



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Record of Commission Action
Closed Commission Meeting *
June 21, 1995

Room 724, East West Towers
4330 East West Highway
Bethesda, Maryland

In the Matter of: Revised Directive on Clearance Procedures,
CPSC Order 1450.2

Commissioners Present and Voting: Chairman Ann Brown
Commissioner Mary Sheila Gall
Commissioner Thomas H. Moore

The Commission considered a proposed revision to the Commission's directive on clearance procedures for providing information to the public (CPSC Order 1450.2). The proposed revision adds a new paragraph 10 that would authorize the Executive Director to delegate his or her clearance authority to other appropriate employees. (Ref: General Counsel memorandum dated March 21, 1995, with Attachment 1, draft revised Order 1450.2, and Attachment 2, Executive Director memorandum on "Delegation For Clearance of Items No Longer Requiring OEX Approval or Clearance".)

The Commission voted 2-1 on motion of Chairman Brown to approve the revised directive transmitted with the March 21, 1995, memorandum from the General Counsel. This approval is subject to reevaluation at the end of six months. Chairman Brown and Commissioner Moore voted in favor; Commissioner Gall voted in opposition.

For the Commission:

A handwritten signature in cursive script that reads "Sadye E. Dunn".

Sadye E. Dunn
Secretary

* Attached to this Record of Commission Action are the "Notice of Closed Commission Meeting" required by 16 CFR 1013.4(c)(4) and the Office the General Counsel "Certification of Closed Meeting" required by 16 CFR 1013.4(c)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Office of the

General Counsel
(301) 504-0980
Fax: (301) 504-0403

Commission Meeting
Wednesday, June 21, 1995
2:00 p.m.


Room 724, East West Towers
4330 East West Highway
Bethesda, Maryland 20814

CERTIFICATION OF CLOSED MEETING

The General Counsel, in accordance with section 3(f)(1) of the Government in the Sunshine Act (5 U.S.C. § 552b(f)(1)) and the Commission's rules issued under that Act (16 CFR § 1013.4(c)(3)), hereby certifies that the Commission meeting of June 21, 1995, at which the Commission will consider a revision to its internal clearance procedures for providing information to the public, may be properly closed to the public on the basis of the exemption set forth in the Commission's rules at 16 CFR § 1013.4(b)(2).

6/23/95

Date


ERIC A. RUBEL
General Counsel



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Notice of Closed Commission Meeting

Subject of Closed Meeting: The Commission is meeting to consider a revision to its internal clearance procedures for providing information to the public (CPSC Order 1450.2.)

Date of Closed Meeting: June 21, 1995

Specific Exemption Cited: Exemption 2; 16 CFR 1013.4(c)(3). This meeting will involve discussion of a matter specifically related solely to the internal personnel rules and practices of the Commission (exemption 2). The Office of the General Counsel has certified this closing; and its certification is attached.

Public Interest Determination: The Commission has determined that the public interest would not be served by public discussion of this matter.

Attendance: Chairman Ann Brown, Commissioner Mary Sheila Gall, and Commissioner Thomas H. Moore.

Voting to Close the Meeting:

Ann Brown, Chairman
Mary Sheila Gall, Commissioner
Thomas H. Moore, Commissioner

Purpose of this Notice: This document gives notice that the Consumer Product Safety Commission has decided to close the meeting described above. This notice is given pursuant to section 1013.4(c)(3) of the Commission's Meetings Policy.

A handwritten signature in cursive script, reading "Sadye E. Dunn", is written over a horizontal line.

Sadye E. Dunn
Secretary

Attachment



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING
June 15, 1995
4330 East West Highway
Bethesda, Maryland

The June 15, 1995, meeting of the U.S. Consumer Product Safety Commission was convened in open session by Chairman Ann Brown. Commissioner Mary Sheila Gall and Commissioner Thomas H. Moore were present.

Agenda Item: PPPA Protocol Revisions

The Commission considered issuance of a final rule revising the child-resistant (CR) packaging test protocols under the Poison Prevention Packaging Act (PPPA) to make CR packaging easier for adults to open while continuing to provide child-resistant protection for young children. At the Commission meeting of January 5, 1995, the Commission voted to revise the testing protocols for all products regulated under the PPPA, except products that must use metal or aerosol containers, and, voting by ballot on February 6, the Commission approved a Federal Register notice to issue a final rule revising the test protocols. The Commission then agreed to delay issuance of the final rule and to reopen the proceeding for an additional comment period and public hearing in order to consider new issues raised since the Commission's initial decision. The Commission was briefed by the staff on comments received on the additional issues at the Commission meeting of June 8, 1995. (Ref: staff briefing package dated May 25, 1995.)

At today's meeting, on motion of Chairman Brown, the Commission voted unanimously (3-0) to revise the CR packaging test protocols under the PPPA and directed the General Counsel to modify the February 6 Federal Register notice as follows: (1) delete the requirement for sequential testing of adults so as to retain the existing procedure whereby 100 adults are required to be tested; (2) provide that the adult test panel shall be comprised of adults aged 50 to 70 years of age; (3) provide that the adult resealing test shall apply where there are no objective means to determine that the package is closed; (4) provide that the effective date of the final rule be one year after the date of publication, with a blanket 18-month exemption from compliance after the effective date and limited opportunity for enforcement stays

Minutes of Commission Meeting
June 15, 1995

PPPA Protocol Revisions, continued

thereafter; and (5) authorize the General Counsel to make nonsubstantive changes to the Federal Register notice that he considers appropriate. The revised Federal Register notice is to be provided to the Commission for a ballot vote.

Chairman Brown, Commissioner Gall, and Commissioner Moore filed separate statements concerning the protocol revisions matter. Copies of the statements are attached.

There being no further business on the agenda, Chairman Brown adjourned the meeting.

For the Commission:



Sadye E. Dunn
Secretary

Attachments (3)

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

STATEMENT OF ANN BROWN
CHAIRMAN, CPSC
June 15, 1995

The Chairman

Today is a great day for America's children. The Commission's vote will result in saved lives and increased safety. It is a great step forward in preventing poisonings.

The Consumer Product Safety Commission voted to revise the test procedure used under the Poison Prevention Packaging Act to make packaging easier for adults to open while maintaining its child resistance. I could not be more pleased with today's vote, which will result in saved lives and increased safety for our children.

Hard-to-open packages are a particular problem for older adults, and we all know how frustrating it can be to try to open packages that are hard to use. Because packaging that meets the new test procedures will be easy-to-open and child-resistant, it will be much less likely that adults of all ages, particularly older adults, will leave the tops off of their medicines and other hazardous substances, transfer the contents of child-resistant packaging to nonchild-resistant packages, or purchase products without child-resistant closures. Under the final rule, a test panel of adults aged 50-70 will be used instead of younger adults. This will give a more realistic picture of the ability of normal adults to use child-resistant packaging properly than the current panel of 18 to 45 year olds.

And most importantly, the new, adult-friendly packaging should help reduce the yearly one million calls about ingestions to poison control centers, 140,000 hospital emergency-room-treated poisonings, and 50 poisoning deaths to young children.

The Commission initially voted to revise the test procedure in early January. However, CPSC agreed to delay publication of the final rule for an additional comment period and public hearing to address additional industry comments. Changes in the final rule from the January decision reflect concerns addressed during the additional comment period.

This new rule exemplifies how the Consumer Product Safety Commission and industry can work together cooperatively to issue a common sense regulation that minimizes the burden on the regulated industry while accomplishing CPSC's mission of keeping children safer in their homes by reducing the number of child-poisonings.

The safety triangle, however, is not complete unless consumers play their crucial role. Consumers must keep all medicines and other potentially poisonous products out of the reach of children and must resecure child-resistant closures after each use. Only when industry, government and consumers each carry out their responsibilities can we effectively reduce the number of ingestions and poisonings that occur each year in the United States. I can't think of anything more tragic for a family than the death of a child because she or he ingested a grandparent's or other caregiver's medicine. The changes to the testing procedure voted for today can go a long way toward eliminating this avoidable tragedy.

The change in the test panels substituting senior adults, ages 50-70, for younger adults is the first such change since the original test procedures became effective in January, 1972. In that time, there have been significant technological changes in the world, ranging from walking on the moon to a revolution in the use of computers. It was time for American ingenuity to produce a package that is difficult for young children to open and yet could be used properly and without difficulty by normal adults. The new procedures are technically feasible, practicable, and appropriate, and will protect our children. Already, in anticipation of the revised regulation, firms like Sunbeam and Proctor and Gamble have made child-resistant, adult-friendly closures available in the marketplace. Soon, consumers will have many more adult friendly, child-resistant closures available to them.

**STATEMENT OF COMMISSIONER MARY SHEILA GALL
ON
THE FINAL RULE TO REQUIRE CHANGES TO CHILD-RESISTANT
PACKAGING TEST PROTOCOLS**

June 15, 1995

Today, I voted to finalize a rule under the Poison Prevention Packaging Act (PPPA) to improve the child and adult test protocol used in evaluating child-resistant packaging.

A significant factor contributing to ingestions by children is the difficulty consumers have in opening current child-resistant packaging. By requiring the use of adult friendly (easy-to-open) packaging that maintains its child-resistance, more consumers will use this packaging appropriately. I am confident this will further reduce accidental ingestions by children and as a result reduce their risk of serious personal injury or illness. This is the primary goal of the PPPA.

The Commission, industry, and other interested parties worked diligently to come to a decision that would first and foremost increase safety for children, but also recognize the practical considerations of bringing important packaging changes to the marketplace. Today's decision meets both goals and is a common sense approach to government regulation.



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WASHINGTON, D.C. 20207

STATEMENT OF COMMISSIONER THOMAS HILL MOORE
ON FINAL RULE TO REVISE THE CHILD-RESISTANT PACKAGING
TEST PROTOCOLS

June 15, 1995

I voted today to approve certain modifications to the child-resistant packaging test protocols which will be incorporated into a Final Rule of the Commission.

My colleagues have lived with this issue for much longer than I have, but we all have lived for too long with what I would call "adult-resistant" packaging.

The CPSC mandate under the Poison Prevention Packaging Act of 1970 is to protect young children from accidental ingestion of substances that can harm them. With industry's substantial cooperation, we've come a long way since 1970 in reducing accidental ingestion incidents. Yet, evasions by adults of today's "adult-resistant" packaging and continued ingestion accidents are still a problem of considerable concern. To ensure that the mandate of the Poison Prevention Packaging Act is more fully met, we are making changes to the way we test packages.

The Commission has taken great pains to listen to, and to carefully consider, the views of all interested parties in this rulemaking proceeding. The changes we are finalizing today will strengthen our ability to further protect young children by reducing the present resistance many adults, particularly older adults, have toward using packages that are designed to be difficult for young children to open. Making packaging more senior-friendly will result in more child-resistant packaging being utilized without evasions.

I commend my colleagues for their long, hard work on this important issue.