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June 1, 1973

Honorable Benjamin A. Gilman
House of Representatives
Washington, D. C. 20515

Dear Mr. Gilman:

This is in further reference to your April 19 letter to the Food and Drug Administration on behalf of Mr. Jerrold Wolfset, I. B. Wolfset and Company, Inc., concerning the administration of child protection legislation.

Responsibility for enforcing the provisions of the Poison Prevention Packaging Act and the Federal Hazardous Substances Act, as amended by the Child Protection and Toy Safety Act of 1969, has been recently transferred from the Food and Drug Administration to the new Consumer Product Safety Commission.

Toys and other articles intended for use by children are subject to the provisions of the Federal Hazardous Substances Act, as amended by the Child Protection and Toy Safety Act of 1969. The Act provides for the banning, by regulation, of those children's articles that present an electrical, mechanical, and/or thermal hazard. The Act does not set a limit as to the retroactivity of the banning regulations nor does it make provision for granting temporary relief.

The Poison Prevention Packaging Act provides for the promulgation of regulations requiring safety closures and other safety packaging for toxic or harmful household substances that may be accidentally ingested by children.

The Act specifies that a packaging standard shall not be effective sooner than 180 days after promulgation of the final order and that in no event shall such date be later than one year from publication. Further, the Act states that substances packaged prior to the effective date of any final order are not subject to regulatory action.

The preamble to the enclosed Federal Register notice regarding certain aspirin containers outlines the reasoning of the Food and Drug Administration in granting the four-month extension. It

should be noted from the discussion in the preamble that the non-availability of complying containers was the issue upon which the Food and Drug Administration decided the question--not the necessity for using noncomplying container stocks on hand.

Sincerely yours,

Richard O. Simpson
Chairman

Enclosure

Prepared by: CPSC/TDzenitis, 496-7631
Revised by: JWLocke, 496-7601, 5/24/73 and 5/31/73
Revised by: SParent/MABrown:tdr:6/1/73

bc: R. Simpson
The Secretary
J. Locke
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