



UNITED STATES  
 CONSUMER PRODUCT SAFETY COMMISSION  
 WASHINGTON, DC 20207

**BALLOT VOTE SHEET**

DATE: JUN 9 2003

**TO:** The Commission  
 Todd A. Stevenson, Secretary

**THRU:** W. H. DuRoss, III, General Counsel *W.H.D.*  
 Stephen Lemberg, Assistant General Counsel for Administrative Law *SL*

**FROM:** Lowell F. Martin, Attorney-Advisor, GCAL (ext. 7628) *L.F.M.*

**SUBJECT:** Draft *Federal Register* Notice to Confirm Effective Date for Final Candlewick Rule

**Ballot Vote Due:** JUN 17, 2003

The Commission's final rules declaring under the Federal Hazardous Substances Act (FHSA) that metal-cored candlewicks containing more than 0.06 percent lead by weight in the metal and candles with such wicks are hazardous substances and banning them were published in the *Federal Register* on April 18, 2003. 68 FR 19142-8. No objections are filed and no hearing was requested on those rules during the 30-day period following their publication. Accordingly, pursuant to its regulations governing such rulemaking under the FHSA, the Commission is required to issue a *Federal Register* notice confirming the effective date of the rules as originally published, that is, October 15, 2003. 16 CFR 1502.14(b). The attached draft *Federal Register* notice would do so.

Please indicate your vote on the following options.

I. Approve the *Federal Register* notice for publication as drafted.

\_\_\_\_\_  
 (Signature) (Date)

II. Approve the draft *Federal Register* notice for publication with the following changes (please specify).

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 (Signature) (Date)

CPSC Hotline: 1-800-638-CPSC(2772) ★ CPSC's Web Site: <http://www.cpsc.gov>

NOTE: This document has not been reviewed or accepted by the Commission.  
 Initial *hla* Date 6/9/03  
 CPSA 6 MTD Cleared  
 6/9/03  
 Firms Notified

III. Take other action. (Please specify).

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Attachment - Draft *Federal Register* notice

**(DRAFT OF 5/27/03)**

Billing Code 6355-01-P

**CONSUMER PRODUCT SAFETY COMMISSION**

16 CFR Part 1502

**Confirmation of Effective Date of Rules Declaring Metal-Cored Candlewicks Containing Lead and Candles With Such Wicks to be Hazardous Substances and Banning Them**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** In the *Federal Register* of April 18, 2003, 68 FR 19142-8, the Consumer Product Safety Commission (the Commission) published final regulations declaring that metal-cored candlewicks containing more than 0.06 percent lead by weight in the metal and candles with such wicks are hazardous substances and banning such wicks and candles with such wicks. No objections were filed and no hearing was requested on the final regulations during the thirty day period commencing on the day after their publication in the *Federal Register*. Therefore, the Commission confirms that the final regulations become effective on October 15, 2003.

**DATES:** The final regulations at 68 FR 19147-8 declaring that metal-cored candlewicks containing more than 0.06 percent lead by weight in the metal and candles with such wicks are hazardous substances and banning such wicks and candles with such wicks become effective on October 15, 2003.

**ADDRESSES:** Copies of the final regulations declaring that

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metal-cored candlewicks containing more than 0.06 percent lead by weight in the metal and candles with such wicks are hazardous substances and banning such wicks and candles with such wicks are available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland. The regulations are also available on the CPSC web site at [www.cpsc.gov](http://www.cpsc.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information on the final regulations declaring that metal-cored candlewicks containing more than 0.06 percent lead by weight in the metal and candles with such wicks are hazardous substances and banning such wicks and candles with such wicks, contact Geri Smith, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7529; e-mail [gsmith@cpsc.gov](mailto:gsmith@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** Procedures established by section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e), govern the Commission action to issue the final regulations declaring that metal-cored candlewicks containing more than 0.06 percent lead by weight in the metal and candles with such wicks are hazardous substances and banning such wicks and candles with such wicks. 15 U.S.C. 1262(a)(2) and 1261(q)(2). These procedures provide that once the Commission issues a final rule, persons who would be adversely affected by the rule have a period of

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thirty (30) days in which to file objections and request a public hearing on those objections. 21 U.S.C. 371(e)(2). If no objections are filed and no hearing is requested, the regulations become effective on the date specified in the regulations as issued. 21 U.S.C. 371(e)(1); 16 CFR 1502.14(a). If this is the case, after the thirty day period has run, the Commission publishes a notice in the Federal Register confirming the effective date. 16 CFR 1502.14(b). Accordingly, since no objections were filed and no hearing was requested during the thirty day period, the Commission confirms that the effective date of the final regulations published on April 15, 2003 at 68 FR 19147-8 declaring that metal-cored candlewicks containing more than 0.06 percent lead by weight in the metal and candles with such wicks are hazardous substances and banning such wicks and candles with such wicks is October 15, 2003.

Dated:

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Todd A. Stevenson, Secretary  
Consumer Product Safety Commission