



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 Nord
Commissioner Thomas H. Moore

ITEM:

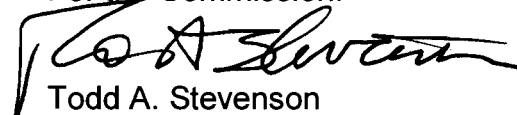
Commission Participation and Commission Employee Involvement in Voluntary Standards (16 C.F.R. § 1031)
(Briefing package dated June 19, 2006, OS No. 3543)

DECISION:

The Commission voted unanimously (3-0) to approve the draft *Federal Register* notice with changes announcing revisions to the Commission regulations on Employee Involvement in Voluntary Standards Activities (16 C.F.R. § 1031). The revisions to 16 C.F.R. § 1031.2 and 1031.9(c)(1) are intended to more accurately reflect the effect of executive and legislative enactments pertaining to voluntary standards. The revisions to 16 C.F.R. §§ 1031.4(a)(4), 1031.6, 1031.9, 1031.10(b), and 1031.13 are intended to eliminate the monitoring and participating distinction regarding the level of Commission involvement in voluntary standards activities to more accurately reflect the current practice of monitoring staff involvement in voluntary standards activities. The revisions to 16 C.F.R. § 1031.9(4)(d) are intended to clarify reporting requirements of staff to the voluntary standards coordinator. Revisions to 16 C.F.R. §§ 1031.6 and 1031.7 are intended to restrict staff involvement in standards making activities beyond those approved by the Commission. An addition of Subpart C would codify existing internet disclosure and public comment procedures.

Chairman Stratton submitted the attached statement to accompany his vote.

For the Commission:


Todd A. Stevenson
Secretary

* Ballot vote due June 29, 2006

Statement from the Chairman regarding reforms to CPSC voluntary standards activities:

CPSC staff work on voluntary standards is among the agency's most significant, though perhaps least heralded, activities. Presently, Commission staff engage in voluntary standards activities at a ratio of 7 to 1 compared to mandatory rules. In fact, the CPSC's own authorizing statute mandates deference to voluntary standards prior to the initiation of an agency rulemaking. As such, the importance of Commission involvement in the development and modification of voluntary standards cannot be overstated.

On June 29, 2006, the CPSC voted unanimously to revise C.F.R. Part 1031 - Commission Involvement in Voluntary Standards. Effectively, this vote updated federal regulations to reflect existing agency practices and codified important internet transparency and openness procedures adopted earlier in my administration. This vote represents part of a broader reform effort that I have initiated at the agency which is designed to improve the overall management and effectiveness of CPSC staff involved in the voluntary standards arena.

To complement the revisions to the C.F.R., I have issued a directive (Internal Communications Regarding Voluntary Standards Activities, Order No. 0610.3) implementing the Voluntary Standards Tracking and Access Report (V-STAR), a database designed to more formally document staff communication, objectives, and involvement with standards-making organizations. Without the proper measures to track progress and intent, staff participation in voluntary standards activities can be redundant and counterproductive to Commission goals. By using V-STAR data as a tool for sound management, the Commission can better ensure that its staff commitments are results-based and goal-oriented.

Additionally, to further improve oversight and accountability at the agency, I have instructed the Executive Director to revise the Position Description (PD) of the Voluntary Standards Coordinator (VSC) so that the Commissioners are provided with the necessary information to assess progress. Historically, the Commission has relied on the VSC to supervise staff involvement in voluntary standards and to serve as the agency's primary liaison with the voluntary standards community. While these important functions remain unchanged, the new PD empowers the VSC while providing clearer direction as to the Commission's expectations for feedback and analysis of voluntary standard development. Specifically, the revised PD sets forth the required contents of the VSC's Semi-Annual Summary to the Commission, a document mandated by the C.F.R. and potentially very useful as an instrument for strategic decision-making. Imposing defined reporting requirements upon the VSC will ensure that troubling developments are more quickly raised to the Commissioner level, where they can be dealt with accordingly.

This three-part voluntary standards reform effort - amending the C.F.R., issuing the new directive, and revising the VSC PD - represents a positive step towards clarifying and elevating the Commission's role in standards-making activities. Collectively, these reforms will ensure that the CPSC's work on voluntary standards is judicious, deliberate, and effective.