



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

MINUTES OF COMMISSION MEETING
October 14, 2009

Chairman Inez M. Tenenbaum convened the October 14, 2009, 9:00 a.m., meeting of the U. S. Consumer Product Safety Commission in open session. Commissioners Thomas H. Moore, Nancy A. Nord, Robert S. Adler and Anne M. Northup were present.

Chairman Tenenbaum made an opening statement and discussed an amendment to the agenda items. On motion of Commissioner Moore and seconded by Commissioner Adler, the Commission voted unanimously (5-0) to amend the agenda by moving the briefing on Brass Lead Exclusions to the end of the morning agenda (Item no. 4) and to begin that briefing in Executive Session to discuss legal matters with the General Counsel, Cheryl Falvey.

AGENDA ITEM 1: Third Party Testing for Certain Children's Products, Notice of Requirements for Accreditation of Third Party Conformity Assessment Bodies to Assess Conformity with the Limits on Total Lead in Children's Products

The Commission was briefed on this matter by the staff, Robert J. Howell, Director of the Office of Hazard Identification and Reduction ("EXHR"), Scott Heh, Special Assistant in EXHR, and Phillip Chao, Supervisory General Attorney, Office of General Counsel ("OGC") on the major requirements and topics regarding lab accreditation and the staff's recommendation to issue a *Federal Register* document that announces the accreditation requirements for third party conformity assessment bodies for testing pursuant to limits on total lead in children's products in previously issued standard operating procedures. The staff responded to questions from the Commissioners. (Ref: staff briefing package dated October 7, 2009.)

AGENDA ITEM 2: Statement of Policy: Testing and Certification of Lead in Children's Products

The Commission was briefed on this matter by the staff, Cheryl Falvey, General Counsel, Hyun Kim, General Attorney, OGC, and Robert J. Howell, Director, EXHR, on the issues and recommendations regarding a draft statement of policy providing guidance on the testing and certification of children's products for compliance with lead content limits under section 101(a) of the Consumer Product Safety Improvement Act ("CPSIA"). The staff responded to questions from the Commissioners. (Ref: staff briefing package dated October 9, 2009.)

AGENDA ITEM 3: Recreational Off-Highway Vehicles (“ROVs”) Advance Notice of Proposed Rulemaking (“ANPR”)

The Commission was briefed on this matter by the staff, Mark Kumagai, Director of the Division of Mechanical Engineering of the Directorate for Engineering Sciences (“ESME”), Carleene Paul, Mechanical Engineer in ESME, and Barbara Little, General Attorney, OGC on injuries and deaths involving ROVs, market information, risk and hazard analyses, voluntary standard activities, the options for Commission actions and the staff’s recommendation to issue a *Federal Register* document that announces an ANPR. The staff responded to questions from the Commissioners. (Ref: staff briefing package dated October 7, 2009.)

AGENDA ITEM 4: Request from Learning Curve Brand Inc. for Exclusion from Lead Content Limits under Section 101(b)(1) of the CPSIA

In Executive Session the Commission was briefed by Cheryl Falvey, General Counsel, on the legal considerations and options regarding this issue. At the close of this briefing, the Chairman opened the meeting for public attendance. The Commission was briefed on this matter by the staff, Hyun Kim, General Attorney, OGC, Phillip Chao, Supervisory General Attorney, OGC, and Robert J. Howell, Director, EXHR on the ban on lead paint, the general lead ban, Section 101(b) of the CPSIA regarding exclusion for lead limits, the request from Learning Curve Brands, Inc., for exclusion of brass and mechanical components in replica and toy die-cast and the staff analyses and recommendations. The staff responded to questions from the Commissioners. (Ref: staff briefing package dated October 7, 2009.)

AGENDA ITEM 5: Toy Safety Certification Program (“TSCP”) of the Toy Industry Association (“TIA”)

The Commission heard presentations describing the TSCP of the TIA. The presenters of the program were Carter Keithley, President, TIA, Elizabeth Borrelli, Executive Director, TSCP, Chuck Rogers, Senior Technical Director, Frederick Locker, TIA General Counsel, and Arthur Kazianis, Senior Vice President of Global Quality Assurance at Hasbro. After providing an overview of several aspects of the program, the presenters responded to questions from the Commission. Dr. R. David Pittle, a former Commissioner and Senior Vice-President and Technical Director of Consumers Union (“CU”), and Rachel Weintraub, Director of Product Safety and Senior Counsel of the Consumer Federation of America (“CFA”) made presentations regarding their understanding and reservations about certain aspects of the TSCP. After their presentations, they responded to questions from the Commission. The presenters from TIA, CU and CFA then participated in a table discussion of the various issues and responded to questions from the Commission.

There being no further business on the agenda, Chairman Tenenbaum adjourned the meeting at 4:45 p.m.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson". The signature is written in a cursive style with a large initial "T" and "S".

Todd A. Stevenson
Secretary to the Commission