Secretary

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CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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26 JUN 1974

Fred A. Manuele
M & M Protection Consultants
Marlennan Plaza
222 South Riverside
Chicago, IL 60606

Dear Mr. Manuele:

This is in reply to your letter of June 13, 1974, concerning the applicability of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) to consumer products manufactured after the Consumer Product Safety Commission was established (May 14, 1973).

Regulations concerning substantial product hazard notifications were issued in the Federal Register of February 19, 1974 (39 F.R. 6061) (copy enclosed). You will note in the preamble at P.6067, the pertinent part of which is underlined for your convenience, a discussion concerning the question you raise in your letter. The language concludes that if manufacturers, distributors or retailers obtain information after May 14, 1973, which reasonably supports the conclusion that a consumer product previously distributed in commerce contains a defect, they are required to notify the Commission in accordance with section 15 of the Act.

Thank you for your interest.

Sincerely,

Michael A. Brown

Michael A. Brown
General Counsel

Enclosure

M & M Protection Consultants
A Service of Marsh & McLennan
Marsh and Plaza, 222 South Riverside, Chicago, Illinois 60606 312/648-6000

MARSH & McLENNA

June 13, 1974

→ D.S.

Mr. Michael Brown
General Council
U. S. Consumer Product
Safety Commission
Washington, D. C. 20207

Dear Mr. Brown:

Representatives of M & M Protection Consultants have conducted several workshops for clients of Marsh & McLennan during which a thorough review takes place of all of the materials in the attached kit titled "Consumer Product Safety Act - Product Loss Control".

One question has arisen for which we have not been able to properly respond and I wonder whether you might have a member of your staff give us some guidance.

Although, there is a specific indication in Section 9 (D) of the Act that "a consumer product safety standard shall be applicable only to consumer products manufactured after the effective date", we are unable to find any reference in Section 15 that a manufacturer, or distributor or retailer of consumer products is or is not required to give notice to the Commission of a product which contains a defect which could create a substantial product hazard, if the product was manufactured and distributed long before the effective date of the Consumer Product Safety Act.

Assume that a manufacturer distributed a large quantity of a particular consumer product ten years ago and it is just now becoming known to him that many of those products are developing defects which create a substantial risk of injury, is the manufacturer required to report the defect to the Consumer Product Safety Commission?

Your assistance in this matter will be greatly appreciated.

Cordially yours,

Fred A. Manuele

Fred A. Manuele
Vice President

FAM:dt
Attachment