



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

MINUTES OF COMMISSION MEETING

June 22, 1994

4330 East West Highway  
Bethesda, Maryland

The June 22, 1994, meeting of the Consumer Product Safety Commission was convened in open session by Chairman Ann Brown. Commissioner Mary Sheila Gall and Commissioner Jacqueline Jones-Smith were present.

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

1. Options for Labeling of Packages of Charcoal (Due 6/1/94)

The Commission voted to direct the staff to prepare, for the Commission's consideration, a draft notice of proposed rulemaking to amend the labeling that is currently required by 16 C.F.R. Section 1500.14(b)(6) for packages of charcoal to warn against the hazard of carbon monoxide when charcoal is used indoors. The draft proposed label should include: (1) changes in the content and format of the label of the types described in the staff's briefing package dated May 20, 1994; (2) a pictogram (to be developed by the staff) if testing determines that the pictogram adequately communicates the hazard of burning charcoal in homes, tents, and vehicles; and (3) a safety message in Spanish if a pictogram does not adequately communicate the safety message.

Commissioner Gall and Commissioner Jones-Smith voted for all elements of the draft proposed label described above. Chairman Brown voted for the first two elements, but as to additional language labeling voted to include a safety message in Spanish and, if appropriate and feasible, one or more Southeast Asian languages. This safety message should communicate warnings that charcoal should not be burned indoors and the existence of a risk of potentially fatal carbon monoxide poisoning if charcoal is burned indoors.

2. Draft ANPR on Upholstered Furniture (Due 6/3/94)

Chairman Brown and Commissioner Jones-Smith voted to approve an advance notice of proposed rulemaking (ANPR) for publication in the Federal Register initiating a proceeding under the Flammable Fabric Act with respect to the ignition of upholstered furniture by small open flames. Commissioner Gall abstained from voting on this document that implements the Commission's decision granting a part of Petition FP 93-1, because she dissented in the initial decision.

3. Privacy Act Exemption Regulation for Inspector General Files (Due 6/9/94)

The Commission voted unanimously (3-0) to approve a Federal Register notice that issues a final regulation restricting access to certain Inspector General records.

4. Revised ANPR for 5-Gallon Buckets (Due 6/10/94)

The Commission voted unanimously (3-0) to approve a revised draft advance notice of proposed rulemaking (ANPR) for publication in the Federal Register initiating a proceeding to address the drowning hazard of 5-gallon plastic buckets. The revised ANPR reflects the Commission's decision on May 19, 1994, to limit the scope of the proceeding to cover only plastic buckets.

5. Amendment of the Clothing Textiles Flammability Standard  
(Due 6/16/94)

The Commission voted unanimously (3-0) to approve a Federal Register notice issuing a technical amendment of the Standard for the Flammability of Clothing Textiles. (16 C.F.R. Part 1610) The amendment removes two footnotes identifying a particular firm as the source for two items of test equipment specified in the standard, inasmuch as the firm is no longer the only supplier of the equipment.

**Agenda Item: Fireworks**

The Commission considered options for Commission action to address the risk of injury and death from a tip-over-while-functioning hazard associated with multiple tube mine and shell fireworks devices. The Commission was briefed on the options at the Commission Meeting of June 15, 1994. (Ref: staff briefing package dated May 31, 1994.)

Fireworks, continued

Following introductory remarks by the Chairman and Commissioners at today's meeting, the Commission voted unanimously (3-0) on motion of Chairman Brown to issue an advance notice of proposed rulemaking (ANPR) to address the risk of injury and death associated with multiple tube mine and shell fireworks devices.

Chairman Brown and Commissioner Jones-Smith each filed a statement concerning the matter of multiple tube mine and shell fireworks devices, and copies of the statements are attached.

2. Gas-Fired Water Heaters

The Commission was briefed by the staff on options for Commission action to address the risk that gas-fired water heaters will ignite from flammable liquids that are present in the home. (Ref. staff briefing package dated June 8, 1994.) No decisions were made.

There being no further business on the agenda open to the public, Chairman Brown adjourned the public session. Meeting then in closed session, the Commission was briefed by the staff on information concerning gas-fired water heaters relating to an enforcement matter. No decisions were made in closed session.

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

For the Commission:



Sadye E. Dunn  
Secretary

Attachments

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

The Chairman

Statement of Chairman Ann Brown  
Multiple Tube Mine and Shell Fireworks Devices

June 22, 1994

We are here this morning to vote on whether to begin a rulemaking proceeding to address the risk of injury and death presented by multiple tube mine and shell firework devices that tip over while functioning. The existing mandatory standard does not deal adequately with this hazard.

Such a proceeding could lead to a mandatory performance standard or a ban of multiple tube devices designed to fire sequentially once a single fuse is lit. The firework's malfunction when the force from ignition of the first or subsequent shells cause the device to tip over, allowing the remaining shells to be fired horizontally at the shooter or bystanders.

As we learned last week, these fireworks are responsible for consumer deaths, the first deaths associated with consumer fireworks since at least 1980. In addition, there are at least an estimated 150 hospital emergency room treated injuries annually from these devices alone.

My fellow Commissioners and I met last week with Jack and Robin Shannon, the parents of 3 year old Michael Shannon who was struck and killed by a shell from a multiple shell device. The firework struck young Michael in the head as he stood between his father's legs watching a firework's display at their family reunion.

I commend Jack and Robin for their courage and for their crusade to make fireworks safer. I propose that the Commission begin regulatory action that will prevent this tragedy from happening again.

STATEMENT OF COMMISSIONER JACQUELINE JONES SMITH  
ON A PROPOSED RULEMAKING WITH RESPECT TO  
MULTIPLE TUBE MINE AND SHELL FIREWORKS DEVICES

June 22, 1994

Today I voted to issue an Advance Notice Of Proposed Rulemaking with respect to multiple tube mine and shell fireworks devices. The risk of injury associated with these devices is a serious one. Namely, the rapid procession of launchings from these devices tends to be de-stabilizing, causing the devices to tip over and fire horizontally -- placing spectators and innocent bystanders at risk.

To date, there have been two deaths reported as well as an estimated 150 emergency room treated injuries in 1992. These are the first reported deaths associated with Class C fireworks. While, it can be argued that the number of known incidents is relatively low, given the significant risk inherent in these devices, I believe that this is simply fortuitous. The fact that any number of these devices may have tipped over, fired a series of projectiles and then, fortunately, missed spectators and bystanders does nothing to lessen the degree of risk inherent in these mechanisms. Indeed, it is significant that bystanders, and not the actual users of these products, are at risk. In fact, the two reported deaths occurred to spectators standing about 40 feet away from the fireworks devices. Thus, I have reached the conclusion that a preliminary unreasonable risk finding can be made.

Staff has reason to believe that the dynamic stability of these devices can be improved by means of certain technologically feasible modifications. This includes the possibility of changing the design of their "base", as well as by limiting the amount of their kinetic energy or force. Of course, given the inherent danger posed by these devices, should a design modification not be technologically feasible, the Commission would have the option of banning these products.