

Manager's Amendment

1. Burden Reduction

If Congress appropriates \$1 million for Burden Reduction/Assure Compliance Activities as part of the Fiscal Year 2015 appropriations for the Consumer Product Safety Commission, staff is directed to reconcile the CPSC FY 2015 Operating Plan with P.L. 113-__ as directed below.

1. Allocate \$1 million to the Burden Reduction/Assure Compliance project. The \$1 million should be comprised of the 9.5 staff months (~\$100,000) already identified in the FY 2015 Operating Plan with the balance of that \$1 million to be reallocated from the Import Surveillance start-up and expansion increment as described in the FY 2015 Congressional Budget Request (pages 5-7). Staff should make additional conforming changes to the Operating Plan as necessary; and
2. Delete current Burden Reduction/Assure Compliance (25727) project description and insert the following where appropriate and also make additional conforming changes to the Operating Plan as necessary:
 - a. **“Burden Reduction/Assure Compliance (25727):** This project provides funding as specified by Congress in PL 113-__ for ongoing and expanded efforts toward providing meaningful reduction of third party testing costs of children’s products consistent with assuring compliance with all applicable rules, regulations, bans and standards. During the fiscal year, and within the available funding level, staff will prepare for Commission consideration a draft notice of proposed rulemaking that addresses reduction of third party testing costs on as many of the following categories as to which staff determines that such reduction in third party testing costs can be accomplished consistent with assuring compliance:
 - i. Component Part Testing Update – Heavy Metals in Toys
 - ii. Determinations Expansion – Heavy Metals in Toys
 - iii. Determinations Expansion – Phthalates
 - iv. FTIR Study Expansion – Phthalates Testing
 - v. Determinations Expansion – Lead
 - vi. Determinations Clarification – Textiles dyes/prints
 - vii. Equivalency – Toy Standards

To the extent that staff concludes additional funding would be required to meet the goals of this project during this fiscal year, staff shall identify in the mid-year briefing package for Commission consideration the additional amount that staff deems necessary to meet the goals of this project during this fiscal year.”

3. On page 10, under Third Party Testing – Determinations, change “BP” to “NPR.”

2. Refrigerants:

In the Voluntary Standards table on p. 8, line 65, add a dot in the column under FY 2015 Op Plan.

3. Trusted Trader

On page 31, insert in the list of EXIS funded projects the following and conform the FY 2015 Operating Plan accordingly throughout:

“Partnership/Consumer Product Safety Trusted Trader Program (34370): The current Importer Self-Assessment-Product Safety (ISA-PS) pilot program identifies companies that are low risk importers and was piloted in 2008. Participating companies have remained in the program and indicated it has been a successful pilot. This project initiates staff work to begin transitioning from the current pilot program to a full-production scale program. With three, full-time employees (FTE) support from the Office of Compliance and Field Operations, the project includes engaging with industry to determine the trade’s expectations of such a full-scale program, working with Customs and Border Protection to gain access to existing risk assessment profiles, conducting initial risk assessments during visits to various domestic manufacturers and/or importers, and conducting a review of equivalent domestic and foreign programs (e.g., AEO programs) to inform pursuit of a fully developed Consumer Product Safety Trusted Trader program consistent with government-wide efforts to implement and complement E.O. 13659, “Streamlining the Export/Import Process for America’s Business.”

Commissioner Robinson Amendment on Fireworks:

On page 10, move Fireworks from the section, "Other Ongoing or Potential Rulemaking-Related Activities" and put it under the section, "Rule Review." Change the DA/TR status to BP in the "FY 2015 Op Plan" column.

On page 16, of the FY15OP, delete:

Fireworks Regulatory Options (21103): This project currently consists of CPSC staff's DA/TR activities related to aerial firework break charges. In particular, staff is conducting activities related to development and implementation of an alternate test method to measure the energy release of such charges.

And replace with the following:

Fireworks Regulatory Options – Rule Review (21103):

Staff will complete a full rule review of the current firework regulations issued under the Federal Hazardous Substances Act, [*See* 16 C.F.R. §§ 1500.14(b)(7); 1500.17(a)(3),(8),(9),(11) and (12); 1500.83(a)(27), 1500.85(a)(2); and part 1507]. Before the end of FY2015 and upon completion of the rule review, staff will present a Briefing Package to the Commission proposing whether the Commission should maintain, revise, clarify, or update in whole or in part the current regulations related to fireworks. Staff's rule review will consider the goals set forth in Executive Orders 13563 and 13579. In so doing, staff will:

- (1) ensure that any proposed recommendations on the firework standard "protect public health, welfare, safety, and our environment¹" and meet the requirements of the CPSC's public health and safety mission; and
- (2) determine the "best, most innovative, and least burdensome tools²" to do so.

Among all of the many factors to be considered in this process, staff will review new and emerging technology, the current marketplace, as well as applicable international voluntary standards.

¹ EO 13579

² EO 13563