



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  
March 23, 1995

At the March 23, 1995, meeting of the Consumer Product Safety Commission, the staff briefed the Commission in open session on options for Commission action to address fatal entrapment and other incidents associated with bunk beds. No decisions were made.

Chairman Ann Brown convened today's meeting with Commissioner Mary Sheila Gall present.

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

1. Revised Draft Federal Register Notice to Issue Final Rule to Revise the Testing Protocols under the Poison Prevention Packaging Act (Ballot due 2/6/95)

The Commission voted unanimously (2-0) to approve with specified changes the revised draft Federal Register notice that would issue, pursuant to the Commission's vote on January 5, 1995, a final rule to revise the testing protocols for all products regulated under the Poison Prevention Packaging Act, except products that must use metal or aerosol containers.

2. Reconsideration of Federal Register Notice to Issue Final Rule to Revise the Testing Protocols under the Poison Prevention Packaging Act (Ballots 2/8/95)

The Commission voted unanimously (2-0) to reconsider its approval of the Federal Register notice that would issue a final rule to revise the child and adult tests for special packaging under the Poison Prevention Packaging, in order to consider new issues raised since the Commission's approval that may be relevant to the rule.

3. Petition HP 94-1 from Charles De Stefano for Automatic Restraints for Shopping Cart Seats (Ballots 1/26/95 and 2/14/95)

The Commission voted unanimously (2-0) to deny Petition HP 94-1 requesting the Commission to require shopping carts with child seats to have an automatic child restraint device and to approve the letter of petition denial as drafted. Chairman Brown filed a statement concerning this matter, copy attached.

4. Federal Register Notice to Provide Additional Limited Comment Period on New Issues Concerning Rule to Revise the Testing Protocols under the Poison Prevention Packaging Act (Ballots 2/15/95)

The Commission voted unanimously (2-0) to approve a Federal Register notice announcing an opportunity for additional written public comment, until March 7, 1995, on new issues raised concerning a final rule to revise the child and adult tests for special packaging under the Poison Prevention Packaging Act.

5. Federal Register Notice Requesting Comment on Petition HP 95-2 from H. Richard Webster for a Rule to Ban Acetone Packaged for Household Use in One-Gallon Containers (Ballot due 3/2/95)

Chairman Brown voted to approve publication of the draft Federal Register notice requesting comment on Petition HP 95-2, while Commissioner Gall voted not to publish the notice. There is, therefore, no decision on publishing the notice.

6. Federal Register Notice to Provide for Oral Comments on New Issues Concerning Rule to Revise the Testing Protocols under the Poison Prevention Packaging Act (Ballots 3/1/95)

The Commission voted unanimously (2-0) to approve a Federal Register notice announcing an opportunity, on March 16, 1995, for the presentation of oral comments on new issues raised concerning a final rule to revise the child and adult tests for special packaging under the Poison Prevention Packaging Act.

7. Request for Commission Cosponsorship and Publication of Consumer Booklet "Protect Your Family From Lead In Your Home." (Ballot due 3/8/95)

The Commission voted unanimously (2-0) to approve use of the Commission's name as cosponsor with the Environmental Protection Agency of the booklet, "Protect Your Family From Lead in Your Home," and to approve publication of the booklet as drafted.


8. Notice of Inquiry on Product Identification

The Commission voted unanimously (2-0) to direct the staff to take no further action concerning the idea of a product identification requirement for children's articles and fireworks. Chairman Brown filed a statement on this matter, copy attached.

9. Interim Safety Standard for Bicycle Helmets (BALLOT 3/17/95)

The Commission voted unanimously (2-0) to approve a Federal Register notice that would codify three voluntary standards mandated by the Children's Bicycle Helmet Safety Act of 1994, and also issue five additional standards as interim standards.

For the Commission:



Sadye E. Dunn  
Secretary

Attachments (2)

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

The Chairman

Statement of Chairman Ann Brown  
Shopping Cart Petition  
February 14, 1995

I have voted today to deny a petition requesting the Commission to require shopping carts equipped with child seats to have an automatic child restraint to prevent children from falling out of the carts. While I agree with the objective of the petition, reducing injuries that children incur each year in falls from shopping carts, I am not convinced that mandatory rulemaking is the proper approach in this instance.

I am pleased to announce that the Food Marketing Institute (FMI) in a letter dated February 6, 1995, has agreed to work with the Commission to better understand and prevent accidents involving falls from shopping carts. I look forward to working with FMI to reduce these avoidable accidents and the resulting child injuries. Together we can educate adults on the importance of the safe use of shopping carts to carry children, and the importance of proper supervision. I share FMI's belief that once its committees ascertain the present availability and use of child seat belts, and the extent to which injuries occur, it can then encourage its members to acquire carts with seat belts as current stocks are replaced.

Statement of Chairman Ann Brown  
Product Identification  
March 16, 1995

I recently voted to direct the staff to take no further action on considering whether to require certain children's articles and fireworks to be marked with information identifying the U.S. manufacturers or importers of the products, and with a date code identifying the date of production. Based on information provided in comments submitted to the Commission, I decided that the potentially adverse economic impact of a product identification rule outweighed the benefits of proceeding.

In November, 1994, the Commission solicited comment on the appropriateness of product markings by publishing a "notice of inquiry" in the *Federal Register*. The Commission sought comment on whether to proceed with rulemaking on product markings because it frequently warns the public about unsafe products or works with industry to conduct recalls of products that are in the hands of consumers. However, products that are the subject of warnings or that are recalled can be difficult for the Commission and for consumers to identify because they lack markings that identify the manufacturer. Further, the products often lack a date code that would allow firms to narrow the scope of any recall. The Commission solicited comment through a "notice of inquiry" because it had no information on the possible economic impact of a labeling requirement and used the *Federal Register* notice as a vehicle to obtain that information.

The Commission received 51 comments on its notice. The comments generally discussed the expense firms would have to bear if the Commission were to go forward with product identification. Further, several firms expressed the view that if firms did not wish to mark their products with a date code possibly necessitating a recall of an entire product line rather than more limited production, that should be the option of the firm involved. In view of the apparent adverse economic effect of product marking, I voted to direct the staff to take no further action on the project.

The Commission takes seriously the economic consequences its actions may have on business. It considers the costs and benefits of its actions, and takes seriously the comments of all parties that may be affected by an action it is considering.