



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING

June 10, 1993

5401 Westbard Avenue

Bethesda, Maryland

The June 10, 1993, meeting of the U.S. Consumer Product Safety Commission was convened in open session by Chairman Jacqueline Jones-Smith. Commissioners Carol G. Dawson and Mary Sheila Gall were present.

Ballot Vote Decisions. The following decisions made by ballot vote of the Commissioners were placed into the record.

1. Proposed Civil Penalty Settlement: Ektelon, Inc. (OS# 4641, eyeguard, 93-C0004) Due 2/25/93

The Commission voted unanimously (3-0) to provisionally accept the proposed civil penalty. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day. Voting to provisionally accept the agreement were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

2. Proposed Civil Penalty Settlement: Caribe Marketing & Sales Co., Inc., (OS# 4111, toys, 93-C0005) Due 3/25/93

The Commission voted unanimously (3-0) to provisionally accept the proposed civil penalty. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day. Voting to provisionally accept the agreement were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

3. Small Parts in Clothing (OS #3548A) Due 3/30/93

The Commission voted unanimously (3-0) that the exemption in the small parts regulation includes both functional and nonfunctional buttons and accessories. In addition, the Commission voted (2-1) to approve draft letter "B" communicating the decision. Chairman Jones-Smith and Commissioner Gall voted to approve letter "B" while Commissioner Dawson voted to approve letter "C."

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4. Request for Halogenated Solvent Industry Alliance and Center for Emissions Control to Address the Commission at Briefing on Methylene Chloride Due 4/1/93

The Commission voted 2-1 to grant the request for participation. Voting to approve were Commissioner Dawson and Commissioner Gall. Chairman Jones-Smith voted to deny the request.

5. Proposed Civil Penalty Settlement: Polly-Gaz International Corp. (OS# 5721, toys, 93-C0006) Due 4/13/93

The Commission voted unanimously (3-0) to provisionally accept the proposed civil penalty. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day. Voting to provisionally accept the agreement were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

6. Proposed Civil Penalty Settlement: Newco Inc. (OS# 5035, swing set, 93-C0007) Due 4/21/93

The Commission voted unanimously (3-0) to provisionally accept the proposed civil penalty. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day. Voting to provisionally accept the agreement were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

7. Proposed Civil Penalty Settlement: Unique Industries, Inc. (OS# 3418, toys, 93-C0008) Due 5/3/93

The Commission voted unanimously (3-0) to provisionally accept the proposed civil penalty. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day. Voting to provisionally accept the agreement were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

8. Draft Letter for Denial of Baby Walker Petition (OS# 3122) Due 5/18/93

The Commission voted unanimously (3-0) to approve the letter. Voting to approve were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

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9. Request by American Pyrotechnics Association to Address Commission at Briefing on Fuse Burn Time Petition Due 5/21/93

The Commission voted 2-1 to grant the request for participation. Voting to approve were Commissioner Dawson and Commissioner Gall. Chairman Jones-Smith voted to deny the request.

10. Proposed Amendments to Clacker Ball Regulations Due 5/24/93

The Commission voted unanimously (3-0) to approve amendments to the Commission's regulations for clacker balls, 16 C.F.R. 1500.18(a)(7), 1500.86(a)(5). Voting to approve were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

11. Request form Juvenile Products Manufacturers Association for Commission to co-sponsor Baby Safety Awareness Month Due 5/25/93

The Commission voted unanimously (3-0) to approve the request. Voting to approve were Chairman Jones-Smith, Commissioner Dawson, and Commissioner Gall.

Agenda Matter: Fireworks Fuse Burn Time Petition HP 91-2

The Commission considered Petition HP 91-2 from the American Pyrotechnics Association (APA) requesting that the fuse burn time currently allowed under the Commission's fireworks regulations, a period of 3 to 6 seconds, be increased to 3 to 9 seconds. The Commission was briefed by the staff on the petition at the Commission meeting of May 27, 1993. (Ref: staff briefing package dated April 13, 1993.) The Commission also was addressed at the May 27 briefing by representatives of the APA. By letter dated June 9, 1993, the APA requested that the Commission defer action on the petition for 150 calendar days to provide additional time to respond to questions raised by the Commission.

Commissioner Dawson moved that the Commission grant APA's request for an extension of 150 days before the Commission acts on Petition HP 91-2. The motion was defeated by a vote of 1-2, with Commissioner Dawson voting in favor and Chairman Jones-Smith and Commissioner Gall voting against.

The Commission then voted unanimously (3-0) on motion of Chairman Jones-Smith to deny Petition HP 91-2. A statement filed by Chairman Jones-Smith regarding the fuse burn time petition is attached.

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There being no further business on the agenda open to the public, Chairman Jones-Smith adjourned the public session. The Commission voted unanimously (3-0) to meet in closed session to discuss issues related to enforcement of the fireworks regulation. No decisions were made in closed session.

For the Commission:



Sadye E. Dunn
Secretary

Attachment