

LOG OF MEETING

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SUBJECT: 5 Gallon Open Head Containers (Buckets)
ASTM Subcommittee F15.31

DATE OF MEETING: January 25, 1995 ✓ PLACE: CPSC Headquarters
Bethesda, MD

LOG ENTRY SOURCE: Celestine Trainor, EPHF

DATE OF ENTRY: January 26, 1995 ✓

COMMISSION ATTENDEES:

Celestine Trainor, EPHF	George Sushinsky, LSEL
John Preston, ESME	Mark Kumagai, ESME
Suzanne Cassidy, EPHA	George Sweet, EPHF
Mary Donaldson, EC	Karen Kraushaar, OIPA
Warren Purnella, EC	Ronald Medford, EXHR

NON-COMMISSION ATTENDEES:

John A. Blair, Chairman of Subcommittee F15.31, DuPont
Glenn Morris, Jr., M & M Industries, Inc.
S. Wayne Fast, Jr., PPG Industries, Inc.
Steve Togue, Landis Plastics, Inc.
Ed Rowe, Bennett Ind.
Charlie Byers, USG Corp.
Fred Huber, Self
Don R. Brothers, Century Ind.
Mark R. Brothers, Century Container Corp.
Shari Jackson, SPI
Peter R. Apostoluk, CDF Corporation
Archie Mann, NAMPAC
William H. Roper, Ropak Corporation
David H. Baker, Holland & Knight
Thomas Pratt, Plastikan
Bill Walton, Consumer Representative
Jon Brannan, UL
Bruce Holser, Letica Corp.
Don Barkas, CA State Firefighters Assoc.
Gina Krieg, Ropak Corp.
Robert C. Hultquist, PSCI
Jim King, Rubbermaid
Robert Kiefer, CSMA
Stan Morrow, F15 Committee member
Nick Wakeman, Product Safety Letter

SUMMARY OF MEETING:

Mr. John Blair called the meeting to order at 10:00 a.m.
The first order of business was the announcement that Mr. Robert
C. Hultquist, Esq., would be taking over as Chairman of
Subcommittee F15.31 after this meeting. Mr. Blair will remain
active on the subcommittee as Secretary.

The next issue was the status of the X-15-31-11 Proposed "Standard for Specification of Cautionary Labeling for Five Gallon Plastic Containers (Buckets)". The standard is in the last stages of finalization. It was held up because of negative votes at the subcommittee level, but those negatives were voted as non-persuasive and the label was sent to ballot vote by the committee. Mr. Blair believes the labeling standard will be final by summer, but no date was given. Mr. Roper indicated the sooner the better. Mr. Baker stated that he represents the 5 major bucket manufacturers and that at this time they have 80% compliance to labeling and by March 31, they expect to be close to 90% compliance. Industry is trying to use a single, bilingual label and therefore a new bill is being introduced into California legislation that would allow manufacturers to choose between two labels (one English and one Spanish) or one label with both English and Spanish language on it. The Industry is conducting a consumer survey on effectiveness of the dual language label. A contractor will be showing consumers labeled and unlabeled buckets and surveying their responses. This is being conducted to prove that labeling is as effective as performance standards.

California legislation was then discussed. Mr. Roper stated that he is proposing legislation to modify the size requirements because the single label is larger than the two labels. Mr. Barkas stated that the CA Firefighters Association is going to fight the legislation because two labels are better than one. He stated this was based on an April 13, 1993 letter from CPSC staff stating that "staff recommends two labels for each bucket: one label in English and a second label in Spanish." A lengthy discussion resulted from this statement as to the basis for the staff recommendation. Celestine Trainor was asked for staff's current position. She stated that she was not familiar with the circumstances surrounding the letter, but it was likely that letter was written because at the time the issue was whether or not a Spanish label was needed at all. The issue of a single label with both languages had not been considered. The consensus of the attendees was that the two labels was to address the Spanish issue.

Mr. Blair asked Mr. Roper, as Chairman of the Task Group for Performance Standards, to give a summary of the work they had done. The Task Group wanted to bring to the subcommittee the issue of whether or not the standard should address technical fixes that require an action by the consumer to disable the bucket. One issue raised was that consumers can not be relied upon to disable a bucket that they have specifically obtained because of its usefulness to make it useless. Mr. Blair stated that the task group needs to look at all ideas because they can not decide it is a black and white issue that consumers can not do something. Mr. Blair gave the task group the directive to not eliminate consumer issues as an alternative, but to allow it to

go to the committee. Mr. Sweet stated that a passive fix is preferred, because it is difficult to know how to motivate consumers to change the bucket. Mr. Medford stated that the Commission has had the opportunity to see some of the proposed changes which require consumer action and they should be allowed to be presented and be judged on a case by case basis. Mr. Roper raised his concern that the performance standard is going to end up with 10 solutions that address the issues. Mr. Brothers stated this is a concern for him because as a little company he is going to have to have 10 molds to direct the right mold for each end user. He stated that labeling and education are the only ways to address the issue. He can not see the committee coming up with a standard that covers everything. Mr. Blair stated that the standard will evolve to address new issues. Mr. Brothers stated that would kill industry because of the need to change molds constantly. Mr. Roper stated that any performance standard developed needs to cover the entire issue or else it was useless.

Mr. Blair then invited the individuals with ideas for changes to address the hazard to present their ideas. Mr. Peter Apostoluk demonstrated his liner with a plug in the bottom which is connected to the bottom of the bucket. When the liner is removed the plug opens a hole in the bottom of the bucket, making it useless. Discussion about the bucket addressed feasibility of the liner for all products; consumers' ability to easily seal the hole; and recycling the product. Mr. Barkas presented his drawing of an inner barrier with a pull tab with a less than 7 inch wedge opening. Mr. Huber presented his idea of a removable base rim which is painted in the universal orange color with the safety message on the rim. When removed the bucket is still stable for normal use, but it would tip if pressure is applied to the side, such as from a baby. The next issue was a barbed or shark-tooth rim which is intended to prevent the child from sliding into the bucket by catching the clothing. The issue with this bucket is testability. Live subjects are likely to be the only way to test for compliance, and liability is a big issue. Mr. Sushinsky presented some general ideas of winged or flared handles that prevent the child from even getting close to the bucket. Mr. Sushinsky was then asked to evaluate the feasibility of the other ideas presented. He discussed how each one could be tested to the performance standard, except the barbed bucket.

Mr. Roper then discussed the recycling issue of the performance standard. The task group is proposing a 50% recycle goal because that is an obtainable goal, and then when companies see that economically they can reach 50% they will raise their goal.

After a break, a letter from the Olin Corporation was presented to the subcommittee. The letter provided three drawings of technical changes which Olin is considering for use on their buckets. The drawings presented: (1) a criss-cross pattern across the top of the bucket which would prevent the child's head from entering the bucket, (2) a triangle to allow for scooping the contents out, and (3) a series of bars cross the top. The representative from Olin arrived later in the meeting and actually presented a sample with the triangle. He explained that they plan to use this restricter with their buckets and that they have another design in for a patent review.

Mr. Roper expressed his concern with publishing a performance standard that includes items that not everyone can meet because it implies that the industry can do it, even if they can't.

At this point, Stan Morrow, a member of the F15 Committee assured the subcommittee members that they should not be disheartened by the lack of progress on this whole issue. He conveyed to the group that they were right on track with other voluntary standards subcommittees which have tried to address a new issue with a new product. He stated that CPSC has to come from the performance approach because they need to be able to measure progress. In every case where industry has tried to say it is impossible, eventually they solve it. His suggestion was to go ahead with the performance standard and put it in draft-- don't be afraid to develop a standard. It is an ongoing process and you need to keep at it. Mr. Blair then pointed out that typically the other voluntary standards were developed to address consumers using consumer products, but in the case of buckets the issue is consumers misusing industrial products.

Mr. Roper then came back to the issue of labeling and put a motion before the subcommittee to have a letter from ASTM go to California stating support for the 1 or 2 label alternative legislation. After further discussion on the issue a vote was taken with the results being agreement. A letter will be sent to California notifying them of the ASTM voluntary standard and ask to consider this information (e.g., a voluntary standard) in deciding the new California legislation.

Mr. Blair then directed the Task Group to draft a new performance standard for vote by letter ballot for the subcommittee's comments only. It will not be a vote to proceed forward it will simply be for comments. The comments will be summarized and discussed at the next meeting.

Mr. Baker then presented an update on the education program. \$250,000 has been allotted to education. A radio new release and a radio PSA have already been widely issued. They are preparing to release a multi-color poster, which they submitted to the

CPSC. 10,000 posters will be distributed for the first go around and then additional posters will be made and distributed. A sample of the poster was shown to the group and there was general agreement that some changes are still needed before the poster is distributed. Ms. Trainor pointed out staff's concern that the picture and wording do not clearly convey the hazard. The child simply looks like he is playing in water, not that he would fall and drown in the bucket. The wording should focus on the drowning hazard. Mr. Baker said that he would coordinate with Ms. Trainor to address these issues. He then reported that next month a video news release and video PSA would be developed. Mr. Blair then suggested that education will probably be more effective if it involved ASTM. He suggested an ASTM I & E working group be formed to increase the participation beyond manufacturers. Mr. Baker stated his hesitation because of time constraints. The manufacturers are able to make quick decisions and take action immediately; ASTM takes a long time. No final decision was made on future ASTM I & E activities.

With no other issues for discussion, Mr. Blair set the next meeting for March 29 at CPSC headquarters and the following meeting for June 7 at CPSC headquarters. The performance Task Group scheduled their next meeting for March 28 in Bethesda, MD.

Meeting ended at 1:10 p.m.