



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Record of Commission Action
Commissioners Voting by Ballot

1111 18th Street, N.W.
Washington, D.C.

Voting: Chairman King
Commissioner Franklin
Commissioner Pittle
Commissioner Sloan

ITEM

Comments of the Consumer Product Safety Commission on S.2,
the Sunset Act of 1978

(Briefing material transmitted by the Office of the
Secretary on December 8, 1978.)

DECISION

The Commission approved with editorial changes the attached
letter on the above-referenced subject for submittal to the
Honorable James T. McIntyre, Jr., Director, Office of Management
and Budget, Washington, D.C.

VOTE

Concurring: Chairman King (12/18/78)
Commissioner Franklin (12/13/78)
Commissioner Pittle (12/19/78)
Commissioner Sloan (12/21/78)

Not Voting: Commissioner Zagoria (12/18/78)

For the Commission:

A handwritten signature in cursive script, reading "Sadye E. Dunn".

Sadye E. Dunn, Secretary



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

December 26, 1978

Honorable Thomas P. O'Neill, Jr.
Speaker
House of Representatives
The Capitol
Washington, D.C. 20515

Dear Mr. Speaker:

In accordance with section 27(k)(2) of the Consumer Product Safety Act, 15 U.S.C. 2076(k)(2), I am pleased to provide to the House of Representatives a copy of the Commission's letter to the Director, Office of Management and Budget, concerning S.2, the Sunset Act of 1978.

Sincerely,

A handwritten signature in cursive script that reads "Susan B. King".

Susan B. King
Chairman

Enclosure



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

December 26, 1978

Honorable Walter F. Mondale
President of the Senate
The Capitol
Washington, D.C. 20510

Dear Mr. President:

In accordance with section 27(k)(2) of the Consumer Product Safety Act, 15 U.S.C. 2076(k)(2), I am pleased to provide to the United States Senate a copy of the Commission's letter to the Director, Office of Management and Budget, concerning S.2, the Sunset Act of 1978.

Sincerely,

Susan B. King

Susan B. King
Chairman

Enclosure



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

December 26, 1978

Honorable James T. McIntyre, Jr.
Director
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. McIntyre:

This letter is in response to your request for the views of the Consumer Product Safety Commission on S.2 , the Sunset Act of 1978, as passed by the Senate on October 11, 1978.

As a regulatory agency, the Commission is particularly interested in Title V of the bill, which requires the President to submit an analysis and legislative plan for the reform of 16 regulatory agencies, including the Commission, over a ten year period beginning in 1981. Title V is similar to S.600, a bill introduced in the first session of the 95th Congress, on which the Commission favorably commented.

The Commission continues to support the concept of regulatory reform. We believe that review and analysis of the structure and operation of regulatory agencies is important in view of the significant impact such agencies may have on commerce and the consuming public.

The Commission believes that the review procedure established by Title V, particularly the feature of specifying the precise timing of the reviews, is reasonable, in that agencies will have ample notice of the reviews and will be prepared to actively participate with the President in insuring that the reviews are comprehensive and will result in genuine improvement of the regulatory process. In addition, the Commission is pleased to note that it is

Honorable James T. McIntyre, Jr.
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grouped for review with its counterparts in the public health and safety field, the Food and Drug Administration, Environmental Protection Agency, and Occupational Safety and Health Administration. As you know the Commission and these agencies, in August of 1977, formed the Interagency Regulatory Liaison Group (IRLG) to work together to eliminate overlapping or inconsistent regulatory actions and unnecessary or duplicative regulatory burdens on industry and the public. The purpose of the IRLG is complementary to the goals of the regulatory reform program established by Title V of S.2, and the four agencies' efforts to identify and eliminate barriers to effective coordination should help the agencies achieve some of the reforms sought by S.2.

While the Commission thus supports the objectives of Title V, the relationship is unclear between the program of regulatory reform and the provisions of the bill concerning reauthorization review of programs (Title I) and program reexamination (Title III).

Our reading of the bill indicates that as a health and safety regulatory agency, CPSC would, in addition to being subject to the provision of Title V, also come under a reauthorization review pursuant to section 101(b) of the bill for "Consumer and Occupational Health and Safety" programs (subfunctional category 554). In addition, it appears that the Commission and all other regulatory agencies as well, would be subject to selected program reexamination under section 301. If this interpretation is correct, we would note that the bill makes no explicit provision for coordination between the various reviews. For example, by October 1 of the year preceeding the Congress in which occurs the reauthorization date for the Commission's program under section 101(b), the Commission, in conjunction with the President, is required to submit to the Congress a "Regulatory Duplication and Conflict Report" as specified in section 704(b)(2). The first reauthorization date for the Commission is September 30, 1986 and the report under section 704(b)(2) would be due October 1, 1984. Four months later, on February 1, 1985, the President's comprehensive analysis of the Commission under section 502(a), including an analysis of many of the same issues, would be due to the Congress. Further, by April 1, 1986 (six months prior to the

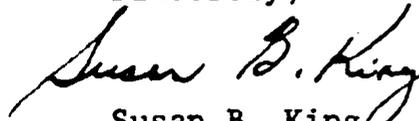
Honorable James T. McIntyre, Jr.
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reauthorization date of September 30, 1986) the Commission would be required by section 704(a)(2) to conduct a review of any regulations specified by a Congressional Committee and submit a report to the committee, setting forth the regulations which the Commission intends to retain, eliminate or modify. Since agencies would expect to be involved actively in all these proceedings, a serious drain on limited resources to the detriment of primary regulatory functions could occur unless the requirements for the various reviews and analyses were coordinated and duplication eliminated.

The Commission believes that the relationship between the various potentially duplicative requirements to which regulatory agencies may be subject under S.2, as pointed out above, should be clarified and the administrative burdens minimized consistent with accomplishment of the goals of the bill.

The Commission appreciates the opportunity to express its views on S.2 and we hope our comments are helpful to the Office of Management and Budget in its consideration of the legislation.

Sincerely,



Susan B. King
Chairman

cc: The Speaker of the House of
Representatives

The President of the Senate