



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Record of Commission Action

At the October 20, 1982, meeting of the U.S. Consumer Product Safety Commission, Chairman Nancy Harvey Steorts read into the record the following decisions made by ballot vote of the Commissioners.*

1. Notice of Review of Existing Rules: Regulatory Flexibility Act

The Commission voted unanimously (5-0) to approve a Federal Register notice to begin a review of existing rules by soliciting public comment on 17 rules issued under the Consumer Product Safety Act.

2. Regulatory Action to Implement Amendments to the Repurchase Provisions of the Federal Hazardous Substances Act (Sec. 15)

The Commission voted unanimously (5-0) to approve regulations that would implement amendments to the repurchase provisions of the Federal Hazardous Substances Act. This action abolishes the existing repurchase regulations and amends the Commission's rules of practice to provide that notice and recalls under the FHSA would be conducted under the same procedures that govern such matter under Section 15 of the CPSA.

3. Final Crib Amendments, 16 CFR Parts 1508 and 1509

The Commission voted 4-1, with Chairman Steorts dissenting, to approve the final crib amendments which address the strangulation hazard presented by crib cutouts. Chairman Steorts filed a dissenting opinion in this matter. (Attached)

October 20, 1982

For the Commission: _____

A handwritten signature in dark ink, appearing to read "Sadye E. Dunn", is written over a horizontal line.

Sadye E. Dunn
Secretary

* Chairman Nancy Harvey Steorts and Commissioners R. David Pittle, Edith Barksdale Sloan, Stuart M. Statler and Sam Zagoria. Ballot vote decisions were made prior to Commissioner Pittle leaving the Commission.

UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION

The Chairman

_____)
In the Matter of the Final Crib Amendments)
16 CFR Parts 1508 and 1509)
_____)

DISSENTING OPINION OF CHAIRMAN

NANCY HARVEY STEORTS

I support the safety goals addressed by the proposed amendments to the Requirements for Full-size and Non-full-size Baby Cribs. Nevertheless, I am declining to join my fellow Commissioners in voting to promulgate a mandatory rule to amend the Baby Crib regulation.

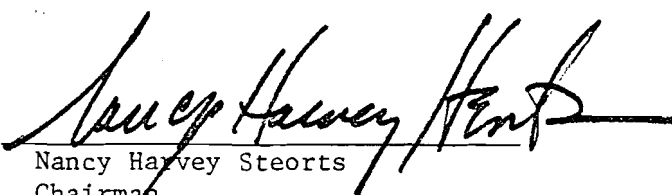
I dissent from the action of the majority because, in my opinion, the Consumer Product Safety Commission has not adequately looked into the option of voluntary regulation. It is clear to me that Congress in reauthorizing this Commission expressed a clear preference for voluntary over mandatory regulation. In my confirmation hearings a little over a year ago, I promised that I would mandate regulation only when I had assured myself that a voluntary approach would not work. I am not convinced that the voluntary approach has been sufficiently explored in this matter, and I will not, therefore, vote to mandate a regulation.

I recognize that this crib amendment was first proposed under the Federal Hazardous Substances Act in December of 1980, prior to the time that I joined the Commission, and I realize that this amendment is not literally subject to the Congressional direction embodied in the 1981 amendments to the Federal Hazardous Substances Act. Nevertheless, I believe that the spirit of the 1981 reauthorization shows a clear Congressional preference for voluntary regulation under all the acts this Commission administers.

Therefore, I dissent from the action of the majority.

October 14, 1982

Date


Nancy Harvey Steorts
Chairman