

Subpart L—Civil Penalty Adjustments Under the Debt Collection Improvement Act of 1996

Sec.

1.98 Adjustment of civil monetary penalty amounts.

Authority: Pub. L. 101-410 (28 U.S.C. 2461 note), as amended by sec. 31001(s), Pub. L. 104-134 (Apr. 26, 1996), 110 Stat. 3009 *et seq.*

Subpart L—Civil Penalty Adjustments Under the Debt Collection Improvement Act of 1996**§ 1.98 Adjustment of civil monetary penalty amounts.**

Effective November 20, 1996, dollar amounts specified in civil monetary penalty provisions within the Commission's jurisdiction are adjusted for inflation in accordance with paragraphs (a) through (l) of this section. The adjustments set forth in this section apply to violations occurring after November 20, 1996. The adjustments are as follows:

(a) Clayton Act section 7A(g)(1), 15 U.S.C. 18a(g)(1), adjusted from \$10,000 to \$11,000 per violation;

(b) Clayton Act section 11(j), 15 U.S.C. 21(j), adjusted from \$5,000 to \$5,500 per violation;

(c) FTC Act section 5(l), 15 U.S.C. 45(l), adjusted from \$10,000 to \$11,000 per violation;

(d) FTC Act section 5(m)(1)(A), 15 U.S.C. 45(m)(1)(A), adjusted from \$10,000 to \$11,000 per violation;

(e) FTC Act section 5(m)(1)(B), 15 U.S.C. 45(m)(1)(B), adjusted from \$10,000 to \$11,000 per violation;

(f) FTC Act section 10, 15 U.S.C. 50, adjusted from \$100 to \$110 per violation;

(g) Webb-Pomerene (Export Trade) Act section 5, 15 U.S.C. 65, adjusted from \$100 to \$110 per violation;

(h) Wool Products Labeling Act section 6(b), 15 U.S.C. 68d(b), adjusted from \$100 to \$110 per violation;

(i) Fur Products Labeling Act section 3(e), 15 U.S.C. 69a(e), adjusted from \$100 to \$110 per violation;

(j) Fur Products Labeling Act section 8(d)(2), 15 U.S.C. 69f(d)(2), adjusted from \$100 to \$110 per violation;

(k) Energy Policy and Conservation Act section 333(a), 42 U.S.C. 6303(a), adjusted from \$100 to \$110 per violation; and

(l) Civil monetary penalties authorized by reference to the Federal Trade Commission Act under any other provision of law within the jurisdiction of the Commission, adjusted in accordance with paragraphs (c), (d), (e) and (f) of this section, as applicable.

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS**PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT ("APPLIANCE LABELING RULE")**

4. The authority for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

5. Section 305.4 is amended by revising the introductory text of paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 305.4 Prohibited acts.

(a) It shall be unlawful and subject to the enforcement penalties of section 333 of the Act, as adjusted for inflation pursuant to § 1.98 of this chapter, for each unit of any new covered product to which the part applies:

* * * * *

(b) It shall be unlawful and subject to the enforcement penalties of section 333 of the Act, as adjusted for inflation pursuant to § 1.98 of this chapter, for any manufacturer or private labeler knowingly to:

* * * * *

PART 306—AUTOMOTIVE FUEL RATINGS, CERTIFICATION AND POSTING

6. The authority for Part 306 continues to read as follows:

Authority: 15 U.S.C. 2801 *et seq.*

7. Section 306.1 is amended by revising the last sentence to read as follows:

§ 306.1 What this rule does.

* * * You can be fined up to \$10,000 (plus an adjustment for inflation, under § 1.98 of this chapter each time you break a rule.

SUBCHAPTER D—TRADE REGULATION RULES**PART 460—LABELING AND ADVERTISING OF HOME INSULATION**

8. The authority for Part 460 is revised to read as follows:

Authority: 38 Stat. 717, as amended (15 U.S.C. 41 *et seq.*).

9. Section 460.1 is amended by revising the last sentence to read as follows:

§ 460.1 What this regulation does.

* * * You can be fined heavily (up to \$10,000 plus an adjustment for

inflation, under § 1.98 of this chapter each time you break a rule.

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 96-26495 Filed 10-18-96; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION**16 CFR Part 1500****Hazardous Substances and Articles: Administration and Enforcement Regulations**

AGENCY: Consumer Product Safety Commission.

ACTION: Revocation of statement of policy.

SUMMARY: The Commission revokes the statement of policy under the Federal Hazardous Substances Act that sets forth examples of a hazard warning label acceptable for containers of ethylene glycol-base radiator antifreeze. The examples contain first aid instructions—to induce vomiting—that are no longer appropriate.

DATES: The revocation is effective October 21, 1996. It applies to products introduced into commerce on or after October 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Toro, Division of Regulatory Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0400 ext. 1378.

SUPPLEMENTARY INFORMATION:**A. Background**

Radiator antifreeze containing ethylene glycol is a hazardous substance which must be labeled in accordance with the requirements of the Federal Hazardous Substances Act ("FHSA"). Before the Consumer Product Safety Commission ("the Commission") existed, the Food and Drug Administration ("FDA") was responsible for implementing the FHSA. When Congress established the Commission it transferred to the Commission the authority to administer the FHSA. 15 U.S.C. 2079(a). In 1967, the FDA issued a policy statement describing two labels for ethylene glycol-base radiator antifreeze that would meet the labeling requirements of the FHSA. 16 CFR 1500.132. The suggested labeling provides:

WARNING—HARMFUL OR FATAL IF SWALLOWED

Do not drink antifreeze or solution. If swallowed, induce vomiting immediately.

Call a physician. Ethylene glycol base. Do not store in open or unlabeled containers. Keep out of reach of children.

Id. 1500.132(b)(1) (emphasis added). A slightly different example (also containing the underlined first aid instructions) is provided for antifreeze containing between 0.01 percent and 1 percent of sodium arsenate. *Id.*

1500.132(b)(2). As explained below, the Commission believes that the underlined first aid instruction to induce vomiting is no longer appropriate for ethylene glycol.

B. FHSA Requirements

Under section 2(p)(1) of the FHSA, a hazardous substance (such as ethylene glycol-base radiator antifreeze) that is "intended, or packaged in a form suitable, for use in the household or by children" must bear appropriate hazard labeling. 15 U.S.C. 1261(p)(1). A hazardous substance that does not bear the labeling specified by section 2(p)(1) of the FHSA is misbranded and its introduction or receipt in interstate commerce is a prohibited act under the FHSA, 15 U.S.C. 1263, subjecting the violator to certain penalties, 15 U.S.C. 1264.

To satisfy section 2(p)(1), the label on such a hazardous substance must provide: the name and place of the manufacturer, packer, distributor or seller; the chemical name of the hazardous substance; the appropriate signal word; a statement of the principal hazard or hazards; precautionary measures; first aid instruction when appropriate or necessary; the word "poison" if appropriate; instructions for handling and storage if necessary; the statement "Keep out of reach of children" or, if intended for children, directions for protection of children. 15 U.S.C. 1261(p)(1) (A)-(J).

In addition to these requirements, ethylene glycol-base radiator antifreeze is also subject to special labeling requirements issued under section 3(b) of the FHSA. 15 U.S.C. 1262(b). According to these requirements, ethylene glycol and mixtures containing 10 percent or more by weight of ethylene glycol must be labeled with the signal word "warning" and the statement "Harmful or fatal if swallowed." 16 CFR 1500.14(b)(2). A product that does not meet these requirements would be considered misbranded and subject to penalties. 15 U.S.C. 1262(b) and 1263.

The statement of policy that the Commission is revoking sets forth examples of a hazard warning label for ethylene glycol-base radiator antifreeze that would meet the FHSA requirements. Although the Commission

is not specifying an alternative labeling example at this time, manufacturers continue to be responsible for properly labeling their product so that it meets the requirements of section 2(p)(1) of the FHSA and the additional requirements at 16 CFR 1500.14(b)(1).

C. New Information

At the time FDA published the example of hazard labeling for ethylene glycol-base radiator antifreeze, the most common technique to reduce gastrointestinal absorption of most ingested poisons was to induce emesis (vomiting) with syrup of ipecac. However, current medical information indicates that this practice is often ineffective in reducing absorption of a toxin when administered more than one hour after ingestion. In addition, syrup of ipecac may not be appropriate in certain circumstances (e.g., certain pre-existing medical conditions, or ingestion of caustics, petroleum distillates, or chemicals known to induce seizures). Thus, the use of syrup of ipecac has declined, and the American Association of Poison Control Centers, PoisIndex, and the American Association of Pediatrics now recommend consulting a medical professional before inducing vomiting for ingestion of any toxic substance.

For the following reasons, inducing emesis with syrup of ipecac is particularly inappropriate when ethylene glycol has been ingested:

(1) Ethylene glycol is absorbed rapidly with blood levels reaching their peak 1 to 4 hours after ingestion. Since syrup of ipecac requires 20-30 minutes to produce vomiting, it would probably only be effective if administered immediately.

(2) Because ethylene glycol can itself cause nausea and vomiting, syrup of ipecac would provide no additional benefit.

(3) With recent improvements in diagnostic techniques and medical treatment, the drawbacks of administering syrup of ipecac in an individual case weigh more strongly than they would have previously.

(4) Ingestion of ethylene glycol can produce central nervous system (CNS) depression and seizures. When these are combined with the multiple episodes of vomiting that syrup of ipecac can induce, the risk of serious injury increases.

For these reasons, the Commission no longer believes that the first aid instruction to induce vomiting when ethylene glycol has been ingested is proper.

D. Appropriate Labeling

As stated above, revocation of the labeling example does not relieve manufacturers of their obligation to label ethylene glycol-containing products appropriately. The Commission believes that other aspects of the labeling example continue to be appropriate. However, labeling must provide an alternative first aid instruction. The Commission suggests the statement "If swallowed, IMMEDIATELY contact a poison control center, emergency treatment center, or physician." This statement is simply one possibility, and similar statements would also be appropriate.

The Commission is not issuing a statement of policy providing a new labeling example. Currently, CPSC staff is revising the Commission's Hazardous Substances Labeling Guide (the "Guide"). The Guide was originally developed in 1979 to assist manufacturers and staff in devising warning labels that would meet the requirements of the FHSA. Since that time, changes have occurred in toxicity data and labeling practices. The staff is revising the Guide to reflect those changes. The Guide should be finalized in 1998 and will address labeling for ethylene glycol-base antifreeze as well as other products.

E. Revocation

As explained above, the Commission is revoking the suggested labeling for ethylene glycol-base radiator antifreeze because the first aid instruction is no longer medically appropriate. The Administrative Procedure Act ("APA") generally requires agencies to publish a notice of proposed rulemaking and provide an opportunity for the public to comment before issuing or revoking regulations. 5 U.S.C. 553(b) and (c). However, notice and comment is not required for statements of policy. *Id.* 553(b)(3)(A). Because the labeling examples at 16 CFR 1500.132 were issued as a statement of policy, the Commission is not providing for notice and comment.

Similarly, the APA generally requires that rules be published at least 30 days before their effective date. 5 U.S.C. 553(d). However, this is not necessary for statements of policy. *Id.* 553(d)(2). Therefore, this revocation takes effect immediately.

F. Implementation

The Commission recognizes that manufacturers have relied on the warning label examples for many years and that these companies will need time to change their product labels. Thus,

although the revocation is effective immediately, the Commission will delay enforcement to coincide with the product's annual production and packaging period. According to information provided by the industry to CPSC staff, annual production of the antifreeze begins in May, and labels are generally ordered prior to production. Therefore, ethylene glycol antifreeze introduced into commerce after April 1, 1997 will be expected to bear appropriate first aid instructions that satisfy the FHSA requirements. Until that time, the staff will work with affected manufacturers to develop appropriate labeling. This delay should allow sufficient time for manufacturers to make appropriate labeling changes before marketing their 1997 products.

If a manufacturer anticipates difficulty meeting this enforcement date, he or she may request additional time by writing to David Schmeltzer, Assistant Executive Director for Compliance, Office of Compliance, U.S. Consumer Product Safety Commission, Washington, D.C. 20207. Such requests must provide a full explanation and justification of the need for additional time and documentation of claims that the firm would experience financial hardship meeting the April 1, 1997 date.

Reference Documents

The following documents contain information relevant to this rulemaking proceeding and are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, Washington, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

1. Briefing Memorandum with attached briefing package, October 1, 1996.
2. Memorandum from Susan Aitken, Ph.D., ESPS, to Mary Ann Danello, Ph.D., Associate Executive Director ESPS, "Toxicity and Treatment of Accidental Ingestions of Ethylene Glycol" May 28, 1996.
3. Memorandum from Robert Ochsman, Ph.D., to Susan Aitken, Ph.D., ESPS, "Revised Warning Labels for Radiator Antifreeze Containing Ethylene Glycol," June 5, 1996.
4. Memorandum from Robert Franklin, EPSS, to Susan Aitken, Ph.D., ESPS, "Antifreeze Market Information," August 16, 1996.
5. Memorandum from Robert Poth, Director CRM, Office of Compliance, "Revised First-Aid for Ethylene Glycol Antifreeze," August 27, 1996.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous materials, Hazardous substances,

Labeling, Packaging and containers, and Toxic substances.

Conclusion

Under the authority of section 553 of the Administrative Procedure Act and sections 2(p)(1), 3(b) and 10(a) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)(1), 1262(b), 1269(a)), the Commission amends part 1500 of 16 CFR chapter II as follows:

PART 1500—[AMENDED]

1. The authority for part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261-1278.

§ 1500.132 [Removed and reserved]

2. Section 1500.132 is removed and reserved.

Dated: October 15, 1996.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 96-26824 Filed 10-18-96; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 111

[T.D. 96-76]

Annual User Fee for Customs Broker Permit; General Notice

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of due date for broker user fee.

SUMMARY: This is to advise Customs brokers that for 1997 the annual user fee of \$125 that is assessed for each permit held by an individual, partnership, association or corporate broker is due by January 10, 1997. This announcement is being published to comply with the Tax Reform Act of 1986.

DATES: Due date for fee: January 10, 1997.

FOR FURTHER INFORMATION CONTACT: Adline Tatum, Entry (202) 927-0380.

SUPPLEMENTARY INFORMATION: Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272) established that an annual user fee of \$125 is to be assessed for each Customs broker permit held by an individual, partnership, association, or corporation. This fee is set forth in the Customs Regulations in section 111.96 (19 CFR 111.96).

Section 111.96, Customs Regulations, provides that the fee is payable for each

calendar year in each Broker district where the broker was issued a permit to do business by the due date which will be published in the Federal Register annually. Broker districts are defined in the General Notice published in the Federal Register, Volume 60, No. 187, Wednesday, September 27, 1995.

Section 1893 of the Tax Reform Act of 1986 (Pub. L. 99-514), provides that notices of the date on which a payment is due of the user fee for each broker permit shall be published by the Secretary of the Treasury in the Federal Register by no later than 60 days before such due date. This document notifies brokers that for 1997, the due date for payment of the user fee is January 10, 1997. It is expected that annual user fees for brokers for subsequent years will be due on or about the third of January of each year.

Dated: October 15, 1996.

Philip Metzger,

Director, Trade Compliance.

[FR Doc. 96-26839 Filed 10-18-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Indian Arts and Crafts Board

25 CFR Part 309

RIN 1090-AA45

Protection for Products of Indian Art and Craftsmanship

AGENCY: Indian Arts and Crafts Board (IACB), DOI.

ACTION: Final rule.

SUMMARY: This rule adopts regulations to carry out Public Law 101-644, the Indian Arts and Crafts Act of 1990. The regulations define the nature and Indian origin of products that the law covers and specify procedures for carrying out the law. The trademark provisions of the Act are not included in this rulemaking and will be treated at a later time.

EFFECTIVE DATES: November 20, 1996.

FOR FURTHER INFORMATION CONTACT: Meridith Z. Stanton or Geoffrey E. Stamm, Indian Arts and Crafts Board, Room 4004-MIB, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240, telephone 202-208-3773 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The Act of August 27, 1935 (49 Stat. 891; 25 U.S.C. 305 et seq.; 18 U.S.C. 1158-59), created the Indian Arts and Crafts Board. The Board is responsible for promoting the development of