



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Record of Commission Action
Meeting of March 9, 1978

1111 18th Street, NW
Washington, DC

Presiding: Chairman Byington

Present : Commissioner Franklin
Commissioner Pittle

Present but Not Voting: Commissioner King

ITEM

Petition from the Stained Glass Association of America requesting an amendment to the Glazing Standards (16 CFR 1201) to exempt certain decorative glass -- CP 77-12

(Briefing material transmitted by the Office of the Secretary on December 14, 1977 and March 6, 1978.)

DECISION

Based on the information presented in the above-referenced material, the Commission granted the petition as it applies to decorative glass used in "doors" and "glazed panels" as defined in the Standard (Sec. 1201.2(a)(7) and (10)). The Federal Register Notice proposing the amendment with changes by the Office of General Counsel was also approved. A copy of the FR document is attached.

VOTE

Concurring: Chairman Byington


Commissioner Franklin


Commissioner Pittle

Submitted by the Office of the Secretary

§ 1201.2(a)(14). The existing definition of "leaded glass" is more restrictive than the one contained in the proposed amendment, and would be broadened if the proposed amendment were issued on a final basis.

Until the amendments proposed below are issued on a final basis or are withdrawn by the Commission, the stay of enforcement of the standard issued on June 30, 1977, and published on August 9, 1977, shall remain in force.

Section 9(e) of the consumer Product Safety Act, 15 U.S.C. 2058(e), provides that when an amendment to a consumer product safety rule involves a material change the procedures in section 7 and 9 apply. It is the Commission's view that the amendments proposed below do not involve a material change to the Standard because they do not affect the basic purpose and provisions of the Standard. Therefore, the provisions of section 7 and 9(a)-(d) do not apply. However, the Commission believes the informal rulemaking procedures of the Administrative Procedure Act, 5 U.S.C. 553, do apply.

ENVIRONMENTAL CONSIDERATIONS

The CPSC's interim environmental review procedures, 16 CFR 1021.5 provide that an environmental review is generally not required for amendments to an existing standard that do not alter the principal purpose or effect of the standard. The proposed amendments below would not alter the principal purpose or effect of the standard for architectural glazing materials. Rather, they allow manufacturers to use additional types of glazing materials in specified architectural products. The Commission does not foresee any environmental effects from the issuance of the amendments which would necessitate an environmental review. Consequently, preparation of a draft environmental impact statement is unnecessary.

EFFECTIVE DATE

5 U.S.C. 553(d) provides that a rule which relieves a restriction or grants an exemption may take effect immediately. Because the proposed amendments would grant an exemption, the Commission believes the amendment should take effect upon publication of a final amendment in the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Consumer Product Safety Act (section 9(e), Pub. L. 92-573, 86 Stat. 1215; 15 U.S.C. 2058(e)), the Commission proposes to amend the Safety Standard for Architectural Glazing Materials by adding new §§ 1201.2(a)(36), (37), and (38), and by revising §§ 1201.1(c)(4) and 1201.2(a)(14), as follows:

§ 1201.1 Scope, application, and findings.

(c) Exemptions. The following products, materials, and uses are exempt from this part 1201:

(4) Carved glass (as defined in § 1201.2(a)(36)), faceted glass (as defined in § 1201.2(a)(37)), or leaded glass (as defined in § 1201.2(a)(14)), which is used in doors and glazed panels (as defined in §§ 1201.2 (a)(7) and (a)(10)) if the glazing material meets all of the following criteria:

(i) The coloring, texturing, or other design qualities or components of the glazing material cannot be removed without destroying the material; and

(ii) The primary purpose of such glazing material is decorative or artistic; and

(iii) The glazing material is conspicuously colored or textured so as to be plainly visible and plainly identifiable as aesthetic or decorative rather than functional (other than for the purpose of admitting or controlling admission of light components or heat and cold); and

(iv) The glazing material, or assembly into which it is incorporated, is divided into segments by conspicuous and plainly visible lines.

§ 1201.2 Definitions.

(a) As used in this part 1201:

(14) "Leaded glass" means a decorative composite glazing material made of individual pieces of glass (whose perimeter is) enclosed by lengths of durable metal such as lead or zinc and the pieces of glass are completely held together and supported by such metal. Such pieces of glass can be clear, colored, beveled, painted, or flashed and etched.

(36) "Carved glass" means decorative glazing material in which a permanent visible design has been produced by polishing, grinding, or otherwise removing portions of the surface.

(37) "Faceted glass" means a decorative composite glazing material made of individual pieces of glass which are imbedded in a cast matrix of concrete or epoxy.

Interested persons are invited to submit on or before April 14, 1978, written comments regarding the proposed amendment to the Standard for Architectural Glazing Materials.

Written submissions and any accompanying data or material should be

submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 and entitled "Decorative Glass". Comments may be accompanied by a supporting memorandum or brief. Any comments that are received and all other material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained from, the Office of the Secretary, 3d floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: March 10, 1978.

SADYE E. DUNN, Acting Secretary, Consumer Product Safety Commission.

IFR Doc. 78-6723 Filed 3-14-78; 8:45 am