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MAY 3 1974

Mr. Paul E. Phillips
Consumer Safety Officer
Cleveland Area Officer, CPSC
BEB Annex
21046 Brookpark Road
Cleveland, Ohio 44135

Dear Re: Request for Interpretation of DOC FF 4-72

Dear Mr. Phillips:

(1) You are correct in your understanding that .2(c) of DOC FF 4-72, (Flammability Standard for Mattresses) which excludes from coverage mattresses subject to the Motor Vehicle Safety Standard 302, does not at the present time exclude any mattresses because Motor Vehicle Safety Standard 302 does not currently apply to mattresses. As you stated, the National Highway Traffic Safety Administration has proposed an amendment to that standard to include mattresses but has taken no final action.

(2) Our office has interpreted the statement in FF 4-72, "...unless also intended or promoted for uses included in .1(a)" as meaning the Commission would not have jurisdiction over mattresses installed exclusively in multipurpose passenger vehicles (assuming NHTSA adds mattresses to their standard). If the mattresses are also intended for use outside a multipurpose passenger vehicle, they must comply with the CPSC flammability standard. A copy of a letter concerning this matter is attached for your information. (To Kaplan, Apr. 4, 1974)

(3) We will advise you of our decision concerning mattresses installed in station wagons as soon as possible.

We appreciate your bringing these matters to our attention.

Sincerely,

Michael A. Brown
General Counsel

Enclosure

cc:
Harry J. Jettke
Acting Director
Cleveland Area Office
AHSchoem:epj:5/2/74 AHS
cc: M. Freeston
gc chron
gc files
gc reading
C. Boehne, OFC

ADVISORY OPINION

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Ms. Margaret Freeston
Office of General Counsel, CPSC

DATE: March 26, 1974

FROM : Paul E. Phillips, Consumer Safety Officer
CPSC, Cleveland Area Office

SUBJECT: Request for Interpretation
(Reference: Telecon Phillips/Freeston, 3-25-74)

Pursuant to our telephone conversation of March 25, 1974, please provide an official interpretation and clarification of the following:

(1)... The validity and applicability of .2(c) of DOC FF 4-72: Flammability Standard for Mattresses, as amended.

Comment: It is my understanding that Motor Vehicle Safety Standard 302 does not include "mattresses" as components of vehicle occupant compartments subject to the requirements of S4.3 of MVSS 302, a standard under the enforcement jurisdiction of the National Highway Traffic Safety Administration. A proposed amendment to MVSS 302, which would substitute "mattresses" for "mattress covers" in Paragraph S4.1 of MVSS 302, was proposed in 38 F.R. 18564, July 12, 1973; however it is my understanding that a final order on this proposal has not been published in the Federal Register, but rather that action on the proposal is still pending.

It is my contention, therefore, that .2(c) of DOC FF 4-72 is not valid and applicable because there are no mattresses as defined in FF 4-72 .1(a) which are currently subject to DOT requirements under MVSS 302.

(2)... What is meant by the following statement in FF 4-72, .2(c): "...unless also intended or promoted for uses included in .1(a)." That is to say, What are the uses described in .1(a)?

An interpretation and clarification of the above would be most appreciated.

Paul E Phillips

Paul E. Phillips, CSO
CPSC, CLE-AO

cc: Harry J. Jettke, Acting Director
CPSC, Cleveland Area Office