

## COMMODITY FUTURES TRADING COMMISSION

### Commodity Pool Operators and Commodity Pool Industry Issues; Meeting

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** Notice is hereby given that the Commodity Futures Trading Commission ("Commission") will hold a public roundtable meeting at which invited participants will discuss issues concerning commodity pool operators and the commodity pool industry. An agenda and list of participants will be available on the Commission's Web site, <http://www.cftc.gov>.

**DATES:** Wednesday, April 6, 2005, from 9 a.m. to 3:15 p.m.

**PLACE:** Commission Headquarters, 1155 21st Street, NW., Washington, DC. Lobby Level Hearing Room.

**STATUS:** Open.

**FOR FURTHER INFORMATION CONTACT:** Jean A. Webb, 202-418-5100.

Issued in Washington, DC, this 23rd day of March, 2005.

By the Commodity Futures Trading Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

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**BILLING CODE 6351-01-M**

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 05-C0006]

### Grace Children's Products, Inc., a Corporation and Century Products, f/k/a Century Products Company, Provisional Acceptance of a Settlement Agreement and Order.

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 118.20. Published below is a provisionally-accepted Settlement Agreement with Graco Children's Products, Inc. a corporation and Century Products, f/k/a Century Products Company, containing a civil penalty of \$4,000,000.00.

**DATES:** Any interested person may ask the Commission not to accept this

agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by April 13, 2005.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 05-C0006, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

**FOR FURTHER INFORMATION CONTACT:** William J. Moore, Jr., Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7583.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.

Dated: March 22, 2005.

**Todd A. Stevenson,**  
*Secretary.*

### Settlement Agreement and Order

1. This Settlement Agreement is made by and between the staff ("the staff") of the United States Consumer Product Safety Commission ("the Commission") and Graco Children's Products, Inc. ("Graco") in accordance with 16 CFR 118.20 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Consumer Product Safety Act ("CPSA"). This Settlement Agreement and the incorporated, attached Order resolve the staff's allegations set forth below.

#### I. The Parties

2. The United States Consumer Product Safety Commission is an independent federal regulatory agency responsible for the enforcement of the Consumer Product Safety Act, 15 U.S.C. 2051-2084, the Federal Hazardous Substances Act, 15 U.S.C. 1261-1278, and the other transferred Acts identified in 15 U.S.C. 2079.

3. Graco Children's Products, Inc. is a corporation organized and existing under the laws of the State of Pennsylvania. Graco is a wholly owned subsidiary of Newell Rubbermaid, Inc. Graco's principal offices are located at 150 Oaklands Boulevard, Exton, Pennsylvania 19341.

#### Corporate Background and the Scope of This Agreement

4. In 1996, Rubbermaid Incorporated ("Rubbermaid,") then an Ohio corporation, acquired Graco. Graco retained its separate corporate status. Until 1998, Century Products Company ("Century") was a separate corporation organized under the laws of the State of Delaware. In 1998 Rubbermaid acquired certain assets and liabilities of Century.

In 1999, Newell Co., ("Newell," a Delaware corporation) merged with Rubbermaid. Rubbermaid became a wholly owned subsidiary of Newell and Newell Co. changed its corporate name to Newell Rubbermaid Inc.

5. By this Agreement, Graco is settling alleged reporting violations: by Century before Century's assets were acquired by Graco's parent company Rubbermaid; by Century during the period that straddled Century's status as an independent corporation and after it was acquired by Graco's parent, Rubbermaid; by Graco when it was a family owned and operated business, prior to 1997; by Graco after it was acquired by Rubbermaid but still operating independently; and by Graco prior to its management restructuring by its current corporate parent, Newell.

#### II. Staff Allegations: Century Infant Seat/Carrier

6. Between 1991 and 1997, Century manufactured and distributed in United States commerce rear-facing infant seat/carriers, sometimes known as its "Assura" line. The infant seat/carrier, when separated from its anchored base in a motor vehicle, became an infant carrier for use in the home, during shopping, in recreation or otherwise. Century was, therefore, a "manufacturer" of a "consumer product" "Distributed in commerce" as those terms are defined in 15 U.S.C. 2052(a)(1), (4), (11) and (12).

7. While using the infant carrier, the carrying handle could crack and/or break and/or the handle could fail to lock the carrier seat securely into place. These flaws in the carrier handles and locking mechanisms are defects under section 15 of the CPSA, 15 U.S.C. 2064. The babies being carried in the carrier seats could, and did, fall from defective carriers and suffered serious injuries. All injuries occurred while this product was being used as an infant carrier.

8. Century made several attempts to strengthen the Assura handle and redesigned the locking mechanism between 1993 and 1998. It replaced between 2,700 and 3,400 handles in response to consumer complaints.

9. Century never reported this information to the Commission staff. Indeed, in 1998, when the staff first investigated the Assura car seat/carriers, Century personnel failed to provide the staff with critically important information about incidents, injuries and engineering changes. This failure to provide a complete report impeded an effective analysis of the defects and hazard associated with these products and unduly delayed implementation of a safety recall.