



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action Commissioners Voting by Ballot*

Commissioners Voting: Chairman Inez M. Tenenbaum
 Commissioner Thomas H. Moore
 Commissioner Nancy A. Nord
 Commissioner Anne M. Northup
 Commissioner Robert S. Adler

ITEM:

Notice of Proposed Rulemaking: Safety Standard for Portable Bed Rails
(Briefing package dated March 16, 2011)

DECISION:

The Commission voted unanimously (5-0) to approve publication of the draft notice, with changes, in the *Federal Register* that will announce proposed rulemaking on a safety standard for portable bed rails and to convert the decision to a ballot vote. Commissioner Nord issued the attached statement regarding the matter.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Secretary

* Ballot vote due April 6, 2011
(Votes received on April 5, 2011)

Attachment: Statement of Commissioner Nord



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

STATEMENT OF COMMISSIONER NANCY NORD
ON THE VOTE TO ISSUE A NOTICE OF PROPOSED RULEMAKING FOR
PORTABLE BED RAILS AND WITHDRAW THE ADVANCE NOTICE OF
PROPOSED RULEMAKING PUBLISHED OCTOBER 2000

April 6, 2011

I joined my colleagues in a unanimous vote to approve publication of a Federal Register (FR) notice on a proposed rulemaking on a safety standard for portable bed rails. This proposed rule is in response to section 104(b) of the Consumer Product Safety Improvement Act (CPSIA). We also voted to withdraw the advanced notice of proposed rulemaking (ANPR) published on October 3, 2000 that initiated a rulemaking for portable bed rails under the Federal Hazardous Substances Act. The proposed standard just approved includes provisions that address the risks of injury identified in the ANPR of October 2000.

Standards issued under Section 104 of CPSIA are subject to Section 14 requirements regarding testing and certification. Last April, the Commission issued a testing and certification proposed rule to establish protocols and standards for continuing testing of all children's products. I am concerned about the attempt to develop a one-size-fits-all testing program for all children's products. The proposed rule for portable bed rails provides the agency the opportunity to solicit information to develop a testing program that makes sense for this particular product.

My colleagues agreed to my recommendation to amend the FR notice to seek comment on what a testing program for portable bed rails might entail. I encourage industry, standards groups, testing organizations and other interested parties to comment on this proposed rule.