



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

Record of Commission Actions
Commissioners Voting by Ballot
Placed in the Record at Open Commission Meeting
June 8, 1995

At the June 8, 1995, meeting of the Consumer Product Safety Commission, the Commission was briefed by the staff on two new issues raised on a final rule revising the child-resistant packaging test protocols under the Poison Prevention Packaging Act. No decisions were made.

Ballot Vote Decisions. The following decisions made by ballot vote of the Commissioners were placed in the record. Items 1 through 10 were decided by Chairman Ann Brown and Commissioner Mary Sheila Gall. Items 11 through 14 were decided by Chairman Brown, Commissioner Gall, and Commissioner Thomas H. Moore.

1. Semiannual Regulatory Flexibility and Unified Agendas (Ballot due 3/21/95)

The Commission voted unanimously (2-0) to approve the Commission's current regulatory agenda for inclusion in the Unified Agenda of Federal Regulations, to be published in the Federal Register in April 1995.

2. Petition PP 94-1 from Nutritech, Inc. to Exempt Iron-Containing Dietary Supplement Powders from Special Packaging Requirements of the Poison Prevention Packaging Act (PPPA) (Ballot due 3/28/95)

The Commission voted unanimously (2-0) to grant Petition PP 94-1 and to approve a Federal Register notice of proposed rulemaking to exempt all iron-containing dietary supplement powders from special packaging requirements.

3. Proposed Civil Penalty Settlement: Toy Wonders, Inc., CPSC Docket No. 95-C0008 (OS# 5825) (Ballot due 3/30/95)

The Commission voted unanimously (2-0) to provisionally accept the settlement agreement and order containing a civil penalty in the amount of \$75,000. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day.

4. Request from the American Automobile Association (AAA) for use of the Commission's Name and Seal on Pamphlet on Use of Bicycle Helmets
(Ballot due 4/6/95)

The Commission voted unanimously (2-0) to approve use of the Commission's name and seal on the AAA bicycle helmets pamphlet.

5. Request from the Gas Appliance Manufacturers Association (GAMA) for use of the Commission's Name and Seal on Vented Gas Space Heater Safety Brochures
(Ballot due 4/6/95)

The Commission voted unanimously (2-0) to approve use of the Commission's name and seal on two safety brochures developed by GAMA: (1) "The INs and OUTs of Keeping Your Home Safe From Deadly Carbon Monoxide" and (2) "The DOs and DON'Ts of Venting Your Gas Space Heater."

6. Proposed Civil Penalty Settlement: Neptune Fireworks Co., Inc., CPSC Docket No. 95-C0009 (OS# 5998) (Ballot due 4/6/95)

The Commission voted unanimously (2-0) to provisionally accept the settlement agreement and order containing a civil penalty in the amount of \$45,000. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day,

7. Proposed Civil Penalty Settlement: Giant Bicycle, Inc., CPSC Docket No. 95-C0010 (OS# 5602) (Ballot due 4/6/95)

The Commission voted unanimously (2-0) to provisionally accept the settlement agreement and order containing a civil penalty in the amount of \$85,000. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day.

8. Petition PP 95-1 from Dr. Tichenor's Antiseptic Company to exempt Dr. Tichenor's Antiseptic Mouthwash from Special Packaging Requirements of the Poison Prevention Packaging Act (PPPA). (Ballot due 4/6/95)

The Commission voted unanimously (2-0) to deny the petition and to approve a letter of petition denial.

9. Proposed Civil Penalty Settlement: Outboard Marine Corporation, lawn mowers, CPSC Docket No. 95-C0011 (OS# 5149) (Ballot due 4/6/95)

The Commission voted unanimously (2-0) to provisionally accept the settlement agreement and order containing a civil penalty in the amount of \$75,000. Unless a commenter asks the Commission not to accept the Settlement Agreement and Order within 15 days after publication in the Federal Register, the Agreement and Order will be deemed finally accepted on the 16th day.

10. Commission Cosponsorship of Conference on Comotio Cordis (Sudden Death due to Chest Impact) (Ballot due 4/7/95)

The Commission voted unanimously (2-0) to cosponsor a conference on commotio cordis (sudden death due to chest impact) to be held in conjunction with the ASTM F-8 Committee on Sports Equipment and Facilities meeting on May 17, 1995.

11. Federal Register Notice Amending Statement of Commission Organization and Functions, 16 CFR Part 1000 (Ballot due 5/9/95)

The Commission voted unanimously (3-0) to approve a Federal Register notice reflecting (1) the transfer of the telecommunications function from the Directorate for Administration to the Office of Information Services and (2) the renaming of the Office of Compliance and Enforcement to the Office of Compliance.

12. Revised Federal Register Notice Withdrawing the Advance Notice of Proposed Rulemaking (ANPR) for 5-Gallon Buckets (Ballot due 5/23/95)

The Commission voted 2-0-1 to approve a Federal Register notice withdrawing the ANPR published on July 8, 1994, which initiated a rulemaking proceeding for 5-gallon buckets. The withdrawal notice reflects the Commission's vote on February 8, 1995, to terminate the proceeding. Chairman Brown and Commissioner Gall voted to approve the withdrawal notice. Commissioner Moore abstained from voting on this implementing document because he did not participate in the original decision to withdraw the ANPR, which occurred before Commissioner Moore took office.

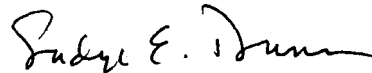
13. Public Hearing on Commission Agendas and Priorities (Ballot due 5/30/95)

The Commission voted unanimously (3-0) to approve a Federal Register notice announcing a public hearing on the Commission's agenda and priorities for FY 1997.

14. Conferences with State and Local Officials

The Commission voted 2-1 to approve the agency's conducting three conferences for state and local officials as described in the May 25, 1995, memorandum from the Directorate for Field Operations. Chairman Brown and Commissioner Moore voted to approve. Commissioner Gall voted not to approve and filed a statement concerning the matter, copy attached.

For the Commission:



Sadye E. Dunn
Secretary

Attachment (1)



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WASHINGTON, D.C. 20207

**STATEMENT OF COMMISSIONER MARY SHEILA GALL
REGARDING
BALLOT VOTE ON CONFERENCES WITH STATE AND LOCAL OFFICIALS**

June 2, 1995

Developing and maintaining a working partnership with state and local officials is vital to our efforts to reduce consumer product related injuries and deaths. We continually work to improve and expand our ability to reach into communities to share our expertise and more importantly, to learn innovative approaches and new ideas.

Recognizing that our state and local funding may be dramatically decreased in next year's budget, creative methods of developing and maintaining productive working relationships in the states are imperative.

It is because of our budget constraints that I cannot support spending \$108,000 of agency funds as seed money for states to add matching funding to send their representatives to CPSC headquarters for a conference. Though it is not the intent that all of the funding would be for travel, at least half of these funds in each state would go toward costs of the conference. I understand the remaining funds would serve as an incentive to support the development of the reports from each of the states and as an incentive to continue our new working relationship.

I would prefer to see what could be accomplished through our regional offices outreach efforts, without bringing everyone into our Washington headquarters. I heartily support the concept of developing Cooperative Agreements with states, but I believe we will have to develop another, less costly vehicle, to assist in developing reports outlining each state's product safety initiatives.