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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

RELEASED

B-139310

OCTOBER 5, 1978



The Honorable John E. Moss
Chairman, Subcommittee on Oversight and
Investigations
Committee on Interstate and Foreign Commerce
House of Representatives

Dear Mr. Chairman:

In accordance with your request of November 9, 1977, we reviewed the Consumer Product Safety Commissioners' official travel for the period October 15, 1976, to October 15, 1977. 1/ As agreed with your office, we did not review each Commissioner's personal leave or vacation time. We did, however, ask each Commissioner to provide us with this information which we previously furnished to your office.

During the 12-month period ended October 15, 1977, the five Commissioners made 64 trips which cost the Federal Government \$18,708. Government Transportation Requests for air travel and direct billing to the Government for automobile rental totaled \$14,021, and the Commissioners were reimbursed \$4,687 for official expenses such as per diem and, in a few cases, other transportation. (A detailed accounting of these trips is included in encs. I to V.)

You also requested that we determine whether

- advance public notice was required for public meetings the Commissioners' attended while on travel, and if so, was such notice published;
- these reimbursed trips were used for other than official business; and
- costs applicable to trips that were extended or rerouted for personal reasons were paid for by the Commissioners.

1/Three of the five Commissioners--Messrs. Byington, Garrett, and Kushner--during this period are no longer at the Commission.

HRD-78-171
(10713)

RELEASE



ADVANCE NOTICE FOR COMMISSIONERS' TRIPS AND MEETINGS

The Commissioners are required to give at least 7 days' advance notice of meetings with outside parties where substantial interest matters 1/ are discussed. This is in accordance with Commission regulation 16 C.F.R. 1012 which deals with Commission meetings, advance public notice of Commission meetings, public attendance at such meetings, and requirements for keeping records of such meetings. (See enc. VI.) Although the Commissioners are not required to give advance notice for speeches, the regulations encourage that such information be included in the Commission's public calendar--a weekly listing of future Commission meetings and meetings that the Commissioners or Commission staff plan to attend--that is available to alert the public to Commission activities.

Commission regulations also require that advance notice of certain agency activities be provided to the public in the printed public calendar or in the master calendar maintained in the Commission's Office of the Secretary. The recordkeeping portion of the regulations requires that a written summary or log of each meeting be filed with the Secretary within 20 days after meetings in which substantial interest matters were discussed. No such summary is required for those meetings where no substantial interest matters were discussed.

In reviewing the 64 official trips taken by the Commissioners, we noted that at least three trips had two separate purposes--giving a speech and attending a meeting in two cases, and giving a speech and attending a debate in another case. We treated each part of the three dual-purpose trips separately and, therefore are accounting for the Commissioners' travel to 67 events: 50 speeches, 8 meetings, and 9 other activities.

While on official travel, the Commissioners attended eight meetings with outside parties. Four of these meetings

1/Any matter, other than that of a trivial nature, that pertains in whole or in part to any issue that is likely to be the subject of a regulatory or policy decision by the Commission. Pending matters, i.e., matters before the agency in which the agency is legally obligated to make a decision, automatically constitute substantial interest matters (16 C.F.R. 1012.2(i)).



involved discussions of substantial interest matters and notice of these meetings should have been published at least 7 days in advance. Proper advance notice was not provided for these four meetings. For three of these meetings, the Commissioners provided notice in the public calendar with either less than 7 days' notice or after the meetings were held. In one case, no notice of the meeting was placed on the public calendar. The Commissioner's staff acknowledged that this was an oversight.

As substantial interest matters were discussed at these four meetings, the Commissioners were required to provide summaries or logs of each meeting to the Office of the Secretary within 20 days. We found that only one summary was filed within 20 days, and the other three summaries were filed late.

Public notice of the four meetings in which no substantial interest matters were to be discussed was given late or made after the meetings were held. Records of these meetings were not maintained because substantial interest matters were not discussed.

During the 12-month period ended October 15, 1977, 7 days' advance notice was provided in the public calendar for 22 of the 50 speeches given by the Commissioners while on travel, and notices were made either late or after the fact for another 22 speeches. No notice was provided in the public calendar or the master calendar for six speeches. As previously stated, the Commissioners are encouraged, but not required, to give advance notices for speeches.

One of the other nine activities for which the Commissioners traveled during the 12-month period was to conduct a field hearing on a State's request for preemption from the Federal sleepwear standard. Proper advance notice was given for the hearings which were chaired by former Commissioner Garrett in California. None of the other eight trips required advance notice because they involved area office visits, media interviews, and similar type functions. However, advance notice was given for three of these trips.



CONDUCTING OTHER THAN
OFFICIAL BUSINESS ON TRIPS

To determine whether the Commissioners' trips were for other than Commission business, we reviewed the Commission's public calendar to determine if notice was given for speeches, meetings, or other activities. If such notice was given, we accepted that as evidence that the trip was for official business. If notice was not included in the public calendar, we attempted to verify that trips were for official business by reviewing the Commissioners' speaking invitations, written copies of speeches given, thank you notes received by Commissioners, Federal Register notices, and the Commissioners' trip agendas, if available.

We found that the Commissioners conducted official business on all 64 trips. The public calendar contained information on 52 of the 64 trips made by the Commissioners, a Federal Register notice was made for another trip, and documents relating to 7 other trips showed that Commission business was conducted. Although no public notice was given nor other records or correspondence available for three trips made by former Commissioner Garrett and one trip made by former Commissioner Byington, we discussed these trips with them, their staff, and others and are satisfied that Commission business was conducted during these trips.

Although all 64 trips involved official business, there was a part of one trip that does not appear to be in line with Commission business--former Commissioner Garrett's press conference on February 16, 1977, in San Francisco following a Commission hearing in Los Angeles.

Former Commissioner Garrett went to San Francisco from Los Angeles, according to his travel order, to participate in a press conference. Because we were not able to find any reference to this press conference at Commission headquarters, we contacted Mr. Garrett. He told us he could not recall having held a press conference. The Director of the Commission's San Francisco Area Office said that he was not aware of any press conference scheduled or held by former Commissioner Garrett at the time of this trip. The only costs Mr. Garrett claimed for this press conference were \$25.50 for air fare from Los Angeles to San Francisco and \$24 for taxi fares in San Francisco.



The Commissioners generally followed General Services Administration and Commission travel regulations in requesting reimbursement for the 64 trips. For 63 of the 64 trips which included air travel, the Commissioners used the lowest class travel available. In the one case in which additional costs were incurred when first class travel was used, former Commissioner Byington justified it on his travel voucher by stating that he needed more privacy during the flight to work on Commission business.

Several of the travel vouchers we examined showed that the Commissioners did not claim as much per diem as they could. Each Commissioner could have claimed up to \$50 per day for actual expenses. As a general rule, the Commissioners adhered to the General Services Administration's rates for high cost areas or the prevailing per diem rate. In some cases, the Commissioners absorbed costs which they could have claimed--up to the \$50 per day maximum--for such things as lodging and meals that exceeded the per diem rate they claimed. In many cases the Commissioners claimed no per diem expenses on 1-day trips.

EXTENSION OF BUSINESS TRIPS FOR PERSONAL REASONS

Three of the five Commissioners extended business trips for personal reasons: Commissioner Franklin extended four trips, former Commissioner Byington extended three trips, and former Commissioner Garrett extended two trips. In all instances this was done at no cost to the Government, and in most instances personal leave was taken at locations where the official business was conducted.

We found one instance where a Commissioner rerouted a business trip for personal reasons. Former Commissioner Byington rerouted a return trip to Washington, D.C., from San Diego, California, to stop for half of a day in Denver, Colorado, to visit a relative. The additional cost was \$36 for air fare. No per diem or other expenses were claimed while in Denver. When we made Commission personnel and former Commissioner Byington aware of this additional cost, Mr. Byington agreed to reimburse the Commission for the additional air fare.

Taking personal leave while on official travel is not considered improper if official business was conducted on the trip, and the Commissioners were not reimbursed for expenses incurred while on leave.

At least one of the trips that was extended involved a workday that was not reported as a personal leave day in the material the Commissioners previously provided us, and which we turned over to your office. Commissioner Franklin's voucher for an April 1977 business trip to Lancaster, Pennsylvania, showed that she took a Friday off for personal reasons. This was not included as a personal leave day in the material she previously furnished us. Her staff said that its exclusion from the material previously furnished us was an oversight. Commissioner Franklin addressed two different sessions the following day, which was not a regular workday.

CONCLUSIONS

The Commissioners were not timely in providing advance public notice of some meetings of substantial interest and in filing written summaries of such meetings with the Commission's secretary. However, they generally followed Commission regulations in providing notice of public meetings and speeches.

The Commissioners conducted Commission business for travel that was incurred and reimbursed, and they followed appropriate regulations in requesting travel reimbursement. Although several Commissioners extended their travel for personal reasons, this travel was done without additional costs to the Government.

At your request, we did not take the additional time to obtain written agency comments. As arranged with your office, unless you publicly announce the contents earlier, we plan no further distribution of this letter until 30 days from the date of the letter. At that time, we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,



Comptroller General
of the United States

Enclosures - 6



SUMMARY OF CONSUMER PRODUCT SAFETY COMMISSIONERS' TRAVEL
FOR S. JOHN BYINGTON, OCTOBER 15, 1976-OCTOBER 15, 1977

Date(s)	Location(s)	Purpose	Day(s) in travel status (note a)		Transportation costs	Per diem and other expenses	Amount reimbursed
			Calendar	Business (note b)			
<u>1976</u>							
Oct. 31- Nov. 2	Los Angeles, Calif.	Speech	3	2	\$ 384.00	\$ 116.08	\$ 116.08
Nov. 12-13	Auburn, Ala.	Speech	2	1	139.00	24.00	24.00
Nov. 18-19	Indianapolis, Ind.	Speech	2	2	218.00	44.05	44.05
Nov. 22-24	Detroit, Mich. San Francisco, Calif.	Speech	3	3	384.00	59.61	59.61
Nov. 28-29	New York, N.Y.	TV interview	2	1	74.00	69.75	69.75
Dec. 1-8	Various European cities	Speech	8	6	747.00	434.44	434.44
Dec. 17	Boston, Mass.	Area office visit	1	1	110.00	6.61	6.61
<u>1977</u>							
Jan. 5	Chicago, Ill.	Meet with a Commission contractor	1	1	142.00	8.16	8.16
Jan. 11-12	New Orleans, La.	Speech	2	2	194.00	56.75	56.75
Jan. 13-16	Grand Rapids, Mich.	Speech	4	2	119.00	33.00	33.00
Jan. 27-29	Ft. Lauderdale, Fla.	Speech	3	2	182.00	56.75	56.75
Feb. 13-15	San Juan, P. R. St. Thomas, V.I.	Meeting	3	2	234.40	167.50	167.50
Feb. 21-22	Los Angeles, Calif.	Speech	2	2	392.00	69.00	69.00
Mar. 11-12	Houston, Tex.	Speech	2	1	232.00	70.75	70.75
Mar. 22	Atlanta, Ga.	Meeting	1	1	136.00	8.26	8.26
Mar. 25- Apr. 3	Tokyo, Hong Kong	Speech	10	6	1,665.00	429.00	429.00
Apr. 18-19	Springfield, Mo. Chicago, Ill.	Debate/ Speech	2	2	234.00	49.50	49.50
Apr. 22-25	Boca Raton, Fla.	Speech	4	2	182.00	38.70	38.70
May 11	Detroit, Mich.	Speech	1	1	110.00	55.00	55.00
May 20-21	Kalamazoo, Mich. Big Rapids, Mich.	Speech	2	1	0	0	0
June 3-4	Albany, N.Y.	Speech	2	1	102.00	65.50	65.50
June 6	New York, N.Y.	Speech	1	1	76.00	28.26	28.26
June 15-16	Cleveland, Ohio	Speech	2	1	92.00	26.25	26.25

ENCLOSURE I

ENCLOSURE I

<u>Date(s)</u>	<u>Location(s)</u>	<u>Purpose</u>	<u>Day(s) in travel status</u> <u>(note a)</u>		<u>Transportation</u> <u>costs</u>	<u>Per diem and</u> <u>other expenses</u>	<u>Amount</u> <u>reimbursed</u>
			<u>Calendar</u>	<u>Business</u> <u>(note b)</u>			
<u>1977</u>							
June 19-22	Portland, Oreg. Chicago, Ill.	Speech	4	3	\$ 424.00	\$ 223.50	\$ 223.50
June 25-27	San Diego, Calif.	Speech	3	1	578.34	132.01	c/255.01
July 13	New York, N.Y.	Visit area office	1	1	76.00	37.26	37.26
July 24-26	San Juan, P.R.	Participate in Com- mission activities	3	2	239.20	129.00	129.00
Aug. 10	New York, N.Y.	Meeting	1	1	76.00	6.00	6.00
Aug. 24	Newark, N.J.	Speech	1	1	76.00	0	0
Sept. 2	Detroit, Mich.	Speech	1	1	112.00	8.00	8.00
Sept. 7-11	San Diego, Los Angeles, San Francisco, and Sacramento, Calif.	Speech/ Meeting	5	3	476.70	202.50	202.50
Oct. 3-4	Cincinnati, Ohio	Speech	2	2	114.00	33.00	33.00
Oct. 11	Boston, Mass.	Other	1	1	114.00	33.00	33.00
Oct. 14	Chicago, Ill.	Other	1	1	150.00	26.00	26.00
			<u>86</u>	<u>61</u>	<u>\$8,584.64</u>	<u>\$2,747.19</u>	<u>\$2,870.19</u>

a/A business day is any weekday other than a Federal holiday.

b/For this analysis, we counted both the day the travel started and ended as full days, regardless of the time of day the trip started or ended.

c/For one trip Mr. Byington paid additional transportation costs, and was later reimbursed.

ENCLOSURE I

ENCLOSURE I

SUMMARY OF CONSUMER PRODUCT SAFETY COMMISSIONERS' TRAVELFOR BARBARA HACKMAN FRANKLIN, OCTOBER 15, 1976-OCTOBER 15, 1977

<u>Date(s)</u>	<u>Location(s)</u>	<u>Purpose</u>	<u>Day(s) in travel status</u> <u>(note a)</u>		<u>Transportation</u> <u>costs</u>	<u>Per diem and</u> <u>other expenses</u>	<u>Amount</u> <u>reimbursed</u> <u>(note c)</u>
			<u>Calendar</u>	<u>Business</u> <u>(note b)</u>			
<u>1976</u>							
Oct. 26-27	Philadelphia, Pa.	Meeting	2	2	\$ 32.00	\$ 0	\$ 32.00
Nov. 12-13	New York, N.Y.	Meeting	2	2	74.00	11.00	11.00
Dec. 7-8	Chicago, Ill.	Speech/ Meeting	2	2	142.00	20.30	162.30
Dec. 10-14	Tucson, Ariz.	Speech	5	3	330.00	45.54	45.54
<u>1977</u>							
Mar. 27-29	New York, N.Y.	Meeting	3	3	76.00	40.95	116.95
Apr. 15-16	Lancaster, Pa.	Speech	2	1	33.00	44.00	77.00
May 23-25	Sacramento, Calif.	Speech	3	3	392.00	106.67	106.67
June 7	Miami, Fla.	Speech	1	1	190.00	36.80	36.80
July 12	Lancaster, Pa.	Speech	1	1	66.00	0	0
Aug. 6-10	Chicago, Ill.	Speech	5	3	144.00	109.47	109.47
Aug. 18-19	Milwaukee, Wis.	Speech	2	2	150.00	66.62	66.62
Sept. 30- Oct. 1	Harrisburg, Pa.	Speech	2	1	51.91	5.00	25.91
Oct. 14-15	Dallas, Tex.	Speech	2	1	238.00	48.40	48.40
			<u>32</u>	<u>25</u>	<u>\$1,910.91</u>	<u>\$534.75</u>	<u>\$838.66</u>

a/A business day is any weekday other than a Federal holiday.

b/For this analysis, we counted both the day the travel started and ended as full days, regardless of the time of day the trip started or ended.

c/For some trips, Ms. Franklin purchased her own tickets, and was later reimbursed for this expense.

SUMMARY OF CONSUMER PRODUCT SAFETY COMMISSIONERS' TRAVEL
FOR LAWRENCE M. KUSHNER, OCTOBER 15, 1976-OCTOBER 15, 1977

<u>Date(s)</u>	<u>Location(s)</u>	<u>Purpose</u>	<u>Day(s) in travel status</u> <u>(note a)</u>		<u>Transportation</u> <u>costs</u>	<u>Per diem and</u> <u>other expenses</u>	<u>Amount</u> <u>reimbursed</u>
			<u>Calendar</u>	<u>Business</u> <u>(note b)</u>			
<u>1976</u>							
Oct. 18	Chicago, Ill.	Speech	1	1	\$142.00	\$14.04	\$14.04
<u>1977</u>							
Mar. 30	New York, N.Y.	Speech	1	1	<u>76.00</u>	<u>48.04</u>	<u>48.04</u>
			2	2	<u>\$218.00</u>	<u>\$62.08</u>	<u>\$62.08</u>

a/A business day is any weekday other than a Federal holiday.

b/For this analysis, we counted both the day the travel started and ended as full days, regardless of the time of day the trip started or ended.

SUMMARY OF CONSUMER PRODUCT SAFETY COMMISSIONERS' TRAVELFOR R. DAVID PITTLE, OCTOBER 15, 1976-OCTOBER 15, 1977

<u>Date(s)</u>	<u>Location(s)</u>	<u>Purpose</u>	<u>Day(s) in travel status</u> (note a)		<u>Transportation costs</u>	<u>Per diem and other expenses</u>	<u>Amount reimbursed</u>
			<u>Calendar</u>	<u>Business (note b)</u>			
<u>1976</u>							
Oct. 18-19	Milwaukee, Wis.	Speech	2	2	\$ 144.00	\$ 77.15	\$ 77.15
Nov. 8	New Orleans, La.	Speech	1	1	194.00	46.00	46.00
Nov. 17	Buffalo, N.Y.	Speech	1	1	88.00	22.60	22.60
Dec. 10	St. Louis, Mo.	Speech	1	1	158.00	49.00	49.00
Dec. 14-15	Tucson, Ariz.	Speech	3	3	330.00	110.50	110.50
<u>1977</u>							
Jan. 27-28	Los Angeles, Calif.	Speech	2	1	384.00	74.35	74.35
May 9	Chicago, Ill.	Speech	1	1	144.00	40.00	40.00
May 25-26	Harrisburg, Pa.	Speech	2	2	62.00	35.75	35.75
June 13-14	Kansas City, Mo.	Speech	2	2	194.00	76.68	76.68
June 27-28	Rindge, N.H.	Speech	2	2	165.76	30.25	30.25
Oct. 12	Houston, Tex.	Speech	1	1	236.00	52.00	52.00
			<u>18</u>	<u>17</u>	<u>\$2,099.76</u>	<u>\$614.28</u>	<u>\$614.28</u>

a/A business day is any weekday other than a Federal holiday.

b/For this analysis, we counted both the day the travel started and ended as full days, regardless of the time of day the trip started or ended.

SUMMARY OF CONSUMER PRODUCT SAFETY COMMISSIONERS' TRAVEL
FOR THADDEUS A. GARRETT, JR., OCTOBER 15, 1976-OCTOBER 15, 1977

<u>Date(s)</u>	<u>Location(s)</u>	<u>Purpose</u>	<u>Day(s) in travel status</u>		<u>Transportation costs</u>	<u>Per diem and other expenses</u>	<u>Amount reimbursed</u>
			<u>Calendar</u>	<u>Business (note b)</u>			
<u>1977</u>							
Feb. 10-16	San Francisco and Los Angeles, Calif.	Hearings	7	5	\$ 443.00	\$ 80.95	\$ 80.95
June 19-21	Portland, Oreg.	Speech	3	2	392.00	92.55	92.55
July 18-23	Los Angeles, Calif.	Speech	6	5	392.00	80.00	60.00
Sept. 25-27	San Francisco, Calif.	Speech	3	2	400.00	48.00	48.00
			<u>19</u>	<u>14</u>	<u>\$1,627.00</u>	<u>\$301.50</u>	<u>\$301.50</u>

a/A business day is any weekday other than a Federal holiday.

b/For this analysis, we counted both the day the travel started and ended as full days, regardless of the time of day the trip started or ended.



EXCERPTS FROM 16 C.F.R. 1012--MEETINGS: ADVANCE PUBLIC NOTICE,
PUBLIC ATTENDANCE AND RECORDKEEPING

§ 1012.1 General policy considerations.

(a) In enacting the Government in the Sunshine Act (Pub. L. 94-409, 5 U.S.C. 552b), the Congress stated the policy that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government. The purpose of the Government in the Sunshine Act is to provide the public with such information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Accordingly, when the Commissioners of the Consumer Product Safety Commission hold meetings for the purpose of jointly conducting or disposing of Commission business, the meetings shall be held in accordance with the provisions of the Government in the Sunshine Act.

(b)(1) In order for the Consumer Product Safety Commission to properly carry out its mandate to protect the public from unreasonable risks of injury associated with consumer products, the Commission has determined that it must involve the public to the fullest possible extent in its activities.

(2) To guarantee public confidence in the integrity of Commission decisionmaking, the Agency will, to the fullest possible extent, conduct its business in an open manner which is free from any actual or apparent impropriety.

(3) To achieve the goals set forth in paragraphs (b) (1) and (2), the Commission believes that, wherever practicable, it should notify the public in advance of all Agency meetings involving matters of substantial interest held or attended by its personnel and permit the public to attend such meetings. Furthermore, to ensure the widest possible exposure of the details of such meetings, the Agency will keep records of them which are freely available for inspection by the public.

§ 1012.2 Definitions.

As used in this Part 1012, the following terms shall have the meanings set forth:

* * * * *

(h) *Outside party.* Any person not an employee, not under contract to do work for the Agency, or not acting in an official capacity as a consultant to the Consumer Product Safety Commission, such as advisory committee

members or offeror personnel. Examples of persons falling within this definition are representatives from industry, consumer groups and other government bodies. Members of the news media are not considered to be outside parties when acting in a news-gathering capacity. (See also § 1012.7).

(i) *Substantial interest matter.* Any matter, other than that of a trivial nature, that pertains in whole or in part to any issue that is likely to be the subject of a regulatory or policy decision by the Commission. Pending matters, i.e., matters before the Agency in which the Agency is legally obligated to make a decision, automatically constitute substantial interest matters. Examples of pending matters are: scheduled administrative hearings; matters published for public comment; petitions under consideration; and mandatory standard development activities. The following examples do not constitute substantial interest matters: inquiries concerning the status of a pending matter; discussions relative to general interpretations of existing laws, rules, and regulations; inspection of nonconfidential CPSC documents by the public; negotiations for contractual services; and routine CPSC activities such as recruitment, training, meetings involving consumer deputies, or meetings with hospital staff and other personnel involved in the National Electronic Injury Surveillance System.

(j) *Public announcement.* A matter is publicly announced when it is entered on the master calendar or public calendar or both.

§ 1012.3 Forms of advance public notice of meetings; public calendar/master calendar and Federal Register.

Advance notice of Agency activities is provided to the public so that it may know of and participate in these activities to the fullest extent possible. Where appropriate, the Commission uses the following types of notices for both Agency meetings involving substantial interest matters and Commission meetings.

(a) *Public calendar/master calendar.*

(1) The printed public calendar and the master calendar maintained in the Office of the Secretary are the principal means by which the Agency notifies the public of its day-to-day activities. The public calendar and/or master calendar provide advance notice of public hearings, Commission meetings, Agency meetings with out-



side parties involving substantial interest matters, selected staff meetings, advisory committee meetings, and other events such as speeches, and participation in panel discussions, regardless of the location. The public calendar also lists recent CPSC FEDERAL REGISTER issuances and Advisory Opinions of the Office of the General Counsel.

* * * * *

(3) The master calendar, supplemented by meeting summaries, is intended to serve the requirements of section 27(j)(8) of the Consumer Product Safety Act (15 U.S.C. 2078(j)(8)).

(4) Commissioners and Agency staff are responsible for reporting meeting arrangements for Agency meetings to the Office of the Secretary so that they may be published in the printed public calendar or entered on the master calendar at least seven days before a meeting, except as provided in § 1012.5(b)(1). Such reports shall include the following information:

(i) Probable participants and their affiliations;

(ii) Date, time and place of the meeting;

(iii) Subject of the meeting (as fully and precisely designated as possible);

(iv) Who requested the meeting;

(v) Whether the meeting involves matters of substantial interest;

(vi) Notice that the meeting is open or reason why the meeting or any portion of the meeting is closed (e.g., discussion of trade secrets); and

(vii) Names and telephone number of the CPSC host or contact person.

(5) The Secretary of the Commission is responsible for preparing and making public the announcements and notices relating to Commission meetings that are required in §§ 1012.4 (a) and (b).

(b) *Federal Register*. The FEDERAL REGISTER is the publication through which official notifications, including formal rules and regulations of the Agency, are made. Because the public calendar and/or master calendar are the primary devices through which the Agency notifies the public of its routine, daily activities, the FEDERAL REGISTER will be utilized only when required by the Government in the Sunshine Act (as provided in § 1012.4 (a) and (b)) or other applicable law, or when the Agency believes that the additional coverage which the FEDERAL REGISTER can provide is necessary to assist in notification to the public of important meetings.

* * * * *

§ 1012.5 Agency meetings: requirements for advance public notice and attendance by the public.

For the purpose of implementing the Agency's meetings policy, meetings which involve Agency staff or the Commissioners, other than Commission meetings, shall be classified in the following categories and shall be held according to the procedures outlined within each category.

(a) *Hearings*. Hearings are public inquiries held by direction of the Commission for the purpose of fact finding or to comply with statutory requirements. The Office of the Secretary is responsible for providing transcription services at the hearings. Where possible, notice of forthcoming hearings will be published in the public calendar and the FEDERAL REGISTER at least 30 days before the date of the hearings.

(b) *Meetings, between Commissioners or Agency staff and outside parties*. The following requirements shall apply to Agency meetings between Commissioners or Agency staff and outside parties whether hosted or attended at Agency premises or at the premises of outside parties, or at any other location:

(i) *Notice*. (i)(A) Notice of Agency meetings with outside parties involving substantial interest matters shall be published in the public calendar or entered on the master calendar at least seven days before a meeting. Any Agency employee planning to host or attend such meeting must notify the Office of the Secretary as provided in § 1012.3(a)(4). Once notification has been made, Agency employees subsequently desiring to attend the meeting need not notify the Office of the Secretary.

(B) When there is no opportunity to give 7 days advance notice of a meeting, Agency staff (other than the personal staff or Commissioners) who desire to hold or attend such meeting must obtain the approval of the Office of the Chairman. Personal staff of Commissioners must obtain the approval of their respective Commissioners. If such approval is obtained, the Office of the Secretary must be notified in advance of the meeting to record the meeting on the master calendar. The Office of the Secretary shall publish notice of the meeting as an addendum to the succeeding public calendar. Because it could unduly com-

promise the independence of individual Commissioners, they need not obtain the permission of the Chairman to hold or attend an emergency unscheduled meeting. Listing of the meeting in the master calendar is still required.

(ii) *Exceptions.* The notice requirement shall not apply to:

(A) Meetings with outside parties not involving substantial interest matters (although such meetings should be listed where the public interest would be served).

(B) Meetings regarding initial notifications pursuant to section 15(b) of the Consumer Product Safety Act. However, subsequent meetings are not excepted from the notice requirement.

(C) Meetings held during the normal course of field surveillance, inspection or investigation of a person or company, including informal citation hearings under the Federal Hazardous Substances Act or the Poison Prevention Packaging Act. However, advance notice is required for any negotiation meetings leading to settlement of individual cases.

(D) Meetings or discussions with or at the request of members of Congress and their staffs, or Office of Management and Budget personnel relating to legislation or appropriation matters.

(E) Meetings with Department of Justice employees regarding litigation matters.

(F) Routine speeches given by CPSC personnel before outside parties. However, personnel are encouraged to submit advance notice of these speeches to the Office of the Secretary for inclusion in the public calendar, for information purposes.

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§ 1012.6 Recordkeeping requirements.

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(1) *Agency Meeting Summaries.* (i) Meeting summaries are written records setting forth the issues discussed at all Agency meetings with outside parties involving substantial interest

matters. Any Commission employee who holds or attends an Agency meeting involving a substantial interest matter must prepare a meeting summary. However, only one meeting summary is required for each meeting, even if more than one CPSC employee holds or attends the meeting. A meeting summary should detail the essence of all substantive matters relevant to the Agency, especially any matter discussed which was not listed on the public calendar and should describe any decisions made or conclusions reached regarding substantial interest matters. A meeting summary should also indicate the date and the identity of persons at the meeting.

(ii) A meeting summary or a notice of cancellation of the meeting must be submitted to the Office of the Secretary within twenty (20) calendar days after the meeting for which the summary is required. The Office of the Secretary shall maintain a public file of the meeting summaries in chronological order.

(2) *Transcripts.* Transcripts are generally taken at public hearings and certain Agency meetings when complex subjects indicate verbatim records are desirable. The transcript may also include exhibits submitted to be part of the formal record of an Agency meeting. Copies of such transcripts are placed on file for public inspection in the Office of the Secretary.

§ 1012.7 Agency meetings: The news media.

The Agency recognizes that the news media occupy a unique position relative to informing the public of the activities of the Agency. It is believed that the inherently public nature of the news media requires that their activities be exempt from the requirements of this Part whenever Agency meetings are held with the news media for the purpose of informing them about Agency activities. Such Agency meetings are not exempt in the event that any representative of the news media attempts to influence any Agency employee on a substantial interest matter.

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