



UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 4330 EAST WEST HIGHWAY
 BETHESDA, MD 20814

This document has been electronically
 approved and signed.

DATE: August 26, 2015

BALLOT VOTE SHEET

TO: The Commission
 Todd A. Stevenson, Secretary

THROUGH: Stephanie Tsacoumis, General Counsel
 Patricia H. Adkins, Executive Director

FROM: Patricia M. Pollitzer, Assistant General Counsel
 David M. DiMatteo, Attorney, OGC

SUBJECT: Draft *Federal Register* Notice of Withdrawal of the Direct Final Rule, “Toys;
 Determination Regarding Heavy Elements Limits for Unfinished and Untreated
 Wood”

BALLOT VOTE DUE: September 1, 2015

The Commission published a direct final rule (“DFR”) in the *Federal Register* on July 17, 2015, determining that unfinished and untreated trunk wood does not contain heavy elements that would exceed the limits specified in the Commission’s toy standard, ASTM F963-11. The DFR was accompanied by a Notice of Proposed Rulemaking (“NPR”). The July 17, 2015 DFR stated that if CPSC received a significant adverse comment by August 17, 2015, the DFR would be withdrawn and not take effect, and that rulemaking would continue pursuant to the NPR. The CPSC received significant adverse comments. Due to the receipt of significant adverse comments, staff is sending the draft notice of withdrawal of the DFR to the Commission.

Please indicate your vote on the following options:

- I. Approve publication of the attached notice of withdrawal in the *Federal Register*, as drafted.

 (Signature)

 (Date)

II. Approve publication of the attached notice of withdrawal in the *Federal Register*, with changes. (Please specify.)

(Signature)

(Date)

III. Do not approve publication of the attached notice of withdrawal in the *Federal Register*.

(Signature)

(Date)

IV. Take other action. (Please specify.)

(Signature)

(Date)

Attachment: Draft *Federal Register* Notice of Withdrawal: *Toys; Determination Regarding Heavy Elements Limits for Unfinished and Untreated Wood*

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1251

[Docket No. CPSC-2011-0081]

Toys; Determination Regarding Heavy Elements Limits for Unfinished and Untreated Wood

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of significant adverse comments, the Consumer Product Safety Commission (“Commission” or “CPSC”) is withdrawing the July 17, 2015 direct final rule determining that unfinished and untreated trunk wood does not contain heavy elements that would exceed the limits specified in the Commission’s toy standard, ASTM F963-11. The CPSC will address these comments in a separate final action based on the July 17, 2015 notice of proposed rulemaking (80 FR 42378) published in the same issue of the *Federal Register*. The CPSC will not institute a second comment period on this action.

DATES: The direct final rule published on July 17, 2015 (80 FR 42376) is withdrawn, effective [**Insert Date of publication in *Federal Register***].

FOR FURTHER INFORMATION CONTACT: Randy Butturini, Project Manager, Office of Hazard Identification and Reduction U.S. Consumer Product Safety Commission, 4330 East West Hwy, Room 814, Bethesda, MD 20814; 301-504-7562; email; rbutturini@cpsc.gov.

SUPPLEMENTARY INFORMATION: On July 17, 2015, the CPSC published a direct final rule (80 FR 42376) determining that unfinished and untreated trunk wood

does not contain heavy elements that would exceed the limits specified in the Commission's toy standard, ASTM F963-11. For more information on the ASTM wood determination, please see the July 17, 2015 direct final rule (80 FR 42376).

In the July 17, 2015 direct final rule, the CPSC stated that if CPSC received significant adverse comments by August 17, 2015, the rule would be withdrawn and not take effect. The CPSC received significant adverse comments. Therefore, the CPSC is withdrawing the direct final rule. The CPSC will address these comments in a separate final action based on the July 17, 2015 notice of proposed rulemaking (80 FR 42378) published in the same issue of the *Federal Register*. The CPSC will not institute a second comment period on this action.

Dated: _____

Todd A. Stevenson, Secretary,
Consumer Product Safety Commission