



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Nancy Nord
 Commissioner Thomas H. Moore

ITEM:

Cigarette Lighters; Extension of Time to Issue Proposed Rule
(Briefing package dated December 20, 2007, OS No. 3200)

DECISION:

A decision on this matter has not been reached. Acting Chairman Nord voted to approve the *Federal Register* notice with changes and Commissioner Moore voted to approve the *FR* notice as drafted. Commissioner Moore submitted the attached statement with his vote. Under section 9(c) of the Consumer Product Safety Act, the Commission is required to issue a proposed consumer product safety rule within 12 months of the publication of an Advance Notice of Proposed Rulemaking ("ANPR"), unless the Commission extends the period for good cause. The ANPR for cigarette lighters was published in the *FR* on April 11, 2005, and extended until December 31, 2007, by notice published in the *FR* on April 10, 2006. This draft notice would have extended the period for issuing any proposed rule until September 30, 2008.

For the Commission:

A handwritten signature in black ink, appearing to read "T. Stevenson", written over a horizontal line.

Todd A. Stevenson
Secretary

Ballot vote due January 4, 2008

STATEMENT OF THE HONORABLE THOMAS H. MOORE
ON THE EXTENSION OF TIME TO ISSUE PROPOSED RULE
January 4, 2008

I am voting today to extend the time to issue a proposed rule on mechanical malfunctions of cigarette lighters. While I am not yet convinced there is sufficient evidence to support the contention that the lack of conformance with the voluntary standard for cigarette lighters poses a significant enough risk of injury to consumers to warrant making it mandatory, there are indications that the Congress may eventually require us to proceed with this rulemaking. The agency has also been provided significant additional resources, which removes the concern that I had about the agency's ability to enforce this standard.

Staff will need to do a careful review of the safety provisions of the voluntary standard to see which, if any, adequately address known risks of injury, and which (in addition to the ones they identified in an earlier briefing package) need to be strengthened or revised to give us the best possible mandatory standard in this area.