



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

Record of Commission Action
Commissioners Voting by Ballot
Placed in the Record at Open Commission Meeting
March 24, 1994

At the March 24, 1994, meeting of the U.S. Consumer Product Safety Commission, the staff briefed the Commission in open session on the status of the riding mower project. In closed session, the staff briefed the Commission on the status of various compliance matters. No decisions were made.

Chairman Ann Brown convened today's meeting. Commissioners Mary Sheila Gall and Jacqueline Jones-Smith were present.

Ballot Vote Decisions. The following decisions made by ballot vote of the Commissioners were placed into the record. Items 1 through 8 were decided by Chairman Jacqueline Jones-Smith and Commissioner Mary Sheila Gall. Item 9 was decided by Chairman Ann Brown, Commissioner Mary Sheila Gall, and Commissioner Jacqueline Jones-Smith.

1. Request from Gas Appliance Manufacturers Association (GAMA) for Endorsement (Due 2/11/94)

The Commission voted unanimously (2-0) to (1) Permit GAMA to use the phrase "developed [or sponsored] by GAMA in cooperation with the Consumer Product Safety Commission" on any of the materials developed for the campaign on flammable vapors and submitted to the Commission for review except materials addressed to plumbing contractors and distributors; (2) Permit GAMA to use the Commission's logo on any of the materials developed for the campaign on flammable vapors and submitted to the Commission for review except materials addressed to plumbing contractors and distributors.

2. Proposed Consent Order Agreement, Ted Imel d/b/a Futon Factory (94-C0009) (Due 2/14/94)

The Commission voted unanimously (2-0) to provisionally accept the agreement.

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3. Modification of the Training Curriculum and the Administrative Structure for the ATV Training Program (Due 2/15/94)

The Commission voted unanimously (2-0) to authorize the Office of General Counsel to send its letter to the ATV distributors (1) advising the distributors that the Commission approves of the modifications to the ATV training curriculum as described in the distributors' correspondence of July 23, 1993, to the General Counsel, and (2) requesting that the distributors report to the General Counsel within 90 days their progress in implementing both the modifications to the training curriculum and to the administrative structure for the ATV training program.

4. Petition CP 93-1 Requesting a Safety Standard for Gas-Fired Floor Furnaces (Due 2/22/94)

The Commission voted unanimously (2-0) to deny petition CP 93-1 which requested that the Commission issue regulations to protect toddlers and infants from burn injuries from gas-fired floor furnaces.

5. Proposed Policy for Enforcing Labeling of Hazardous Art Materials Act (LHAMA) (Due 2/28/94)

The Commission voted unanimously (2-0) to approve a Federal Register notice containing the proposed policy.

6. Public Comment on Test Data Concerning Proposed Revisions to Child-Resistant Packaging Protocol (Due 3/1/94)

The Commission voted unanimously (2-0) to publish the Federal Register notice requesting comments on test data concerning proposed revisions to the child-resistant packaging protocol, with a comment period of 60 days.

7. Draft Booklet "Indoor Air Pollution: An Introduction for Health Professionals" (Due 3/10/94)

The Commission voted unanimously (2-0) to cosponsor the booklet with the Environmental Protection Agency, the American Lung Association, and the American Medical Association.

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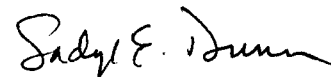
8. Semi-Annual Regulatory Agenda (Due 3/11/94)

The Commission voted unanimously (2-0) to approve the draft of the Commission's regulatory agenda.

9. Options Based on Analysis of Bicycle Use and Hazard Patterns (Due 3/22/94)

The Commission voted unanimously (3-0) to share study findings and work with the U.S. Department of Transportation to promote bicycle safety and education programs and to improve the safety of the riding environment. In addition Chairman Brown and Commissioner Gall voted to distribute a compilation of technical research findings to safety officials, organizations and researchers. Chairman Brown and Commissioner Jones-Smith each filed a statement on this matter, copies of which are attached.

For the Commission:



Sadye E. Dunn
Secretary

STATEMENT OF CHAIRMAN ANN BROWN ON STAFF RECOMMENDATIONS OF
OPTIONS BASED ON ANALYSIS OF BICYCLE USES AND HAZARD PATTERNS

March 21, 1994

I congratulate the Commission staff on the successful completion of the studies on bicycle use, hazards and risks. This risk analysis is a major accomplishment, the first such analytical effort for bicycles. The staff has produced a report which should have a significant impact on bicycle safety efforts. Commissioners Jones-Smith and Gall have provided support and encouragement for the staff efforts, and their continued interest in this important area of product safety has yielded excellent results.

The results of the study confirm suspicions that many have long had. However, this study, for the first time, gives us good numbers and good analysis--real data on which we can base decisions and plans to reduce bicycle-related injuries and deaths. The extent of the risk of injury and death for young bicycle riders is startling, especially the risks of injury and death for children under 14. As we encourage older Americans to exercise, and bicycle riding is good exercise, the high risks to older riders must be taken into account. The high risks for riding at night and riding on highways also command our attention.

These reports should get the widest possible circulation, and should be made available as quickly as possible to safety officials, organizations and researchers. Therefore, I support Option VI, the technical compendium. I hope we can move fast on implementation of this Option.

Option V is a very good idea, and I support sharing the information from these reports with the Department of Transportation. It is clear from the results of the studies that the bicycling environment can play a critical role in risks of injury and death associated with bicycle use, and the bicycling environment is under the statutory purview of the Department of Transportation. I would hope we could proceed with all due speed on Option V.

It appears that Congress may enact bicycle helmet legislation, giving the responsibility for developing a helmet standard to the Commission. It seems appropriate to defer support for Option IV until Congressional actions are clarified. If a law is enacted similar to legislation proceeding through Congress, the Commission would undertake a public information campaign to encourage use of bicycle helmets at the time the standard is promulgated.

Option II, the conference on bicycle safety is an interesting idea, but I do not support the Option at this time. Rather, I am considering development of plans for a conference on

children's safety and health. Especially given the results of the staff studies, discussions of bicycle safety would be central to the conference. Taking into account the expense associated with conferences, and the need for sharply focused goals, I would prefer to broaden the topic for a conference beyond bicycles while sharpening the objectives for such a meeting.

Information and education programs discussed in Options I and III are major undertakings. I do not support Option I or Option III because of concerns about cost and complexity. However, I am enthusiastic about informing the public of the results of the staff studies. Providing data from the staff reports to state, local and federal agencies and safety organizations through Options V and VI will ultimately provide useful information to the public and should influence safety campaigns at the state and local level and efforts by private groups interested in bicycling and bicycle safety.

Finally, although it appears that bicycle design is less a problem in causing death and injury than proper maintenance of bicycles, the data on risks associated with riding at night suggest to me that there may be a need to reassess the section of the bicycle standard dealing with reflectors. It might be appropriate to consider whether bicycles should be required to have lights as well as the reflectors currently mandated by the standard.

Again, my congratulations to all those who have been associated with the development of the bicycle studies and reports. This is a signal accomplishment for the Consumer Product Safety Commission, and we should all be proud of what has been achieved.

STATEMENT OF COMMISSIONER JACQUELINE JONES-SMITH
ON STAFF RECOMMENDATIONS BASED UPON
ITS ANALYSIS OF BICYCLE USE AND HAZARD PATTERNS

March 24, 1994

Today, I voted on a series of options presented by the staff, based upon its analysis of bicycle use and associated hazard patterns. The most controversial issue presented was the staff's recommendation that the Commission sponsor a conference on children's bicycle safety. For the reasons enumerated below I voted against funding this conference.

Staff has presented the Commission a briefing package containing its analysis of the 1991 Bicycle Exposure Survey, as well as other pertinent data obtained during the course of its on-going Bicycle Project. I found this information to be most impressive and I heartily commend the staff on its efforts. The issues that are presented are fairly straight forward. The basic question is: Where do we go from here? To answer that, we first must focus on a series of preliminary questions, such as: Where do we find the most substantial risk exposure? Does this risk exposure lend itself to practical means for risk reduction? If so, what are the cost-benefits and what are the alternatives?

In responding to these inquiries, and based upon the data and analysis provided by the staff, I have concluded that there can be no justification for the Commission to sponsor and fund a conference on children's bicycle safety -- at an estimated cost of \$40,000.

I agree with staff that the death and injury statistics associated with bicycle usage suggests a relatively high risk as well as a severe hazard. We estimate that, annually, there are about 1000 bicycle-related deaths and over one half million injuries. The greatest risk exposure appears to be among children ages 4-14, adults 65 and over and, in general, for adults riding on major traffic arteries. Risk exposure is compounded by night-time riding hazards as well as by such behavioral problems such as non-use or improper use of safety devices such as helmets.

Risk-based decision making, however, entails far more than merely identifying a product with an associated risk or hazard that is high. Any activity that this Commission initiates to address such a risk should be designed and calculated to lessen its risk exposure and to lead to a reduction in injuries. Nothing contained in the staff's briefing package or subsequent memoranda suggests that the proposed conference, realistically, would lead to any such practical accomplishments.

For example, staff concludes from its survey that "mechanical failure" -- ie. involving brakes, wheels, handlebars, and other structural failures, etc. -- does not pose a significant safety hazard and, moreover, the great preponderance of any such failures apparently is largely a consequence of faulty maintenance practices. Thus, staff recognizes that there would be no useful benefit derived from a conference focusing upon the modification of applicable mechanical standards. Such technical modifications would need to have some reasonable potential for reducing injuries.

Rather, the staff recommends that such a conference be convened to serve as an "interactive forum" permitting interested parties to "share the latest information" and serve as a "catalyst" to promote other undertakings in the future. This is simply too nebulous to serve as a foundation. Our survey data, as well as the publications of other organizations, are already available to the concerned public. To justify the expenditure of funds and resources and staff time to sponsor and organize such an ambitious undertaking requires more concrete and practical objectives. Before I could vote in favor of funding such an enterprise, I would need to know what realistic expectations there would be that as a consequence of this conference specific goals would be accomplished that could reasonably lead to a reduction of bicycle-related deaths, injuries and accidents.

The data seems to indicate that better safety awareness on the part of bicycle users and care givers of small children leading to a more conscientious pattern of helmet usage and control over riding behavior, particularly in traffic, could well result in greater injury reductions. Laudable objectives such as these, however, are more likely to be attained through the efforts of other federal agencies or local initiatives -- and not as the direct consequence of a national conference sponsored by CPSC.

With regard to the other options presented by the staff, I agree that undertaking a comprehensive information and education campaign would be redundant and that CPSC is not the best entity to take the lead role in developing a pilot training program. I certainly do support our on-going I&E programs and encourage the continued dissemination of safety brochures and other pertinent information at our disposal, as well as our participation in related bicycle safety efforts.

In conclusion, I believe, particularly in a time of severe budget constraints, that the staff's findings and analysis do not support the utility of the type of conference being recommended.