



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

**BALLOT VOTE SHEET**

**DATE:** December 7, 2010

**TO:** The Commission  
Todd A. Stevenson, Secretary

**THROUGH:** Cheryl A. Falvey, General Counsel  
Kenneth Hinson, Executive Director

CAF  
KPH  
[Handwritten initials]

**FROM:** Philip L. Chao, Assistant General Counsel

**SUBJECT:** Stay of Enforcement of Testing and Certification Requirements: Vinyl Plastic Film, Carpets and Rugs, and Clothing Textiles

**Ballot Vote Due:** DEC 13 2010

Recently, several parties have contacted staff in the Consumer Product Safety Commission (Commission) to ask whether the stay of enforcement of testing and certification requirements had been lifted for the *nonchildren's* versions of:

- Vinyl plastic film (16 C.F.R. part 1611);
- Carpets and rugs (16 C.F.R. parts 1630 and 1631); and
- Clothing textiles (16 C.F.R. part 1610).

The Commission had published “notices of requirements” for these products in the *Federal Register* on July 21, 2010 and on August 18, 2010.<sup>1</sup> Although the notices of requirements contained text stating that “publication of this notice has the effect of lifting the stay,” the text did not mention nonchildren’s products expressly, and some parties asserted that, even if such language was meant to lift the stay for nonchildren’s products, manufacturers of such products would not have known to read a notice of requirements for information pertaining to children’s products.

The Office of the General Counsel recommends that the Commission vote to affirmatively lift the stay of enforcement of testing and certification requirements with respect to nonchildren’s consumer products which must comply with CPSC regulations regarding vinyl plastic film, carpets and rugs, and clothing textiles.

<sup>1</sup> The *Federal Register* cites are as follows: vinyl plastic film: 75 Fed. Reg. 42311 (July 21, 2010); carpets and rugs: 75 Fed. Reg. 42315 (July 21, 2010); and clothing textiles: 75 Fed. Reg. 51016 (August 18, 2010).

CPSC Hotline: 1-800-638-CPSC(2772) H CPSC's Web Site: <http://www.cpsc.gov>

Please indicate your vote on the following options.

- I. Approve the lifting of the stay of testing and certification for nonchildren's products subject to Commission regulations on vinyl plastic film, carpets and rugs, and clothing textiles such that the testing and certification requirements become effective 30 days after the date of this vote. Direct staff to announce the decision on the CPSC website and through publication of a notice of availability of the results of this vote in the *Federal Register*.

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

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

- II. Do not approve the lifting of the stay of testing and certification for nonchildren's products subject to Commission regulations on vinyl plastic film, carpets and rugs, and clothing textiles.

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

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

- II. Take other action. (Please specify.)

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

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