



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
February 11, 1997

At the February 11, 1997, meeting of the U.S. Consumer Product Safety Commission, the staff briefed the Commission on a staff recommendation that the Commission publish an advance notice of proposed rulemaking and begin a rulemaking proceeding to require child-resistant packaging of consumer products that contain petroleum distillates. (Ref. staff briefing package dated January 23, 1997) No decisions were made.

Chairman Ann Brown convened today's meeting. Commissioners Mary Sheila Gall and Thomas H. Moore were present.

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

1. Fiscal Year 1998 Budget Request Revision (Ballot due 1/6/97)

The Commission voted unanimously (3-0) to approve the revised 1998 Budget request of \$45 million and 480 full-time-equivalent staff positions as presented by the staff in its memorandum of December 23, 1996. Commissioner Thomas H. Moore filed a statement concerning this matter, copy attached.

2. Commission Options on Petition CP 96-1, from Judy L. Carr, to Amend the Safety Standard for Cigarette Lighters to Include Multi-Purpose Lighters (Ballot due 1/8/97)

The Commission voted unanimously (3-0) to grant Petition CP 96-1, which requested amendment to the safety standard for cigarette lighters to include multi-purpose lighters and to approve the ANPR with changes.

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3. Petition HP 95-1 Requesting Development of a Rule to Require Face Guards on Children's Batting Helmets (Ballot due 1/16/97)

The Commission voted unanimously (3-0) to deny Petition HP 95-1, and to direct the staff to draft a letter of denial to the petitioner. The Commission also voted to direct the staff to draft a letter, for the Commission's approval, to the organized youth baseball leagues asking those associations to encourage the use of batting helmets with face guards. Chairman Ann Brown filed a statement, copy attached.

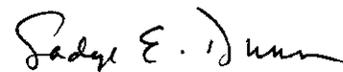
4. Proposed Civil Penalty Settlement: NuTone, Inc., stereo receiver/cassette player, CPSC Docket No. 97-C0004 (OS# 3157) (Ballot due 1/17/97)

The Commission voted unanimously (3-0) to provisionally accept the Settlement Agreement and Order containing a civil penalty in the amount of \$110,000. 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.

5. Draft Federal Register Notice Stating That No Objections Were Received To the Final Rule Amending Fireworks' Fuse Burn Times (OS# 4120) (Ballot due 1/24/97)

The Commission voted unanimously (3-0) to approve a Federal Register notice stating that no objections were received to the final rule on fuse burn time published on December 20, 1996.

For the Commission:



Sadye E. Dunn
Secretary



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

STATEMENT OF COMMISSIONER THOMAS HILL MOORE
ON
THE PROPOSED REVISION
TO 1998 BUDGET REQUEST

I am, of course, pleased that OMB has agreed to an increase in our budget for 1998. I appreciate that not every government entity will be as fortunate. However, given the significant portion of that increase that must fund salary and related benefit increases, as well as the critically-needed revision to our accounting system, this budget will still leave us short in funding the important work of the agency.

Even worse is the loss of 7 FTE's. Over the years the agency has been whittled back and whittled back, both in funding and in personnel. Thanks, in large part, to the aggressive leadership of our chairman, Ann Brown, along with the diligent work of our staff, creative ways have been found around many of these reductions. There is a limit, however, to these types of solutions. To be cut again in the personnel area almost seems as if we are being penalized for being too successful.

Shortly after I came here, I became convinced we could use more personnel in the field. Our small field staff (with an FTE ceiling of 139, prior to the reductions) has to: investigate incidents related to consumer products resulting in injury or death; monitor industry conformance with voluntary standards; check products coming into our country at numerous ports, as well as products manufactured domestically, for compliance with CPSC mandatory regulations; reach out to communities to provide them information on product hazards and on safe consumer behavior; interact with state and local consumer, fire and other officials. And that small group of people has to cover the entire United States. Rather than losing FTE's, I think we should get more and I would allocate most, if not all of them, to our field operations. I know this would buck the current trend toward shrinking government and reducing the number of federal employees.

I believe that it is a misconception, though, in the case of our agency, that cutting the number of employees saves the American taxpayer money. If just one of our regulations--the child resistant requirement for disposable cigarette lighters--works as we project it will to eventually save 100 people a year from a horrible death by fire or smoke inhalation, we will save this country \$500 million each year in medical/funeral expenses,

lost productivity and other societal costs that flow from the death of a parent, a worker or a child full of potential.

But you cannot just issue a regulation and ignore it. Our staff has stopped numerous shipments of violative cigarette lighters from entering this country. We will be testing lighters currently on the market to see if they are truly child resistant. And the staff is also aware of instances of tampering by distributors and consumers with complying lighters to remove the child-resistant feature. Tragically, we have already seen fire deaths from lighters that were manufactured to meet the standard but subsequently altered.

I would like to see the agency, and the field staff could be crucial here, do more to educate consumers about the reason for the child resistant mechanism and enlist community support to make this regulation an overwhelming success. But there is only so much our staff can do, and fewer people make it that much harder.

Too often it is a death or gruesome injury of a member of a community that galvanizes that community to take certain safety precautions seriously. It might be a family burning to death in their home because there were no working smoke detectors that could have given them time to escape or it might be some bright, young adolescent permanently brain damaged in a bike accident-- damage that could have been prevented if the child had been wearing a bike helmet--that grabs a community's attention.

Government cannot force people to behave responsibly. And, certainly there are some people who feel they have a God-given right to take risks in everyday life and shoulder the consequences. However, all too often, we all end up paying, either in increased health care costs, social security disability payments, aid to families with dependent children or through other programs. The risk takers are never shy about demanding compensation for their injuries even when their own actions contributed to them.

The CPSC has a responsibility (one of many) to educate the public about the consequences of the risks it takes before the consequences become personal and irreversible. Sadly, given our budget constraints, we can only do so much in this area. Tragedies will continue to be the wake up call for many.

One project for which funding had to be deferred due to the reduction in our budget request is the smoke detector project. Despite a lack of funding, I intend to push forward to build a coalition in communities where an increase in the proper installation of working smoke detectors with long-life batteries can result in a reduction in fire deaths and injuries and in property damage. I would like to see it be considered as a possible project under HAR's new fire initiative. I would have wished we could have put more money in the new fire initiative project, but this is a start. And I hope that we can continue to fund a non-regulatory fire initiative each year beginning with 1998, as this country still has a long way to go in this area.

One last comment about the new fire initiative. There is a suggestion, and I realize it is only a suggestion, that the 1998 funds be used for investigator training in fire analysis. The Special Investigations Unit has already made some excellent contacts in this area with the International Association of Arson Investigators. The CPSC signed an MOU with them which provides, in part, for the IAAI to provide fire training for CPSC investigators. I would encourage HAR and Compliance to coordinate their efforts in this area to see if the training can be done through the Compliance initiatives under the auspices of the IAAI.

As usual, the staff has done a terrific job in difficult circumstances in coming up with a revised budget. I know allocating the cuts in our FTE's was a painful task and I appreciate the offsetting measures that were taken in an attempt to soften those blows.

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

BALLOT 1/16/97
INTO RECORD 2/11/97

The Chairman

**Statement of the Honorable Ann Brown
Ballot Vote on Baseball Batting Helmet Face Guards**

January 17, 1997

I voted to deny the petition by the American Academy of Facial Plastic and Reconstructive Surgery to require that batting helmets intended for use by children under the age of 15 be manufactured with a face guard attached. Rather, I voted to direct the staff to prepare a letter to the organized youth baseball leagues to urge those associations to work cooperatively on a plan to encourage universal use of batting helmets with face guards. I intend to follow up the letter with a meeting of interested parties to explore all possibilities for cooperation.

Based on the CPSC staff's study of baseball injuries, the use of a face guard on batting helmets could have reasonably been expected to prevent about 4600 injuries occurring in 1995 during organized play. The CPSC staff's preliminary analysis supports the use of face guards on batting helmets by youth leagues.

The safety of children is always my major concern. The question is how to best achieve the diminution of injuries to children. I believe the organization and structure of youth baseball leagues present a unique opportunity to substantially increase the use of baseball helmets equipped with a face guard because these leagues establish the rules of play and the safety equipment that must be used. I believe it is more productive to work cooperatively with the leagues to address this safety issue rather than impose federal regulations. Through the leagues, control of the game is centralized. This may make it possible to institute safety changes relatively quickly and with widespread acceptance by the players. Additionally, by working through the leagues, we may have greater opportunities to address other safety-related issues in the future.

I have invited Vice-Chairman Thomas H. Moore and Commissioner Mary Sheila Gall to join me in writing a letter to -- and meeting with -- the appropriate youth league officials. We will send them the data from our special study and recommend that they require use of face guards on batting helmets for all players under the age of 15. The American Amateur Baseball Congress has already indicated its willingness to work with CPSC on the issue of safety in baseball. Moreover, USA Baseball has invited Dr. Sue Kyle, of the Division of Hazard Analysis, to sit on their Medical and Safety Advisory Committee.

I believe this is the most productive and effective use of Commission resources to accomplish CPSC's objective.

NEWS from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

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FOR IMMEDIATE RELEASE

February 10, 1998

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NuTone Inc. to Pay \$110,000 to Settle Civil Penalty Case

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission (CPSC) announced today that NuTone Inc. of Cincinnati, Ohio, has agreed to pay a civil penalty of \$110,000 to settle allegations that it violated the U.S. Consumer Product Safety Act by failing to report defects associated with its stereo receivers.

CPSC alleges that NuTone failed to report information indicating that its wall-mounted ST-1000 stereo receivers, sold as part of a stereo-cassette player, were susceptible to overheating. NuTone received 12 reports of the power supply board of units purchased prior to December 1995 overheating or melting causing fire or smoke damage.

NuTone sold about 25,000 of these stereo receivers between 1993 and 1995.

In agreeing to settle this matter, NuTone denies that the stereo receivers were defective or unreasonably dangerous. NuTone also denies that it knowingly violated the reporting requirements of the Consumer Product Safety Act.

[Send the link for this page to a friend!](#) The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries and property damage from consumer product incidents cost the nation more than \$700 billion annually. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard or can injure children. The CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed significantly to the 30 percent decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at www.cpsc.gov/talk.html. To join a CPSC email subscription list, please go to www.cpsc.gov/cpsclist.asp. Consumers can obtain this release and recall information at CPSC's Web site at www.cpsc.gov.