

3/30/94

LOG OF MEETING
DIRECTORATE FOR ENGINEERING SCIENCES

SUBJECT: Meeting of ASTM Subcommittee F15.31 for Five Gallon Plastic Open Head Containers

DATE OF MEETING: March 17, 1994

PLACE: ASTM Headquarters
1916 Race Street,
Philadelphia, PA

LOG ENTRY SOURCE: John Preston, ESME *JP*

DATE OF ENTRY: March 21, 1994

COMMISSION ATTENDEES: John Preston, ESME
Donna-Bea Tillman, HSPPS

NON-COMMISSION ATTENDEES:

John Blair, DuPont
Rose Tomasello, ASTM
A.B. Munn, NAMPAC
William Roper, ROPAK Corp.
Steven Landstra, Monsey
Chris Lancette, Ecolab
Thomas Pratt, Plastics
Laura O'Brian, ASTM Staff

Ed Rowe, GKM/Davies
Jim Engebretson, Bennett Industries
Robert Hultquist, Plastic Cont. Inst.
S. Wayne Fast, Jr., PPG Ind., Inc.
Don Barkas, CA Firefighters Assn.
Marilyn J. Langill, Consultant
Stephen Toque, Landis Plastics
Representative from Lettica Co.

SUMMARY OF MEETING:

After self introductions of all present at the meeting, the chairman stated that the labeling standard for five gallon buckets had received three negative votes and one comment in a recent subcommittee ballot. Copies of these were distributed.

The first negative stated that the standard should require that the warning label be put on the bucket by its manufacturer. This was ruled non-persuasive on the grounds that the standard should not dictate who puts the label on the bucket.

Another negative stated that the title of the standard should state "Open Head" rather than "Five Gallon" containers. This was believed to be an insignificant change that will be accepted if the standard is to be rebaloted.

The third negative vote questioned whether warning labels are required for all five gallon containers or just those with an open head. It was noted that the emergency standard has the words "open head" in its title. The omission of these words in the balloted standard was believed to be an editorial error.

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choking on balloons, there were very few choking incidents on toys. The industry spokesman requested incident data to compare bucket drownings to choking on toys. Preston stated he would forward the requested data.

There was further discussion by industry representatives regarding the shortcomings of a bucket performance standard. It was stated that buckets meeting ASTM performance requirements would not meet requirements of DOT, UN, EPA, and OSHA. It was also stated that users of the products in five gallon buckets require stability and a change in the dimensions of such buckets would require a change in the size of commercial paint brushes that are currently sized to fit these buckets. One bucket manufacturer said that legislation that would dictate 3½ gallon buckets would be welcomed by manufacturers since they would sell many more buckets.

Copies of a bill proposing an amendment to the labeling requirements for five gallon buckets in the State of California were distributed. The proposed amendment would exempt manufacturers from the labeling requirement if their products were to be used solely for wholesale distribution. Bucket manufacturers at the meeting were generally opposed to the proposed amendment. In discussion on the California requirement for bucket labels, it was stated that the California Firefighters Association is opposed to the use of a single label containing the warning in both the English and Spanish language.

Copies of a bucket bill proposed in the State of New York were also distributed. It was noted that those who drafted this bill were unaware of the ANSI standard for product safety signs and symbols, ANSI Z535.4.

It was announced that the television show "Crusaders" will feature a segment on bucket drownings on March 26th. Also, the television show "20/20" is interested in doing a similar story.

The next meeting of the F15.31 subcommittee was scheduled for June 13th and will be held at the CPSC Headquarters in Bethesda, Maryland.

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A consumer representative from California suggested that his State should be the venue for a meeting of a special task group that will redraft the performance requirements or, as an alternative, a central location, such as Chicago, should be the location for such a meeting.

William Roper, a bucket manufacturer, volunteered to chair a task group that will redraft the performance requirements. George Sushinsky, of the CPSC staff was nominated to be a member of this task group. However, it was noted that CPSC staff participation may not be feasible if travel was required to attend meetings in California or Chicago due to lack of travel funds.

It was announced that any subcommittee member having suggestions for the task group should transmit them to its chairman (Mr. Roper) as soon as possible. The ASTM staff manager, Rose Tomasello, will inform other members of the ASTM F15.31 subcommittee of the formation of this task group and solicit suggestions for any changes to the draft standard for performance requirements for five gallon buckets.

At this point in the meeting discussion turned to an information and education (I&E) campaign for the subject buckets. ASTM representative, Laura O'Brian, was present to answer questions on ASTM involvement in such a project. The first issue discussed was whether the campaign was to be an ASTM activity or an activity sponsored by the bucket industry. It was agreed that it was an industry program that may have the assistance of ASTM. In response to a question, Ms. O'Brian said she was not aware of previous ASTM public relations programs of this type. The F15.31 subcommittee should decide what other groups are to be contacted to enlist their help. ASTM generally contacts trade journals but seldom uses the national media. It was noted that if the focus of the bucket program was to be on "the mother at home" then ASTM may not be able to provide much support. It was also noted that ASTM also has an Institute for Standards Research that has previously worked with CPSC on child resistant closures.

It was suggested that the National Safety Council should be contacted to initiate a public awareness program. It was also suggested that CPSC should use its authority to have placards warning of the bucket drowning hazard in public places. Donna Tillman stressed the urgency of a public relations program and stated that members should bear in mind that every week another infant drowns in a five gallon bucket. An industry spokesman questioned this statistic and said that more children die from choking on toys yet the CPSC had elected to nothing to prevent such choking incidents. John Preston stated that, apart from

The chairman suggested that the industry should wait until the rebalot of the bucket performance standard to voice their objections. However, industry members were opposed to this because of their belief that metal bucket manufacturers may prevail. It was noted that the F15.31 subcommittee has 116 members of which 70 have voting status. It was also noted that the downside of abandoning the subcommittee activities could be the cessation of activities for an I&E campaign to inform consumers of the drowning hazard of five gallon buckets presented by these products already in their possession. Four industry members signified that they would support the termination of activities to develop a five gallon bucket performance standard.

At this point in the meeting the chairman called for a 15 minute break.

After the break discussion resumed on the subject of whether the subcommittee should continue its effort to develop a performance standard to address the drowning hazard associated with five gallon buckets.

Industry members stated that they had discussed this issue during the break and they had a consensus on abandoning the effort to develop a performance standard. On the other hand, they believed that an I&E effort remained important and should be discussed at the meeting previously scheduled for April 7th.

In response to this industry position, the chairman said that, as a result of the negative votes received in the recent subcommittee ballot, the draft standard for performance requirements would not be sent out to the subcommittee for rebalot. As an alternative he said that the negative votes should be reviewed to determine if the document can be modified to the satisfaction of the subcommittee. He said that the performance standard is "back to ground zero" and asked for volunteers to serve on a task group to make the standard acceptable to those members of the subcommittee present at this meeting who objected to its present form.

An industry representative stated that, if the presence of a warning label on a five gallon bucket was added to the current list of alternative performance requirements, the standard may have more support from the plastic bucket industry. The chairman said that either he or a special task group should redraft the requirements in the performance standard and present them to the full subcommittee. Donna Tillman suggested that the entire subcommittee should be informed about what was being proposed.

When the standard is mailed to the subcommittee to rule on the disposition of the negative votes, the words "open head" will be added to the title.

A member drew attention to Figure A1 (the optional Spanish language label) and stated that the word "cuba" should be "cubo." This will be checked before the next ballot.

The ASTM staff manager stated that in the recent subcommittee ballot there was a 64% return of ballots of which 90% were affirmative. In response to an inquiry from Donna Tillman, it was stated that the CPSC staff comments had not been received [Subsequent to the meeting it was learned that the staff comments had been received by ASTM and forwarded to the subcommittee chairman]. The staff manager said it would take a total of about six weeks to complete the rebalot of the subcommittee and ballot of the F15 main committee.

The chairman said that the ballot of the emergency standard for performance requirements for five gallon buckets received 16 affirmatives, 15 negatives, and 14 abstaining votes. While this satisfied the necessary 60% rate of return, not enough affirmative votes were cast to make it a valid ballot. The chairman stated that the word "Plastic" will be added to the title of the standard and a rebalot will be issued as soon as possible. In response, a bucket manufacturer stated that the plastic bucket industry does not support the performance standard and that this will be reflected if it is rebaloted with no other change than to add plastic to the title.

It was claimed that if buckets were redesigned to meet the performance requirements in the current draft they would not meet the DOT shipping requirements. One industry representative stated that if ASTM forces the current performance standard on the bucket industry, his company would take ASTM to court. The chairman pointed out that ASTM (staff) do not have any part in drafting requirements for standards. Standards are drafted by industry committees and the ASTM ballot process ensures that a standard has acceptable requirements. He said it is up to the subcommittee to determine if there should be a performance standard for plastic buckets.

Concern was expressed by a spokesperson for the plastic bucket industry that the F15.31 subcommittee is being controlled by the metal bucket industry which is not affected by the proposed performance requirement standard. He added that 90-93% of the plastic bucket industry was present at this meeting so a poll of those present should be taken to determine if there is support for the current plastic bucket performance standard.