



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Record of Commission Action  
Commission Meeting of December 14, 1978;  
and Subsequent Vote by Ballot

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

Presiding at Meeting: Vice Chairman Sloan

Present at Meeting: Commissioner Franklin  
Commissioner Pittle  
Commissioner Zagoria

Subsequently Voting by Ballot: Chairman King  
Commissioner Franklin  
Commissioner Pittle  
Commissioner Sloan  
Commissioner Zagoria

ITEM

Establishment of Toxicological Advisory Board; Charter and Federal Register  
Notice Amending Committee Management Regulations

(Briefing material transmitted by the Office of the  
Secretary on December 8 and December 20, 1978).

DECISION

At the Commission meeting of December 14, 1978, the Commission provided direction on provisions of a charter to establish the Toxicological Advisory Board (TAB) and on amendments to the Commission's regulations on advisory committee management to accommodate the new TAB. The Commission then received on December 20 a revised draft charter and draft Federal Register notice incorporating provisions indicated at the December 14 meeting, along with staff suggestions for further revisions concerning the membership of the TAB.

Voting by ballot, the Commission approved the charter and Federal Register document concerning the TAB, as attached.



Establishment of Toxicological Advisory Board; Charter and Federal Register Notice Amending Committee Management Regulations.

VOTE:

Concurring: Chairman King (12/27/78)

*Susan B. King*

Commissioner Franklin (12/22/78)

*Barbara H. Franklin*

Commissioner Pittle (12/21/78)

*R. David Pittle*

Commissioner Sloan (12/21/78)

*Edith Berthold Sloan*

Commissioner Zagoria (12/21/78)

*Sam Zagoria*

Attachment

Submitted by the Office of the Secretary

[6355-01-M]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT  
SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1018—ADVISORY COMMITTEE  
MANAGEMENT AMENDMENT TO  
REGULATIONS

AGENCY: Consumer Product Safety  
Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's regulations on Advisory Committee Management to accommodate a new advisory committee, the Toxicological Advisory Board, which Congress authorized in recent legislation to provide specific scientific and technical advice to the Commission regarding the labeling of hazardous substances.

EFFECTIVE DATE: December 29, 1978.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Authorization Act of 1978 (Pub. L. 95-631) amended the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261, et seq.) to provide that the Commission shall establish a Toxicological Advisory Board to provide scientific and technical advice to the Commission on (1) precautionary labeling for hazardous substances subject to the FHSA and on (2) the exemption of certain substances from the labeling requirements under the FHSA. Accordingly, the Commission established the Toxicological Advisory Board on December 22, 1978 to continue for a period of six years. The Board is to be composed of nine members appointed by the Commission who shall be qualified by training and experience in one or more fields applicable to the duties of the Board. At least three of the members of the Board should be members of the American Board of Medical Toxicology. The Board will meet at least twice each year. The charter for the Toxicological Advisory Board was filed with the Congress, the Office of Management and Budget, and the Library of Congress on December 27, 1978.

The establishment of the Toxicological Advisory Board necessitates a number of revisions to the Commis-

1978

## RULES AND REGULATIONS

sion's Advisory Committee Management Regulations (16 CFR Part 1018) which set forth the Commission's guidelines and policies regarding the management of its advisory committees. Namely, the revisions describe the newly established Board, its purpose and membership composition, and the terms of appointment.

Since the revisions to the Advisory Committee Management regulations merely reflect the statutory requirements for the Board's membership and composition, the Commission has determined that the notice and the public procedure requirement of 5 U.S.C. 553 is dispensed with and that the revisions shall be effective upon publication.

Accordingly, Title 16, Chapter II, Subchapter A, Part 1018 of the Code of Federal Regulations is amended as follows:

1. In Section 1018.12, the first sentence is revised and a new subparagraph (d) is added reading as follows:

§ 1018.12 Statutory advisory committees.

The Commission has four statutory committees:

(d) The Toxicology Advisory Board was established by the Commission on December 22, 1978, pursuant to section 20 of the Federal Hazardous Substances Act, as amended (Sec. 10, Pub. L. 95-631, 15 U.S.C. 12).

2. In § 1018.15, a new paragraph (d) is added reading as follows:

§ 1018.15 Membership composition.

(d) The Toxicological Advisory Board, as specified in section 20 of the Federal Hazardous Substances Act, as amended (Pub. L. 95-631, 15 U.S.C.), shall be composed of nine members appointed by the Commission. Each member of the Board shall be qualified by training and experience in one or more fields applicable to the duties of the Board, and at least three of the members of the Board shall be members of the American Board of Medical Toxicology. The Commission will seek a balanced membership, including individuals representative of consumers, government, and industry.

3. In § 1018.17, a new subparagraph (d) is added reading as follows:

§ 1018.17 Appointments.

(d) Notwithstanding subparagraphs (b) and (c) above, members of the Toxicological Advisory Board shall be appointed for terms of three years. Members may be reappointed for a subsequent three-year term. Any vacancy on the Board shall be filled in the same manner in which the original ap-

pointment was made. Any person appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall serve only for the remainder of such term.

4. § 1018.21, the first sentence is revised as follows:

§ 1018.21 Calling of meetings.

Advisory committees shall, as a general rule, meet four times per year, except that, as provided by statute, the Toxicological Advisory Board shall meet not less than two times each year.

5. In Section 1018.25, a new paragraph (d) is added reading as follows:

§ 1018.25 Minutes and meetings reports.

(d) In addition to the information required by subsection (a) of this section, the minutes of the Toxicological Advisory Board shall specify the reasons for all conclusions reached and, where conclusions are not unanimous, the Board is encouraged to submit minority or dissenting opinions.

Dated: December 22, 1978.

SADYE E. DUNN,  
Secretary.

[FR Doc. 78-36368 Filed 12-28-78; 8:45 am]

[6355-01-M]

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