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LOG OF MEETING

1999 FEB 26

SUBJECT: MEETING WITH REPRESENTATIVES OF CONSUMER FEDERATION OF AMERICA, CONSUMERS UNION, U.S. PIRG AND COMMISSIONER MOORE ON PENDING RULEMAKING ON BUNK BEDS
DATE OF MEETING: JANUARY 25, 1999
PLACE OF MEETING: CPSC HEADQUARTERS/ROOM 725
LOG ENTRY SOURCE: PAMELA L. WELLER
DATE OF ENTRY: FEBRUARY 16, 1999

COMMISSION ATTENDEES:

COMMISSIONER THOMAS H. MOORE
MICHAEL GOUGISHA, COUNSELOR TO COMMISSIONER MOORE
PAMELA L. WELLER, COUNSELOR TO COMMISSIONER MOORE

NON-COMMISSION ATTENDEES:

MARY ELLEN FISE, CONSUMER FEDERATION OF AMERICA
SALLY GREENBERG, CONSUMERS UNION
EDMUND MIERZWINSKI, U.S. PIRG
RUPERT WELCH, FURNITURE TODAY

SUMMARY OF MEETING:

MS. FISE OPENED BY SAYING THAT HER ORGANIZATION VERY MUCH SUPPORTED A MANDATORY STANDARD FOR BUNK BEDS. SHE WENT THROUGH A BRIEF HISTORY OF CFA'S INVOLVEMENT WITH CPSC ON THIS PRODUCT. SHE TOLD THE COMMISSIONER THAT THE LACK OF COMPLIANCE WITH THE VOLUNTARY STANDARD SHOWS THE NEED FOR A MANDATORY STANDARD. SHE ALSO POINTED OUT THE 7 REPEAT VIOLATORS OF THE VOLUNTARY STANDARD AND THE NEAR-MISS INCIDENTS INVOLVING NON-COMPLYING BEDS.

MR. MIERZWINSKI STATED THAT THE COMMISSION WAS SPENDING "ENORMOUS RESOURCES" TO GO AFTER VIOLATORS OF THE VOLUNTARY STANDARD.

THE COMMISSIONER ASKED IF THEY SAW AN EFFECTIVE RESULT BY ADOPTING A MANDATORY STANDARD TO REPLACE THE CURRENT VOLUNTARY ONE. MS. FISE REPLIED YES, PARTICULARLY WHEN YOU TAKE INTO ACCOUNT CPSC'S INCREASED ABILITY TO WORK WITH CUSTOMS AND STATE AND LOCAL GOVERNMENTS. MR. MIERZWINSKI SAID THERE WAS NO WAY IMPORTERS WOULD KNOW ABOUT A VOLUNTARY STANDARD.

MR. MIERZWINSKI THEN ASKED IF THE STAFF HAD DONE AN ANALYSIS OF HOW MANY NEAR MISSES ACTUALLY OCCURRED EACH YEAR, BASED ON THE ONES WE KNOW ABOUT. THE COMMISSIONER INDICATED IT WOULD PROBABLY BE HARD FOR OUR STATISTICIANS TO MAKE THAT KIND OF EXTRAPOLATION AS THE NUMBERS WERE VERY SMALL.

MS. FISE STATED THAT A MANDATORY RULE WOULD GIVE DOMESTIC



MANUFACTURERS A LEVEL PLAYING FIELD AND THIS WAS A REASON THE AMERICAN FURNITURE MANUFACTURERS ASSOCIATION DID NOT OPPOSE THE RULE. THE COMMISSIONER NOTED THAT MOST OF AFMA'S MEMBERS ALREADY WERE IN COMPLIANCE.

MS. FISE SAID HER MEMBERS HAVE INDICATED THEY WOULD WORK ON THIS ISSUE AT THE STATE LEVEL TOO. MR. MIERZWINSKI SAID THAT HIS MEMBERS WOULD MUCH PREFER A FEDERAL RULE.

THE MEETING ENDED WITH COMMISSIONER MOORE THANKING EVERYONE FOR COMING IN TO EXPRESS THEIR VIEWS ON THIS ISSUE.