



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:     Chairman Ann Brown  
                                  Commissioner Mary Sheila Gall  
                                  Commissioner Thomas H. Moore

ITEM:

Product Safety Circle

DECISION:

The Commission voted 2-1 to implement the Product Safety Circle initiative as described in the attachment to the ballot vote memorandum from the Office of the General Counsel to the Commission dated September 13, 2000. Chairman Brown and Commissioner Moore voted to approve. Commissioner Gall voted not to implement the initiative and filed a statement concerning her vote, copy attached.

For the Commission:

A handwritten signature in black ink, appearing to read "Sadye E. Dunn".

Sadye E. Dunn  
Secretary

\* Ballot vote due September 15, 2000



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**STATEMENT OF THE HONORABLE MARY SHEILA GALL  
IN OPPOSITION TO PRODUCT SAFETY CIRCLE INITIATIVE**

September 15, 2000

Today I voted against the "Product Safety Circle Initiative" for three reasons. The first reason is that failure to adhere to the practices cited in the Product Safety Circle might result eventually in public criticism, in spite of the lack of any legal requirement to comply. I know that such a result is not the intent of the initiators of this idea, but my experience in the Commission has been that practices that start out as aspirations end up as requirements.

The second reason why I do not favor the Product Safety Circle is that its underlying concept appears to be that the Commission can identify certain management characteristics of companies that lead to the reliable production and distribution of safe consumer products. I doubt that this concept is true. The Commission is at its best when it functions as a "cop on the beat," identifying potentially hazardous products and spurring recalls.

The Commission and its staff, on the other hand, are not at their best when they are called upon to understand the operations of an industry. (This lack of understanding was painfully apparent when the Commission undertook regulatory changes for children's sleepwear.) In other words, the Commission has no particularly good idea of how businesses organize and manage themselves to consistently produce safe products while meeting all of the other regulatory and business requirements that companies must meet to be successful.

The ten corporate product safety practices cited in the memo reflect the lack of understanding. While each one is commendable and worthwhile in itself, there is no explanation about how each one should be integrated into a coherent whole. The ten practices each cite different companies as examples; nowhere is a company cited that has effectively integrated *all* of the aspects of consumer product safety into its operations, while remaining financially viable and meeting other regulatory and legal requirements.

The third reason that I oppose the Product Safety Circles is that it is inappropriate for a regulatory agency to create an "elite" group of companies whose compliance with laws and regulations is truly extraordinary, compared to companies that "merely" comply. It is appropriate for an agency whose mission it is to promote business (such as the Department of Commerce) to confer awards and recognize extraordinary achievement. But the public has a right to expect a more even-handed approach from a regulator to the members of the community that it regulates.