



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

BALLOT VOTE SHEET

DATE: MAR 11 2004

TO: The Commission  
Todd A. Stevenson, Secretary

THRU: John Gibson Mullan, General Counsel *JGM*

FROM: Lowell F. Martin, Assistant General Counsel for Regulatory Affairs *L.F.M.*

SUBJECT: Petition Requesting Mandatory Fire Safety Standards for Candles and Candle Accessories, Petition No. CP 04-1/HP 04-1

Ballot Vote Due: MAR 24, 2004

The Office of the General Counsel has docketed as a petition for rulemaking under the Consumer Product Safety Act (CPSA) and the Federal Hazardous Substances Act (FHSA)(Petition No. CP 04-1/HP 04-1) the request of the National Association of State Fire Marshals (NASFM) that the Commission issue mandatory safety standards for candles and candle accessories such as candleholders. The Office of the Secretary has provided the Commissioners with copies of the petition and a restricted memorandum from this office concerning the petition. The Office of the General Counsel has prepared the attached draft *Federal Register* notice should the Commission in its discretion pursuant to Directive No. 0605.0 decide to request comment on the petition.

The Office of Hazard Identification and Reduction recommends that the Commission not seek public comment (Option I) because the staff has participated directly in the development of the voluntary standard referenced in the NASFM submission and is fully cognizant of the technical and scientific issues presented by the additional features the NASFM seeks in a mandatory standard. The Office of the General Counsel concurs in that recommendation.

Please indicate your vote on the following options.

- I. Do not issue a *Federal Register* notice.

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

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

II. Issue the *Federal Register* notice as drafted.

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

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

III. Issue the *Federal Register* notice with changes. (Please specify.)

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

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

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

Attachment: Draft *Federal Register* notice

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Billing Code 6355-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

**Petition Requesting Mandatory Fire Safety Standards for Candles and Candle Accessories (Petition No. CP 04-1/HP 04-1)**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The United States Consumer Product Safety Commission (Commission or CPSC) has received a petition (CP 04-1/HP 04-1) requesting that the Commission issue mandatory fire safety standards for candles and candle accessories. The Commission solicits written comments concerning the petition.

**DATES:** The Office of the Secretary must receive comments on the petition by [insert date 60 days after publication in the Federal Register].

**ADDRESSES:** Comments on the petition, preferably in five copies, should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by facsimile to (301) 504-0127 or by email to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments

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should be captioned "Petition CP 04-1/HP 04-1, Petition for Fire Safety Standards for Candles and Candle Accessories."

A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland. The petition is also available on the CPSC web site at [www.cpsc.gov](http://www.cpsc.gov).

**FOR FURTHER INFORMATION CONTACT:** Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-6833, e-mail [rhammond@cpsc.gov](mailto:rhammond@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission has received correspondence from the National Association of State Fire Marshals (NASFM) requesting that the Commission issue mandatory fire safety standards for candles and candle accessories including candleholders. Specifically, NASFM requests that the CPSC adopt standards substantially based on the requirements contained in ASTM International Provisional Specifications for Fire Safety for Candles (PS59-02).

In addition, NASFM requests that the standards incorporate:

1. Flammability performance requirements for candle accessories, including candleholders;
2. End of useful life requirements for freestanding, tealight, taper, and votive candles;

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3. End of useful life requirements for votive candles and taper candles mounted in appropriate candleholders; and
4. Miscibility and flash point requirements for gel candles.

NASFM asserts that such standards are needed because of the inherent danger posed by candles with their open flames, coupled with the increase in residential fires caused by candles over the past decade. NASFM provided information concerning deaths and injuries involving home candle fires.

The NASFM request that the CPSC adopt a standard substantially based on the requirements contained in ASTM International Provisional Specifications for Fire Safety for Candles (PS59-02), and additional requested items 1., 2., and 3. set forth above, is docketed as petition number CP 04-1 under the Consumer Product Safety Act, 15 U.S.C. 2051 - 2084. The NASFM request for a standard addressing miscibility and flash point requirements for gel candles is docketed as petition number HP 04-1 under the Federal Hazardous Substances Act, 15 U.S.C. 1261 - 1278.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207;

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telephone (301) 504-0800. The petition is available on the CPSC web site at [www.cpsc.gov](http://www.cpsc.gov). A copy of the petition is also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated:

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Todd A. Stevenson, Secretary  
Consumer Product Safety Commission