



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Record of Commission Action
Commissioners Voting by Ballot

The following decisions were made by ballot vote of Chairman Jacqueline Jones-Smith, Commissioner Carol G. Dawson, and Commissioner Mary Sheila Gall.

1. ATV Model State Legislation (Due 11/25/92)

Chairman Jones-Smith and Commissioner Gall voted to approve the Action Plan to Promote ATV Safety, including the staff developed Model State Legislation. Commissioner Dawson abstained. (Statement filed by Commissioner Dawson, copy attached.)

2. Memorandum of Understanding with U.S. Fire Administration (Due 12/2/92)

The Commission voted unanimously (3-0) to approve the Memorandum of Understanding with the U.S. Fire Administration.

3. Final Rules for Automatic Residential Garage Door Operators (Due 12/3/92)

The Commission voted unanimously (3-0) to approve final rules for automatic residential garage door operators. The rules include (1) revised entrapment protection requirements; (2) certification requirements; and (3) recordkeeping requirements.

4. Standards for Flammability of Children's Sleepwear: Advance Notice of Proposed Rulemaking; Stay of Enforcement (Due 12/23/92)

The Commission voted unanimously (3-0) to approve an advance notice of proposed rulemaking to amend the standards for the flammability of children's sleepwear, sizes 0 through 6X and 7 through 14, to exempt close fitting garments and garments intended for infants. The Commission also approved announcing the staff's decision to stay enforcement of sleepwear requirements against (1) garments currently being used as sleepwear that are labeled and marketed as underwear if these garments are skin-tight or nearly skin-tight and (2) garments that are essentially identical in design, material, and fit to such "underwear" garments.

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OPINION OF
COMMISSIONER CAROL G. DAWSON
ON PROPOSED ACTION BY THE COMMISSION
TO APPROVE MODEL ATV LEGISLATION FOR THE STATES
DECEMBER 2, 1992

Today I have abstained from a ballot vote recommending official Commission approval of model All-Terrain Vehicle (ATV) legislation drafted by the staff, for submission to state legislatures.

My problem in "endorsing" this legislation is both philosophical and practical. My reluctance is not based on any disagreement about the need for state laws. Clearly they are needed. My objection is that the federal government should not set forth an "official" state model law. I respect the rights of the states in such matters. I do support an effort to provide Governors, legislators, and other state officials with the safety recommendations, the injury data, and the official record of this agency in dealing with the problems of ATVs. Even a model law, but one which is NOT an official position of CPSC, could be provided. The states are quite capable of determining what type of laws are needed.

The practical nature of my objection is that since most of the participating groups involved in drafting this model law could not support the final draft, I fear that its "endorsement" by CPSC may be the final death knell to any support at all on the local level. Let CPSC, as part of other groups promoting ATV safety, have its say. But I strongly object to CPSC dictating to state legislative bodies the precise details of such legislation.

It is true that I voted with the majority of the Commission to direct the staff to prepare a program promoting more action by the individual states to enact ATV safety laws. Had staff followed its usual procedure, such a program would have been prepared and submitted on a no objection basis before such a project could begin.

DAWSON
12/2/92
(Ballot 11/25/9)

However, without any precedent, the staff inexplicably decided to submit a proposed model bill to the Commissioners for their stamp of approval. Not in my tenure on the Commission, nor in the memory of any staff now serving, has the Commission officially endorsed such a model bill.

The original bill drafted by the Association of Food and Drug Officials (AFDO) with the staff's cooperation, was to be the document upon which the final staff proposal was based. Suggestions were sought from both consumer and industry groups, and revisions were made. Nonetheless, the final draft bill did not gain the approval of the groups which had worked with the staff to write the legislation.

Such a pattern can be expected at the state level. In fact, the chief benefit of such laws being initiated at the state level is that it provides an opportunity for all interested parties to have a say. The states themselves will respond with appropriate laws.

Record of Commission Action, Commissioners Voting by Ballot
Chairman Jacqueline Jones-Smith
Commissioner Carol G. Dawson
Commissioner Mary Sheila Gall

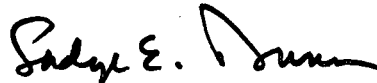
5. Long Range Plan (Due 12/29/92)

The Commission voted unanimously (3-0) to approve the Long Range Plan of the U.S. Consumer Product Safety Commission.

6. Memorandum of Understanding with the National Recreation and Park Association (Due 12/30/92)

The Commission voted unanimously (3-0) to approve the Memorandum of Understanding with the National Recreation and Park Association.

For the Commission:



Sadye E. Dunn, Secretary
U.S. Consumer Product Safety
Commission

Attachment