



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
Commissioner Nancy A. Nord
Commissioner Thomas H. Moore

ITEM:

Petition CP 04-1/HP 04-1, Requesting Mandatory Fire Standards for Candles and
Candle Accessories
(Briefing Package dated July 10, 2006)

DECISION:

The Commission voted (3-0) to defer a decision on Petition CP 04-1/HP 04-1, submitted by the National Association of State Fire Marshals requesting that the Commission issue mandatory fire safety standards for candles and candle accessories. The Commission staff recommended that the Commission defer a decision on the petition to allow the staff additional time to continue to work with the ASTM subcommittee and to assess the impact of the ASTM voluntary standards for fire safety for candles.

Commissioners Nord and Moore submitted the attached statements to accompany their votes.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Secretary

* Ballot vote due July 19, 2006



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

**STATEMENT OF THE HONORABLE NANCY A. NORD
ACTING CHAIRMAN
U.S. CONSUMER PRODUCT SAFETY COMMISSION
PETITION CP04-1/HP 04-1
(MANDATORY STANDARDS FOR CANDLE PRODUCT SAFETY)
July 19, 2006**

Today I am voting to defer a decision on the petition submitted by the National Association of State Fire Marshals to promulgate mandatory product safety standards for candles and candle accessories. The Commission is required to respond to petitions in a timely fashion. In this case, the consensus standard process is well underway but is not yet completed. Therefore, it is premature for us to address the petitioner's request to develop a mandatory standard.

As the attendant staff briefing package illustrates, there has been and continues to be very significant progress made toward the development and implementation of several voluntary standards for candles and candle accessories. Such consensus standards are necessary as we continue to see an increase in both the use of candles by consumers and in the number of candle-related residential fires. With the close involvement and contributions by Commission staff, candle manufacturers and other stakeholders, these standards, which address fire safety, adequacy of warning labels and other consumer information for candles and candle accessories, should significantly reduce candle hazards.

The Commission's governing statutes prohibit us from proceeding with a rulemaking to develop a mandatory standard when consensus standards adequately address the particular product hazard at question. The staff has indicated that additional time is needed to complete the important work begun in the voluntary standards process. Therefore, in deferring the petition, I am also directing the staff to update the Commission regularly on the progress of these consensus standards.

STATEMENT OF THE HONORABLE THOMAS H. MOORE
ON THE PETITION REQUESTING MANDATORY FIRE STANDARDS FOR
CANDLES AND CANDLE ACCESSORIES

July 19, 2006

I am voting today to defer a decision on the petition requesting mandatory fire standards for candles and candle accessories. *Procedurally* the petition comes before us at the appropriate time, but procedural timeframes do not always present us with options at the optimum moment. After a slow start, the candle industry appears to be making good progress on voluntary standards for various types of candles and has finished much of its work in that area. Work has not started yet on candle holders, but we have no reason to think industry will not continue to work diligently to devise standards to address the flammability of holders. Because of the progress being made, I see no reason to grant the petition at this time. However, since progress still needs to be made in certain areas and evaluations will need to be done on the effectiveness of all of the candle-related standards, it does not seem appropriate to deny the petition at this time either.

Thus I am voting to defer and I join with Chairman Nord in directing the staff to provide periodic status reports to the Commission on the voluntary standards work on candles and candle accessories.