



ATTACHMENT 1

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

March 6, 1997

BRIGID D KLEIN
CHEMICAL SPECIALTIES MANUFACTURERS
ASSOCIATION
1913 I STREET NW
WASHINGTON DC 20006

RE: FOIA Request-No. S-702125: Petroleum Distillates

Dear Ms. Klein:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request seeking records from the Consumer Product Safety Commission.

Due to the heavy volume of FOIA requests we have received, and because of certain procedural steps we are required to take under our statute, there may be substantial delays in responding to many requests. Please be assured that every effort is being made to process each request as equitably as possible and that the records you requested which can be released will be made available to you at the earliest possible date.

If you have any questions concerning your request, feel free to contact this office at (301) 504-0785.

Sincerely,

A handwritten signature in cursive script that reads "Todd A. Stevenson".

Todd A. Stevenson
Freedom of Information Officer
Office of the Secretary

T A B B



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1913 Eye St. N.W.
Washington, DC 20006

202 / 872-8110
Teletax 202 / 872-8114

CHEMICAL SPECIALTIES MANUFACTURERS ASSOCIATION

Hand Delivered

February 21, 1997

NA 11

Mr. Todd Stevenson
Freedom of Information Officer
Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20207

Dear Mr. Stevenson:

The Commission has recently voted to issue an Advanced Notice of Proposed Rulemaking regarding the need for child-resistant packaging on products containing petroleum distillates. Some CSMA members manufacture products which contain petroleum distillates and thus are interested in obtaining data or information being utilized by CPSC in determining whether or not to propose use of child-resistant closures on these products. Accordingly, pursuant to the Freedom of Information Act, 5 U.S.C. § 552, CSMA hereby requests:

9999

DIF.Y-

1. Any and all data the Commission has regarding alleged incidents involving consumer products which contain petroleum distillates and/or pine oil;
2. Any petitions or other correspondence that the Commission has received requesting that the Commission assess the need for child-resistant closures on products that contain petroleum distillates;
3. Any and all reports that the Commission has regarding the toxicity of petroleum distillates, including any such toxicity reports pertaining to consumer formulated products; and
4. Any and all data the Commission is reviewing concerning alleged petroleum distillates exposures and incidents including AAPCC reports and NEISS data.

LEHAC

1c/c

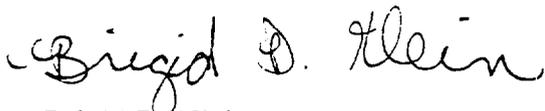
OS

5-702125

5. The 49 in-depth incident reports on pine oil Commissioner Gall referenced during the February 11th briefing.

Thank you for your prompt response to this request. If the duplication costs exceed \$50.00, please call us for further authorization.

Sincerely,

A handwritten signature in cursive script that reads "Brigid D. Klein". The signature is written in black ink and is positioned above the typed name.

Brigid D. Klein
Regulatory Counsel

T A B C

CONSUMER PRODUCT SAFETY COMMISSION

Household Products Containing Petroleum Distillates and Other Hydrocarbons

Advance Notice of Proposed Rulemaking; Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of comment period for advance notice of proposed rulemaking.

SUMMARY: There are child-resistant packaging standards in effect under the Poison Prevention Packaging Act ("PPPA") for some products that contain petroleum distillates or other hydrocarbons. In the **Federal Register** of February 26, 1997, the Consumer Product Safety Commission ("CPSC" or "Commission") published an advance notice of proposed rulemaking ("ANPR") requesting comments on whether additional products containing these substances should be subject to child-resistant packaging standards. 62 FR 8659.

As requested by the Chemical Specialties Manufacturers Association ("CSMA"), the Commission is extending the period for receiving written comments on the ANPR.

DATE: Written comments in response to the ANPR must be received by the Commission by July 11, 1997.

ADDRESS: Comments, preferably in five copies, 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 20814; telephone (301) 504-0800. Alternatively, comments may be filed by telefacsimile to (301)504-0127 or by e-mail to cpsc-os@cpsc.gov. Comments should be captioned "Comments on ANPR for Petroleum Distillates."

FOR FURTHER INFORMATION CONTACT: Suzanne Barone, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0477, ext. 1196.

SUPPLEMENTARY INFORMATION:

Existing PPPA standards require child-resistant packaging for some products that contain petroleum distillates or other hydrocarbons. Aspiration of small amounts of these chemicals into the lung can cause chemical pneumonia, pulmonary damage, and death.

In the **Federal Register** of February 26, 1997, the CPSC published an ANPR that initiated a rulemaking proceeding to consider whether additional household products containing petroleum distillates and other hydrocarbons should be

subject to PPPA standards. 62 FR 8659. The Commission solicited written comments from interested persons concerning these risks, the regulatory alternatives discussed in the ANPR, other possible means to address the risks, and the economic impacts of the various regulatory alternatives. The Commission provided for a 75-day comment period, which expires May 12, 1997.

CSMA requested a 60-day extension of the comment period, which it stated was needed due to the breadth of issues involved. CSMA also stated that additional time was needed to complete the processing of its request for CPSC documents.

CSMA represents many companies that manufacture products that contain petroleum distillates or other hydrocarbons. Therefore, the information that they can supply concerning these issues is important to the rulemaking. Accordingly, the Commission granted its request for an extension of the comment period, and extends the period for submission of written comments to July 11, 1997.

Dated: _____, 1997.

Sadye E. Dunn, Secretary
Consumer Product Safety Commission