



MINUTES OF COMMISSION MEETING

December 14, 2021

Chair Alex Hoehn-Saric convened the December 14, 2021, 10:00 a.m., meeting of the U.S. Consumer Product Safety Commission in open session. The meeting was held remotely due to COVID-19 restrictions and guidelines. Commissioners Dana Baiocco, Peter A. Feldman and Richard L. Trumka Jr., were in attendance. The Chair made welcoming remarks and summarized the agenda items for the meeting.

Decisional Matter: Proposed Rule: Safety Standard for Magnets (Briefing package dated October 6, 2021, OS No. 83)

Chair Hoehn-Saric introduced staff that was present to address questions from the Commission: Mary Boyle, Executive Director, DeWane Ray, Deputy Executive Director, Duane Boniface, Assistant Executive Director for Hazard Identification and Reduction, Austin Schlick General Counsel, Meridith Kelsch, Attorney, Office of the General Counsel, and Steven Harsanyi, Engineering Psychologist, Division of Human Factors.

Chair Hoehn-Saric then advised that each Commissioner would have five minutes to ask questions of staff. Before the questioning session, the Chair stated that any legal advice given to the Commission by the Office of the General Counsel must remain confidential.

The Chair called for any questions for staff. The Commissioners did not have any questions for staff.

Chair Hoehn-Saric excused staff and began consideration of the draft safety standard for magnets as proposed by staff, as well as any amendments to the proposed rule. The Chair, Commissioner Baiocco and Commissioner Feldman did not have any amendments.

The Chair recognized Commissioner Trumka for his amendment and advised Commissioner Trumka that he could take up to three minutes to explain his amendment. Commissioner Trumka introduced his amendment for the record and explained the rationale for the amendment, which would require the final rule to become effective 30 days after publication in the *Federal Register* rather than the 180 days specified in staff's proposal. The Chair called for a second to consider the amendment and Commissioner Baiocco seconded the motion.

Chair Hoehn-Saric recognized each Commissioner in order of seniority for questions, and the Commissioners discussed their respective positions and support for the amendment. After the discussions, the Chair called for a vote on the amendment. The Commission voted unanimously (4-0) to adopt Commissioner Trumka's amendment (the Commission-adopted amendment is attached).



Chair Hoehn-Saric called for any other amendments and hearing none, moved for approval of the draft proposed rule on magnets as amended, and publication of the same in the *Federal Register (FR)*. Commissioner Feldman seconded the motion. Chair Hoehn-Saric then called for a vote on the matter. The Commission voted unanimously (4-0) to approve the proposed rule on magnets as amended, and publish it in the *Federal Register*.

The Chair then proceeded to consideration of the remaining agenda.

Decisional Matter: Notices of Proposed Rulemaking to (1) Add Window Covering Cords to the Substantial Product Hazard List, and (2) Establish a Safety Standard for Operating Cords on Custom Window Coverings
(Briefing package dated October 6, 2021, OS Nos. 84A and 84B)

Chair Hoehn-Saric introduced staff that was present to respond to questions from the Commission: Mary Boyle, Executive Director, DeWane Ray, Deputy Executive Director, Duane Boniface, Assistant Executive Director for Hazard Identification and Reduction, Austin Schlick General Counsel, Mary House, Attorney, Office of the General Counsel, and Rana Balci-Sinha, Director, Division of Human Factors.

Chair Hoehn-Saric then advised that each Commissioner would have five minutes to ask questions of staff. The Chair called for any questions for staff. The Commissioners did not have any questions for staff.

Chair Hoehn-Saric excused staff, and initiated consideration of the draft proposed rulemaking for window covering cords under Section 15(j) of the Consumer Product Safety Act (CPSA) as presented by staff. The Chair called for any amendments to staff's proposal and hearing none, moved for a vote on the proposed rulemaking. Commissioner Baiocco seconded the motion.

The Commission voted unanimously (4-0) to approve staff's draft notice of proposed rulemaking for window covering cords under Section 15(j), and publish the same in the *Federal Register*.

The Chair then called for consideration of staff's proposed rulemaking to establish a safety standard for custom window coverings under Sections 7 and 9 of the CPSA. Again, the Chair advised that each Commissioner would have five minutes for questions and called for questions for staff. The Commission did not have any questions for staff.

The Chair excused staff and called for any amendments to staff's proposed rulemaking as drafted. The Chair, Commissioners Baiocco and Feldman did not have any amendments.

The Chair recognized Commissioner Trumka for his amendment to the proposed rulemaking and advised Commissioner Trumka that he could take up to three minutes to explain



his amendment. Commissioner Trumka introduced his amendment for the record and explained the rationale for the amendment, which would require the final rule to become effective 180 days after publication in the *Federal Register*. The Chair called for a second and Commissioner Feldman seconded the motion. Chair Hoehn-Saric advised that each Commissioner could have up to five minutes to ask questions about the amendment. The Chair recognized each Commissioner in order of seniority for questions, and the Commissioners discussed their respective positions and support for the amendment. Hearing no further discussions, Chair Hoehn-Saric took a vote on the amendment. The Commission voted unanimously (4-0) to adopt the amendment (the adopted amendment is attached).

The Chair called for any other amendments and recognized Commissioner Trumka for his second amendment. The Chair advised Commissioner Trumka that he could take up to three minutes to explain his amendment. Commissioner Trumka introduced his amendment for the record and explained the rationale for the amendment, which would request public comment on an “appropriate effective date for the final rule.” Commissioner Feldman seconded the motion. The Commission discussed the amendment. Hearing no further discussions, Chair Hoehn-Saric called for a vote on the amendment. The Commission voted unanimously (4-0) to adopt the amendment (the adopted amendment is attached).

Chair Hoehn-Saric called for any other amendments and hearing none, moved for approval of the draft proposed rulemaking for custom window coverings as amended, and publication of the same in the *Federal Register*. Commissioner Baiocco seconded the motion. The Commission voted unanimously (4-0) to approve the proposed rulemaking as amended, and publish it in the *Federal Register*.

Chair Hoehn-Saric stated that each Commissioner would have up to 10 minutes for closing remarks. The Chair provided his closing remarks and then recognized each Commissioner. Commissioner Baiocco, Commissioner Feldman and Commissioner Trumka each gave brief closing remarks.

There being no other business, Chair Hoehn-Saric adjourned the meeting at 10:32 a.m.

For the Commission:

Alberta Mills
Secretary

Attachment: Commission Adopted Amendments Proposed by Commissioner Trumka

Proposed Amendment to the Safety Standard for Magnets by Commissioner Trumka:

On page 143, strike “180” and replace it with “30.” The amended sentence will read as follows:

In this proposed rule, the Commission proposes to make a final rule effective ~~180~~
30 days after the final rule is published.

On page 155, in the sentence beginning “The CPSA requires,” after “effect” insert “at least 30 days after the date the rule is promulgated, but.” In the same sentence, after “good cause shown, that,” strike “a” and replace with “an earlier or.” In the same sentence, after “public interest and,” insert “, in the case of a later effective date,.” The amended sentence will read as follows:

The CPSA requires that consumer product safety rules take effect at least 30 days after the date the rule is promulgated, but not later than 180 days after the date the rule is promulgated unless the Commission finds, for good cause shown, that an earlier or later effective date is in the public interest and, in the case of a later effective date, publishes the reasons for that finding. 15 U.S.C. 2058(g)(1).

On page 155, in the sentence beginning “To allow time for,” strike the first clause, and strike “180” and replace it with “30.” The amended sentence will read as follows:

~~To allow time for subject magnet products to come into compliance with the standard, ¶~~The Commission proposes that this rule, and the amendment to part 1112, become effective ~~180~~ 30 days after publication of the final rule in the **Federal Register**.

On page 171, in the sentence beginning “The reasonableness of the proposed,” strike “180” and replace it with “30.” The amended sentence will read as follows:

The reasonableness of the proposed ~~180~~30-day effective date and recommendations for a different effective date, if justified. Comments recommending a longer effective date should describe the problems associated with meeting the proposed effective date and the justification for a longer one.

Proposed Amendments to the Safety Standard for Operating Cords on Custom Window Coverings by Commissioner Trumka:

Amendment A:

On page 111, strike the paragraph beginning with “If finalized,” and replace it with “If finalized, the Commission proposes an effective date of 180 days after publication of the final rule in the *Federal Register*.”

On page 93, strike “2 years” and replace it with “180 days.” In the same sentence, strike “, which is twelve months longer than the statutory provision in section 9(c) of the CPSA. 15 U.S.C. § 2058(c).”

Amendment B:

On page 124, add a Request for Comment “I” which reads: “The appropriate effective date for the final rule.”