



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

CPSC/OFC OF THE SECRETARY
 FREEDOM OF INFORMATION

1999 FEB -4 P 2:39

MEMORANDUM

DATE: FEB 4 1999

TO : The Commission
 Sadye E. Dunn, Secretary

FROM : Jeffrey S. Bromme, General Counsel *JB*
 Stephen Lemberg, Assistant General Counsel *SL*

SUBJECT: April Regulatory Agenda
 FEB 11
 BALLOT VOTE DUE: _____, 1999

Section 602 of the Regulatory Flexibility Act (RFA) (5 U.S.C. § 602) requires all Federal agencies to publish a regulatory agenda in the Federal Register twice each year. The semi-annual publications must list those rules which are expected to be proposed or issued during the next twelve months and which may have a significant economic impact on a substantial number of small entities, including small businesses.

Additionally, Executive Order 12866, issued on September 30, 1993, requires all agencies, including independent agencies such as the Commission, to publish an agenda of regulatory actions expected to be under development or review by the agency during the next 12 months. That order provides that such an agenda shall be in the format specified by the Office of Management and Budget, and that it may be combined with the regulatory flexibility agenda published in accordance with the RFA.

Attached is a draft Federal Register notice to announce the Commission's current regulatory agenda. This draft, including the preamble, is in the format specified by OMB for inclusion in the Unified Agenda of Federal Regulatory and Deregulatory Actions, to be published in April 1999. That format is generally similar to the one used for previous editions of the Unified Agenda.

NOTE: This document has not been reviewed or accepted by the Commission.
 Initial rh Date 2/4/99

FOIA 6 (b)(7) Cleared
 2/4/99
 No Mfrs/Prvtlbrs
 Products Identified
 Excepted by _____
 Identified.

April Regulatory Agenda
Ballot vote
February 4, 1999

Page 2

The information in the attached draft is current through February 3, 1999. If the Commission approves publication of the attached draft, the draft will be revised to reflect any change in the status of any activity described in the agenda which occurs between February 3, 1999, and the closing date for submission of changes to OMB.

Please indicate your vote:

- I. Approve the attached draft of the Commission's regulatory agenda without change.

Signature _____
Date

- II. Approve the attached draft of the Commission's regulatory agenda with the following changes (please specify):

Signature _____
Date

Attachment

CONSUMER PRODUCT SAFETY COMMISSION

**16 CFR Ch. II
Regulatory Flexibility Act; Semiannual
Regulatory Flexibility And Unified Agendas**

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by June 30, 1999.

ADDRESSES: Comments on the regulatory flexibility agenda 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, Maryland 20814. Comments should be captioned "Regulatory Flexibility Agenda." Comments may also be filed by telefacsimile to (301) 504-0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Stephen Lemberg, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0980, ext. 2218. For further

information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. §§ 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. § 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated that is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda is also required to contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish twice each year a regulatory agenda of regulations under development or review during the next year and states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda published below lists the regulatory activities expected to be under development

or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: _____ .

Sadye E. Dunn, Secretary, Consumer
Product Safety Commission

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 1

TITLE:

Flammability Standard for Upholstered Furniture

RIN: 3041-AB35 (PROPOSED)

REGULATORY PLAN: Yes

PRIORITY: Economically Significant.

Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1193 Flammable Fabrics Act

CFR CITATION:

16 CFR 1640

LEGAL DEADLINE: None

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 2

RIN: 3041-AB35 (CONT)

TITLE:

Flammability Standard for Upholstered Furniture

ABSTRACT:

On June 15, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding for development of a flammability standard to address risks of death, injury, and property damage from fires associated with ignition of upholstered furniture by small open-flame sources such as matches, lighters, or candles. This ANPRM was issued after the Commission granted part of a petition requesting development of a mandatory flammability standard to address risks of injury from ignition of upholstered furniture by: (1) small open-flame sources; (2) large open-flame sources; and (3) cigarettes. The Commission voted to deny that part of the petition requesting development of a mandatory standard to address hazards associated with ignition of upholstered furniture by large open-flame sources. The Commission also voted to defer a decision on that part of the petition requesting development of a standard to address cigarette ignition, and directed the staff to report to the Commission on the effectiveness of, and the extent of industry compliance with, a voluntary program to reduce risks of ignition of upholstered furniture by cigarettes. The Commission staff developed a draft standard to address ignition of upholstered furniture by small open-flame sources. The staff also reported its findings on the efficacy of the voluntary program developed by the furniture industry to reduce the risk of cigarette ignition. On March 2, 1998, the Commission voted to defer action on small open-flame sources and gather additional information on the potential toxicity of flame-retardant chemicals that might be used to meet a standard. A public hearing on this subject was held on May 5-6, 1998. The staff is analyzing data from the hearing and completing other technical studies. In the 1999 appropriations legislation Congress directed the Commission to contract with the National Academy of Sciences for a 12-month independent study of potential health hazards associated with the use of flame retardant chemicals in upholstered furniture. This contract was awarded in January 1999. Upon completion of this study the staff will present alternatives for future action by the Commission.

AGENDA REVIEW REPORT

DATE 2/3/99
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RIN: 3041-AB35 (CONT)

TITLE:

Flammability Standard for Upholstered Furniture

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM.....	06/15/94	59 FR 30735
ANPRM Comment Period End.....	08/15/94	
Staff Briefing of Commission on ANPRM.....	12/18/97	
Commission Voted To Defer Action Pending Results Of Toxicity Hearing.....	03/02/98	
Commission Hearing May 5 & 6, 1998 on- Possible Toxicity of Flame Retardant Chemicals.....	03/17/98	63 FR 13017
Commission Decision on NPRM.....	00/00/00	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

#. PROCUREMENT: No

AGENCY CONTACT:

Dale R. Ray,
Project Manager,
Consumer Product Safety Commission,
Directorate for Economic Analysis,
Washington, DC 20207,
301 504-0962

- WILL NOT PRINT IN AGENDA

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AGENDA REVIEW REPORT

DATE 2/2/99
PAGE 6

TITLE:
Baby Walkers

RIN: 3041-AB40 (LONG-TERM)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:
15 USC 1261 Federal Hazardous Substances Act;
15 USC 1262 Federal Hazardous Substances Act

CFR CITATION:
16 CFR 1500

LEGAL DEADLINE: None

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/2/99
PAGE 7

RIN: 3041-AB40 (CONT)

TITLE:
Baby Walkers

ABSTRACT:

On August 2, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in the issuance of mandatory design or performance requirements for baby walkers. A baby walker is a device that supports a child so that the child can use his or her feet to move about before or while learning to walk. Typically, a baby walker consists of a fabric seat that has leg openings and is mounted to a rigid plastic deck. The deck is attached to a base that is mounted on wheels to allow mobility. In 1994, an estimated 25,500 children younger than 15 months of age were treated in hospital emergency rooms for injuries associated with baby walkers. Among the options under consideration by the Commission are mandatory performance or design requirements to reduce risks of injury associated with baby walkers, particularly those resulting to children from falls down stairs. The majority of these injuries resulted from falls down stairs. In response to the Commission's work in this area, the industry approved revisions to the voluntary standard for baby walkers in 1996 to address the hazard of falling down stairs. The staff is developing information concerning the extent of industry conformance with that voluntary standard, designated "Standard Consumer Safety Specification for Infant Walkers," SF 977-96, published by the American Society for Testing and Materials (ASTM). The ASTM standard contains performance requirements to address risks of injury to children from falls down stairs associated with baby walkers. The staff will send that information to the Commission together with options for Commission action, including withdrawal of the ANPRM or further regulatory proceedings.

TIMETABLE:

ACTION	DATE	FR	CITE
ANPRM.....	08/02/94	59	FR 39309
ANPRM Comment Period End.....	10/03/94		
Staff Sends Briefing Package to the Commission.....	00/00/00		

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

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AGENDA REVIEW REPORT

DATE 2/2/99
PAGE 8

RIN: 3041-AB40 (CONT)

TITLE:

Baby Walkers

PROCUREMENT: No

AGENCY CONTACT:

Barbara Jacobson,
Project Manager,
Consumer Product Safety Commission,
Dir. for Epidemiology & Health Sciences,
Washington, DC 20207,
301 504-0477

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 6

TITLE:

Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets

RIN: 3041-AB47 (PRERULE)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:
5 USC 553(e) Administrative Procedure Act;
15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:
Not yet determined

LEGAL DEADLINE: None

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 7

RIN: 3041-AB47 (CONT)

TITLE:

Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets

ABSTRACT:

A petition from the New York City Department of Consumer Affairs requests the Commission to develop a rule to ban certain backyard playsets. The petition asserts that backyard playsets present unreasonable risks of injury to children if they do not meet the requirements of a voluntary standard for home playground equipment published by the American Society for Testing and Materials (ASTM); are not accompanied with adequate information about ground surfacing; or lack specific features described in the petition. On May 21, 1996, the Commission denied those parts of the petition requesting issuance of a rule to ban any backyard playset that does not conform to all requirements of the ASTM voluntary standard; that has an accessible height that exceeds six feet above protective surfacing; that does not have adequate fall zones under climbing structures; or that does not provide adequate space between any item of swinging equipment and any other item of swinging or stationary equipment. The Commission deferred a decision on those parts of the petition requesting a rule to ban backyard playsets that are not accompanied with instructions to use and maintain specified ground surfacing; that do not have handrails on all platforms that are 30 inches or higher above protective surfacing; that have swing seats made of wood, metal, plastic, or other hard material capable of inflicting serious injury to the head; that have free-swinging ropes; and that are unanchored playsets with swings. In 1999, the Commission is scheduled to transmit additional information to the Commission concerning revisions of the voluntary standard. The Commission will then decide whether to grant, deny, or continue to defer the remaining requests in the petition.

TIMETABLE:

ACTION	DATE	FR CITE
Partial Denial of Petition.....	05/21/96	
Additional Information Is Sent by Staff to the Commission.....	12/00/99	
Commission Decision.....	12/00/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 8

RIN: 3041-AB47 (CONT)

TITLE:

Petition HP 93-1 Requesting Development of a Rule To Ban Certain
Backyard Playsets

PROCUREMENT: No

AGENCY CONTACT:

John Preston,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207,
301 504-0494

- WILL NOT PRINT IN AGENDA

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AGENDA REVIEW REPORT

DATE 2/3/99
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TITLE:

Requirements for Child-Resistant Packaging of Household Products
Containing Petroleum Distillates

RIN: 3041-AB57 (PROPOSED)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1471 Poison Prevention Packaging Act

CFR CITATION:

15 CFR 1700.14(a)

LEGAL DEADLINE: None

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 10

RIN: 3041-ABS7 (CONT)

TITLE:

Requirements for Child-Resistant Packaging of Household Products Containing Petroleum Distillates

ABSTRACT:

Some household products containing ten percent or more by weight of petroleum distillates are subject to requirements for child-resistant packaging by regulations issued under the Poison Prevention Packaging Act and codified at 16 CFR 1700.14(a). These products include liquid furniture polish (section 1700.14(a)(2)), lighter fluid (section 1700.14(a)(7)), and prepackaged solvents for paint (section 1700.14(a)(15)). However, many other household products containing petroleum distillates are not required to be in child-resistant packaging. On February 26, 1997, the Commission published an advance notice of proposed rulemaking (ANPRM) to initiate a proceeding which may result in mandatory requirements for child-resistant packaging of other household products containing petroleum distillates or other hydrocarbons. On April 28, 1997, the Commission extended the period for receipt of written comments on the ANPRM until July 11, 1997. In the Federal Register of July 21, 1997, the Commission reopened the comment period through September 1, 1997. The Commission will consider comments received in response to the ANPRM before deciding whether to propose requirements for child-resistant packaging of additional household products containing petroleum distillates or other hydrocarbons.

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM.....	02/26/97	62 FR 8659
Extension of ANPRM Comment Period.....	04/28/97	62 FR 22897
ANPRM Comment Period End.....	05/12/97	62 FR 8659
Comment Period End.....	07/11/97	62 FR 22897
Reopening of ANPRM Comment Period.....	07/21/97	62 FR 38948
Comment Period End.....	09/01/97	
Staff Sends Briefing Package to Commission.....	04/00/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT: No

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
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RIN: 3041-AB57 (CONT)

TITLE:

Requirements for Child-Resistant Packaging of Household Products
Containing Petroleum Distillates

AGENCY CONTACT:

Dr. Suzanne Barone,
Project Manager,
Consumer Product Safety Commission,
Directorate for Epidemiology
and Health Sciences,
Washington, DC 20207,
301 504-0477

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 12

TITLE:

Requirements for Child-Resistance of Multi-Purpose Lighters

RIN: 3041-AB66 (FINAL)

REGULATORY PLAN: Yes

PRIORITY: Other Significant.

Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 2051 Consumer Product Safety Act

CFR CITATION:

Not yet determined

LEGAL DEADLINE: None

ABSTRACT:

On January 16, 1997, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding which may result in a mandatory consumer product safety rule requiring multi-purpose lighters to resist operation by children. The Commission began this proceeding after granting a petition.

A mandatory product safety rule for multi-purpose lighters would require these lighters to have a child-resistant mechanism to prevent operation by most children younger than five years of age. The standard would include lighters marketed for a wide range of general household uses, such as igniting fuel for fireplaces, charcoal or gas-fueled grills, and camping equipment.

The staff forwarded a briefing package to the Commission in July 1998. The briefing package recommended publication of a notice of proposed rulemaking (NPRM) for a rule that would require multi-purpose lighters, also called utility lighters, to be child-resistant. On September 30, 1998, a notice of proposed rulemaking (NPRM) was published in the Federal Register.

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
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RIN: 3041-AB66 (CONT)

TITLE:
Requirements for Child-Resistance of Multi-Purpose Lighters

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM.....	01/16/97	62 FR 2327
ANPRM Comment Period End.....	03/17/97	
NPRM.....	09/30/98	63 FR 52397
NPRM Comment Period End.....	12/14/98	
Staff Briefing Package.....	06/00/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT: No

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
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RIN: 3041-AB66 (CONT)

TITLE:

Requirements for Child-Resistance of Multi-Purpose Lighters

AGENCY CONTACT:

Barbara Jacobson,
Project Manager,
Consumer Product Safety Commission,
Dir. for Epidemiology & Health Sciences,
Washington, DC 20207,
301 504-0477

AGENDA REVIEW REPORT

DATE 2/2/99
PAGE 20

TITLE:

Amendment of Safety Regulations for Cribs

RIN: 3041-AB67 (LONG-TERM)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

5 USC 553 Administrative Procedure Act;
15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:

16 CFR 1508; 16 CFR 1509

LEGAL DEADLINE: None

ABSTRACT:

On December 16, 1996, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in amendment of the safety regulations for full-size and non-full-size cribs, 16 CFR parts 1508 and 1509. Among the regulatory alternatives under consideration is amendment of the regulations to add tests to assure that slats will not disengage from the side panels of cribs. The Commission began this proceeding after considering information about incidents in which crib slats disengaged from the side panels of cribs, creating a risk that children may become entrapped between the remaining slats or fall out of the crib. The Commission will consider written comments received in response to the ANPRM and assess progress toward amending the voluntary standard before deciding whether to continue the proceeding by publication of a notice of proposed rulemaking (NPRM) or terminate further proceedings in reliance on the voluntary standard.

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/2/99
PAGE 21

RIN: 3041-AB67 (CONT)

TITLE:

Amendment of Safety Regulations for Cribs

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM.....	12/16/96	61 FR 65996
ANPRM Comment Period End.....	02/14/97	
Staff Sends Briefing Package To Commission.....	00/00/00	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT: No

AGENCY CONTACT:

Deborah Tinsworth,
Project Manager,
Consumer Product Safety Commission,
Dir. for Epidemiology & Health Sciences,
Washington, DC 20207,
301 504-0470

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 17

TITLE:

Amendment of the Standard for the Flammability of Clothing
Textiles

RIN: 3041-AB68 (PRERULE)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1191 Flammable Fabrics Act

CFR CITATION:

16 CFR 1610

LEGAL DEADLINE: None

ABSTRACT:

The Standard for the Flammability of Clothing Textiles prohibits the manufacture, importation, or sale of clothing, and fabrics and related materials intended for use in clothing, which are dangerously flammable because of rapid and intense burning. The standard prescribes the apparatus, procedure, and criteria to be used for testing to determine compliance with that standard. The standard was made mandatory by the Flammable Fabrics Act of 1953 (Pub. L. 83-88, 67 Stat. 111; June 30, 1953). Some of the equipment and procedures specified by the standard, particularly those for laundering and cleaning of test specimens, have become obsolete, unavailable, or unrepresentative of current practices. The staff is preparing a briefing package describing modifications of the standard that may be needed to assure that the test in the standard is conducted with equipment and procedures representative of conditions to which garments currently are exposed. After consideration of the briefing package, the Commission will decide whether to begin a proceeding for amendment of the standard.

- WILL NOT PRINT IN AGENDA

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AGENDA REVIEW REPORT

DATE 2/3/99
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RIN: 3041-AB68 (CONT)

TITLE:

Amendment of the Standard for the Flammability of Clothing
Textiles

TIMETABLE:

ACTION	DATE	FR CITE
Briefing Package From Staff to Commission.....		
Commission Decision.....	04/00/99	
	04/00/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

* PROCUREMENT: No

AGENCY CONTACT:

Margaret Neily,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207,
301 504-0508

* - WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 19

TITLE:

Amendment of Laundering Procedures in Flammability Standards for Children's Sleepwear, Carpets and Rugs, and Mattress Pads

RIN: 3041-AB69 (PROPOSED)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1191 Flammable Fabrics Act

CFR CITATION:

16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

LEGAL DEADLINE: None

ABSTRACT:

Flammability standards for children's sleepwear, carpets and rugs, and mattress pads contain procedures for washing and drying specimens before testing to assure that flame retardants used in these products will not be removed by repeated laundering or cleaning. The laundering procedures in all of these standards currently require use of a detergent and washing methods that are no longer representative of those used for home laundering. In November 1998 the staff provided the Commission with a briefing package concerning the laundering procedures in these standards. It included modifications that may be needed to assure that the effect of laundering on the flammability of the products covered by these standards is assessed with equipment and methods currently used by consumers. Supplemental information on a suggested laundering procedure was submitted by the staff in February 1999. After consideration of the briefing package, the Commission will decide whether to begin proceedings for amendment of the standards to revise their laundering procedures.

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
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RIN: 3041-AB69 (CONT)

TITLE:

Amendment of Laundering Procedures in Flammability Standards for
Children's Sleepwear, Carpets and Rugs, and Mattress Pads

TIMETABLE:

ACTION	DATE	FR CITE
Briefing Package to Commission.....	11/18/98	
Commission Decision.....	04/00/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT: No

AGENCY CONTACT:

Margaret Neily,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207,
301 504-0508

- WILL NOT PRINT IN AGENDA

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AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 21

TITLE:

Petition CP 97-1 Requesting Development of a Safety Standard for Escalators

RIN: 3041-AB70 (PRERULE)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:
5 USC 553(e) Administrative Procedure Act;
15 USC 2051 Consumer Product Safety Act

CFR CITATION:
None

LEGAL DEADLINE: None

ABSTRACT:
A petition from Scott and Diana Anderson requests development of a safety standard for escalators. The petition asserts that escalators are associated with unreasonable risks of serious injuries resulting from entrapment of feet, toes, and other body parts in openings between the moving stairs and the sides of the escalators. On May 22, 1997, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff is preparing a briefing package for consideration by the Commission.

TIMETABLE:

ACTION	DATE	FR CITE
Notice to Solicit Comments on Petition.....	05/22/97	62 FR 28005
Comment Period End.....	07/21/97	
Staff Sends Briefing Package to Commission.....	10/00/99	

- WILL NOT PRINT IN AGENDA

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AGENDA REVIEW REPORT

DATE 2/3/99
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RIN: 3041-AB70 (CONT)

TITLE:

Patition CP 97-1 Requesting Development of a Safety Standard for Escalators

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT: No

AGENCY CONTACT:

Deborah Tinsworth,
Project Manager,
Consumer Product Safety Commission,
Dir. for Epidemiology & Health Sciences,
301 504-0470

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99
PAGE 23

TITLE:

Requirements for Child-Resistant Packaging of Minoxidil

RIN: 3041-AB72 (COMPLETED)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1471 Poison Prevention Packaging Act

CFR CITATION:

16 CFR 1700.14

LEGAL DEADLINE: None

ABSTRACT:

Regulations implementing the Poison Prevention Packaging Act (PPPA) require all prescription drugs in oral dosage form that are intended for human use to be in child-resistant packaging. Topical minoxidil is a liquid medication that can be applied to the scalp to stimulate regrowth of hair. However, if ingested, minoxidil is a potent vasodilator capable of producing serious cardiovascular effects. In 1996, the Food and Drug Administration acted to permit the sale of topical minoxidil as an over-the-counter drug, thereby expanding its potential availability to consumers. On March 17, 1998, the Commission published a notice of proposed rulemaking (NPRM) to require child-resistant packaging for minoxidil preparations containing more than 14 mg of minoxidil in a single package. The Commission will consider the comments in response to the NPRM before deciding whether to issue a final rule.

- WILL NOT PRINT IN AGENDA

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RIN: 3041-AB72 (CONT)

TITLE:

Requirements for Child-Resistant Packaging of Minoxidil

COMPLETED:

REASON

DATE FR CITE

Final Action.....	11/16/98	63 FR 63603
Final Action Effective.....	05/17/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

GOVERNMENT LEVELS AFFECTED: None

PROCUREMENT: No

AGENCY CONTACT:

Dr. Suzanne Barone,
 # Project Manager,
 # Consumer Product Safety Commission,
 # Directorate for Epidemiology
 # and Health Sciences,
 301 504-0477

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TITLE:

Petition To Exempt Sucraid TM From Special Packaging Requirements Under the Poison Prevention Packaging Act.

RIN: 3041-AB73 (COMPLETED)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1471 Poison Prevention Packaging Act

CFR CITATION:

16 CFR 1700.14

LEGAL DEADLINE: None

ABSTRACT:

Orphan Medical petitioned the Commission to exempt Sucraid TM, an oral solution of the enzyme sacrosidase, from special packaging requirements for oral prescription drugs under the Poison Prevention Packaging Act. Sucraid TM is an orphan drug that is the only available treatment for congenital sucrase-isomaltase deficiency. The Commission issued a notice of proposed rulemaking (NPRM) to exempt Sucraid TM on June 12, 1998. The staff will prepare a briefing package for consideration by the Commission after the comment period closes.

COMPLETED:

REASON	DATE	FR CITE
Final Action.....	12/01/98	63 FR 66001
Final Action Effective.....	12/01/98	

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RIN: 3041-AB73 (CONT)

TITLE:

Petition To Exempt Sucraid TM From Special Packaging Requirements
Under the Poison Prevention Packaging Act

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

GOVERNMENT LEVELS AFFECTED: None

PROCUREMENT: No

AGENCY CONTACT:

Jacqueline Ferrante,
Project Manager,
Consumer Product Safety Commission,
Dir. for Epidemiology & Health Sciences,
301 504-0477

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

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TITLE:

Amendments to Clarify Portions of the Standards for the
Flammability of Children's Sleepwear

RIN: 3041-AB74 (COMPLETED)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1191 Flammable Fabrics Act

CFR CITATION:

16 CFR 1615; 16 CFR 1616

LEGAL DEADLINE: None

ABSTRACT:

The Standards for the Flammability of Children's Sleepwear were amended September 9, 1996, to allow the marketing of certain sleepwear garments that do not meet the flammability test requirements. These garments, termed "tight-" or "snug-fitting" must not exceed maximum dimensions specified for each garment size. Several technical amendments are needed to clarify provisions of the standards, especially how the specified dimensions are to be measured on these garments. A Notice of Proposed Rulemaking (NPRM) was published on May 21, 1998. In November the staff will provide the Commission with the review of comments on the NPRM and with a recommendation as to whether the Commission should proceed to publish a final rule.

- WILL NOT PRINT IN AGENDA

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RIN: 3041-AB74 (CONT)

TITLE:

Amendments to Clarify Portions of the Standards for the
Flammability of Children's Sleepwear

COMPLETED:

REASON	DATE	FR CITE
Final Action.....	01/19/99	64 FR 2833
Final Action Effective.....	02/18/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

GOVERNMENT LEVELS AFFECTED: None

PROCUREMENT: No

AGENCY CONTACT:

Margaret Neily,
 # Project Manager,
 # Consumer Product Safety Commission,
 # Directorate for Engineering Sciences,
 # Washington, DC 20207,
 # 301 504-0508

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/4/99
PAGE 1

TITLE:
Requirements for Bunk Beds

RIN: 3041-AB75 (NO STAGE)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:
15 USC 2051 Consumer Product Safety Act;
15 USC 1261 Federal Hazardous Substances Act

CFR CITATION:
Not yet determined

LEGAL DEADLINE: None

ABSTRACT:
On January 22, 1998, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding for development of a standard to address risks of injury and death that may be associated with bunk beds constructed so that children can become entrapped in the beds' structure or become wedged between the bed and a wall. This ANPRM was issued after the staff briefed the Commission on the incident data, the adequacy of an existing ASTM voluntary standard, whether there is substantial compliance with that voluntary standard, and other matters. In response to the ANPRM, 420 comments were received, a majority of which were in favor of a mandatory rule. The staff briefed the Commission on January 7, 1999, and recommended the publication of a notice of proposed rulemaking (NPRM). The Commission voted on February 3, 1999 to issue the NPRM.

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RIN: 3041-AB75 (CONT)

TITLE:
Requirements for Bunk Beds

TIMETABLE:

ACTION	DATE	FR CITE
ANPRM.....	01/22/98	63 FR 3280
ANPRM Comment Period End.....	04/07/98	
Briefing Package To Commission.....	12/16/98	
Commission Decision.....	02/03/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT: No

AGENCY CONTACT:

John D. Preston,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
301 504-0494

- WILL NOT PRINT IN AGENDA

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DATE 2/3/99
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TITLE:

Child Resistant Packaging of Consumer Products Containing
Methacrylic Acid

RIN: 3041-AB78 (FINAL)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

15 USC 1471 Poison Prevention Packaging Act

CFR CITATION:

16 CFR 1700.14

LEGAL DEADLINE: None

ABSTRACT:

Under section 2(b) of the Poison Prevention Packaging Act, the Commission can require a special packaging standard for cosmetics for home use. Methacrylic acid is a chemical used as a primer for cleaning and etching fingernails prior to applying artificial nails. Methacrylic acid is associated with severe corrosive injury on contact with skin, eyes, and mucous membranes. The staff transmitted a briefing package for the Commission's consideration in November 1998. The Commission voted to publish a notice of proposed rulemaking in December 1998. The Federal Register notice was published December 30, 1998. The staff sent the Federal Register notice and a letter requesting comment to a list of approximately 150 concerned parties on January 11, 1999. The staff will respond to comments, update injury data as needed, and transmit a final briefing package to the Commission by the end of June 1999.

- WILL NOT PRINT IN AGENDA

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RIN: 3041-AB78 (CONT)

TITLE:
Child Resistant Packaging of Consumer Products Containing
Methacrylic Acid

TIMETABLE:

ACTION	DATE	FR CITE
NPRM.....	12/30/98	63 FR 71800
NPRM Comment Period End.....	03/15/99	
Staff Sends Option Package to Commission.....	06/00/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

GOVERNMENT LEVELS AFFECTED: None

PROCUREMENT: No

AGENCY CONTACT:

Susan Aitken,
Project Manager,
Consumer Product Safety Commission,
Directorate for Epidemiology
and Health Sciences,
301 504-0477

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

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TITLE:

+ Petition HP 99-1 For a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children 5 Years of Age and Under

RIN: 3041-AB79 (LONG-TERM)

REGULATORY PLAN: No

PRIORITY: Other Significant.
Major status under 5 USC 801 is undetermined.

UNFUNDED MANDATES: No

REINVENTING GOVERNMENT:
This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:
15 USC 1261 to 1278 Federal Hazardous Substances Act

CFR CITATION:
16 CFR 1500

LEGAL DEADLINE: None

ABSTRACT:

The National Environmental Trust and 11 other organizations petitioned the Commission to ban polyvinyl chloride (PVC) in toys and other articles intended for the use of children 5 years and under, based upon concerns they have about the potential for health risks from phthalates (especially diisononyl phthalate (DINP)), lead, and cadmium that can be in PVC. A Federal Register notice was issued on December 22, 1998, requesting comment on the petition. Comments were due on February 22, 1999.

TIMETABLE:

ACTION	DATE	FR CITE
Notice Advising of Receipt of Petition.....	12/22/98	63 FR 70756
Comments Due.....	02/22/99	63 FR 70756
Next Action Undetermined		

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: Undetermined

- WILL NOT PRINT IN AGENDA

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RIN: 3041-AB79 (CONT)

TITLE:

Petition HP 99-1 For a Ban of Polyvinyl Chloride in Toys and
Other Products Intended for Children 5 Years of Age and Under

GOVERNMENT LEVELS AFFECTED: Undetermined

PROCUREMENT: No.

AGENCY CONTACT:

Marilyn L. Wind, Ph.D.,
Project Manager,
Consumer Product Safety Commission,
Directorate for Epidemiology and Health,
Sciences,
Washington, DC 20207,
301 504-0477

- WILL NOT PRINT IN AGENDA

AGENDA REVIEW REPORT

DATE 2/3/99

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TITLE:

+ Proposed Revocation of Amendments to the Standards for the
Flammability of Children's Sleepwear

RIN: 3041-AB80 (FINAL)

REGULATORY PLAN: No

PRIORITY: Substantive, Nonsignificant

UNFUNDED MANDATES: No

MAJOR: No

REINVENTING GOVERNMENT:

This rulemaking is not part of the Reinventing Government effort.

LEGAL AUTHORITY:

PL 105-276

CFR CITATION:

16 CFR 1615; 16 CFR 1616

LEGAL DEADLINE:

NPRM, Statutory, January 19, 1999.

Final, Statutory, July 1, 1999.

The Commission's Fiscal Year 1999 appropriations legislation
required the Commission to propose to revoke the sleepwear
amendments and to either revoke, maintain, or modify them.

- WILL NOT PRINT IN AGENDA

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DATE 2/3/99
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RIN: 3041-AB80 (CONT)

TITLE:

Proposed Revocation of Amendments to the Standards for the Flammability of Children's Sleepwear

ABSTRACT:

The Standards for the Flammability of Children's Sleepwear (sizes 0 to 6x and sizes 7 to 14) were amended in September 1996 to exclude from the definition of "children's sleepwear" (1) garments sized for infants nine months of age or younger and (2) tight-fitting garments for children older than nine months. The garments, termed "tight or snug-fitting," must not exceed maximum dimensions specified for each garment size. Several technical amendments were needed to clarify provisions of the standards, especially how the specified dimensions are to be measured on these garments. On January 19, 1999 the Commission issued technical changes to clarify the points where garment measurements should be made. However, pursuant to the 1999 appropriations bill, Public Law 105-276, on January 19, 1999 the Commission proposed for comment a revocation of the September 9, 1996 amendments and all subsequent amendments. Based on all available information, the Commission is required to issue a final rule by July 1, 1999 that either (1) revokes, (2) maintains, or (3) modifies the amendments.

TIMETABLE:

ACTION	DATE	FR CITE
NPRM.....	01/19/99	64 FR 2867
NPRM Comment Period End.....	03/22/99	
Briefing Package to Commission.....	06/01/99	
Final Action.....	07/01/99	

REGULATORY FLEXIBILITY ANALYSIS REQUIRED: No

GOVERNMENT LEVELS AFFECTED: None

PROCUREMENT: No

AGENCY CONTACT:

Margaret Neily,
Project Manager,
Consumer Product Safety Commission,
Directorate for Engineering Sciences,
Washington, DC 20207,
301 504-0508

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