

Consumer Product Safety Commission

Minutes of Executive Session

May 31, 1973

Air Rights Building, Bethesda, Maryland

Commissioners present: Chairman Simpson  
Commissioner Franklin  
Commissioner Kushner  
Commissioner Newman

The Commission met in Executive Session on May 31, 1973, and by unanimous vote elected Commissioner Franklin as Vice Chairman.

*Samuel M. Hart*  
Samuel M. Hart  
Secretary

CONSUMER PRODUCT SAFETY COMMISSION

MINUTES OF EXECUTIVE SESSION

May 31, 1973

Air Rights Building, Bethesda, Maryland

Present: Chairman Simpson  
Commissioner Franklin  
Commissioner Newman  
Commissioner Kushner

The Commission met in Executive Session on May 31, 1973 and, by unanimous vote, decided to deny the petition dated May 29, 1973 on behalf of the Small Bedding Manufacturers Emergency Council requesting that the Consumer Product Safety Commission reconsider and rescind its requirement that non-conforming mattresses manufactured within the 6-month period must carry a warning label.

The Commissioners' decision was based on the following considerations:

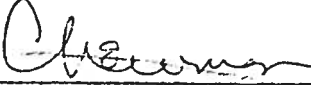
1. There was evidence contrary to the contention that retailers would not stock negatively labeled mattresses.

An independent check by the CPSC Commissioners of eight retailers of mattresses (two of which retailed nationally) indicated the following:

- (a) negatively labeled mattresses are less desirable than positively labeled or non-labeled mattresses; but
  - (b) retailers with established relationships with manufacturers who now must carry a warning label would stock the product for a limited period of time especially where there is a price differential between complying and non-complying mattresses.
2. The six-month labeling period actually gives the small manufacturers sufficient time to meet the testing requirements.
  3. The wording of the label is sufficiently precise that consumers will understand the nature of protection.
  4. There is no conflict between the labeling provisions of the Commission regulation and State of California requirements.

The CPSC regulation preempts inconsistent requirements.

I certify that these are true minutes of this meeting and that all four Commissioners were present and concurred in the decision.

  
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Mrs. Constance Newman  
Commissioner

Consumer Product Safety Commission  
Commissioners Meeting

May 31, 1973

AGENDA

Review of minutes of May 24 meeting.

Poison Prevention Packaging Act and Program --

Retrospective and prospective programs

Twelve (12) tablet aspirin tin extension

Field Organization --

Functions of Office of Field Coordination

Responsibilities of Field Offices

Personnel and addresses

Amendments to the Flammability Standard for Mattresses.

Petition from National Association of Bedding Manufacturers for  
emergency reconsideration of effective date of the Flammability  
Standard for Mattresses.

NOTE: There will be no meetings scheduled for June 21, 28 and July 5, 1973.  
The June meetings will be on June 7 and 14, 1973.

  
Samuel M. Hart, Secretary

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Not approved by Commissioners

Consumer Product Safety Commission

Minutes of Commissioners' Meeting

May 31, 1973

Commissioners present:

Chairman Simpson

Vice Chairman Franklin

Commissioner Kushner

Commissioner Newman

Chairman Simpson opened the meeting at 1:30 P. M. with a discussion on the proposed amendments to the Flammability Standard for Mattresses. After ascertaining that General Counsel had reviewed them and they appeared in proper order, Chairman Simpson indicated that the Commissioners action would be exercised in the near future.

The following announcements were made by the Chairman:

1. A petition has been received from the National Association of Bedding Manufacturers (NABM) to reconsider the effective date of the Flammability Standard for Mattresses. The petition was denied and a notice will be sent to NABM informing them of this action;
2. Also, a petition was received from the Small Bedding Manufacturers Emergency Council requesting the reconsideration of the effective date for

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for the Flammability Standard for Mattresses. This petition also requested a meeting with the staff of CPSC to present facts in support of the petition. The requested meeting was held at 11:00 A.M. this date. The Commissioners will undertake some telephone research in follow-up of this petition and meeting prior to taking action;

3. Another petition was received from the National Swimming Pool Institute (NSPI) and Aquaslide 'N' Dive Corporation to develop a standard on water-slides. The Commissioners assured themselves that the operating Offices and Bureaus were proceeding in investigation and consideration of this matter.

A staff briefing on the Poison Prevention Packaging Act included a review of the major aspects of the Act relative to special packaging. A demonstration gave the Commissioners an opportunity to try many of the different types of closures and led to discussion on testing protocol and procedures including the DHEW (FDA) proposal to require informed consent. The status of various PPPA regulations was discussed. Enforcement activities under the Act had been split prior to CPSC and now would become the field responsibility of CPSC. This will entail surveillance via plant inspections, manufacturers submission of sample packaging and their labels, consumer complaints, reports from Poison

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Control Centers and NEISS. The need for a compliance testing protocol and contract was discussed; the Commissioners instructed the Executive Director to proceed in this area.

Discussion brought out the need for General Counsel to identify the transfer of authority enabling the CPSC General Counsel, on behalf of the Commission, to request the U.S. Attorney to file a seizure order with court.

The Office of Field Coordination presented a staff discussion on the new CPSC field force and working facilities. The matter of transfer of personnel and positions was discussed. A listing of acting area directors, addresses and their respective geographic areas distributed. The need to select the best people for each area office director was emphasized. The make-up of states in each area should be for the advantage of the Commission and not necessarily dictated by other agency assignments. The proposed Community Services Division of the field offices will be out put oriented in terms of information, education and federal/state relations. The proposed Operations Division would be responsive to the Bureaus of Epidemiology and Compliance. This later Division would be staffed by teams that would have unique expertise to deal with specific problem areas as well as routine investigations and inspections.

During general discussion the need for the Commission's EEO plan was mentioned and the Executive Director reported that the plan was in progress. The need and tentative plans for

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training the field force personnel transferred to CPSC were discussed. The Acting Area Directors will be in the Washington offices for Orientation on June 7-8, 1973. The Commissioners requested that they be appraised of any special needs prior to their respective presentations. Tentative plans call for meetings in the various areas shortly after the effective date of transfer - June 10, 1973. These meetings will be staffed by headquarters personnel from the operating Offices and Bureaus under the scheduling of the Bureau of Information and Education. Additionally, a draft field training manual is in progress to aid in implementing field training of personnel to product safety programs.

The Commissioners commended the Office of Field Coordination on the sample Compliance Program Guidance Manual, Chapter 29, Product Safety, Banned Lead-Containing Paints and Similar Surface-Coating Materials for the concise readable manner of its presentation.

The meeting was adjourned at 4:02 P.M. by Chairman Simpson.

Samuel M. Hart  
Secretary