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Secretary

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JUL 1974

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OFFICE OF THE SECRETARY
JUL 26 10 39 AM '74
CONSUMER PRODUCT SAFETY COMMISSION

ADVISORY

Mr. Alan B. Campbell, MSW
Assistant Superintendent
Special Services
St. Luke's Methodist Hospital
1026 A Avenue, NE
Cedar Rapids, Iowa 52402

Dear Mr. Campbell:

The Office of Consumer Affairs has forwarded to us your June 3, 1974 letter concerning the manufacture of copper-coated BB's. The Consumer Product Safety Commission does possess jurisdiction under the Federal Hazardous Substances Act to regulate the BB's that you describe. If for some reason the risk of injury from such BB's could not be eliminated or reduced under that Act, the Commission then has jurisdiction to regulate them under the Consumer Product Safety Act.

Please note, however, that the correspondence we have thus far received does not adequately constitute a petition for regulation. If you desire such consideration by this office, you must send us a letter which includes the following: a description of the substance or article which allegedly needs regulation, a statement setting forth the hazard, any information or materials that support the regulatory need, and a request for appropriate relief. We enclose a copy of the stated procedure for a petition under the Hazardous Substances Act (the Food and Drug Administration formerly administered this Act) for general guidance, but a letter containing the information described above is sufficient.

Although we are under no formal obligation to respond to these petitions within 120 days, we try to do so. If we do not receive a petition from you in this matter of copper-coated BB's, we will consider the correspondence already in our possession as a complaint. As such, it will receive careful but less formal consideration in our ongoing regulatory processes than does a petition.

Thank you for your interest in product safety.

Sincerely,

Original signed by
Michael A. Brown

Michael A. Brown
General Counsel

OFFICE OF CONSUMER AFFAIRS
WASHINGTON, D C 20201

RECEIVED
OFFICE OF THE SECRETARY
JUL 9 12 25 PM '74
CONSUMER PRODUCT
SAFETY COMMISSION

July 1, 1974

Mr. Alan B. Campbell, MSHA
Assistant Superintendent
Special Services
St. Luke's Methodist Hospital
1026 A Avenue N.E.
Cedar Rapids, Iowa 52402

Dear Mr. Campbell:

I sincerely appreciate the interest which prompted you to bring to our attention your concern over the manufacture of copper-coated BBs. You indicated in your letter that the basis for your concern in this matter is two-fold, i.e., dissolved copper can be injurious to eye tissue, and copper does not have magnetic properties like steel and is therefore not readily retrivable by an eye magnet should such a projectile become lodged in the eye.

As part of its responsibility to oversee the safety of consumer products, the Consumer Product Safety Commission has the authority to establish and enforce safety standards for products demonstrated to hold potential abuse for consumers. I am therefore taking the liberty of bringing your comments to the attention of the CPSC for its review and further consideration, and have asked that the agency notify you directly of its conclusions. (I am not certain whether CPSC's jurisdiction is applicable here, but I am sure they will be able to give guidance.)

Your suggestion regarding the release of an educational bulletin by this office certainly warrants further consideration by appropriate OCA staff members. It is very possible that such an article can be released through one of our consumer publications.

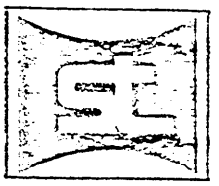
Thank you for bringing this matter to our attention, and we shall continue to watch this potential consumer problem with close attention.

Sincerely,

ORIGINAL SIGNED
Frank E. McLaughlin
Assistant Director for
Program Development and Implementation

cc:
CPSC

ST. LUKE'S Methodist Hospital



LOUIS B. BLAIR
Superintendent

June 3, 1974

Virginia H. Knauer
Special Assistant to the President
for Consumer Affairs
Consumer Product Information Center
Office of Consumer Affairs
Pueblo, Colorado 81009

Dear Ms. Knauer:

We had hoped to elicit the support of the National Safety Council in an effort to prevent the manufacturer of copper BB's which apparently cause additional hazards as foreign bodies. The attached correspondence on this subject is self-explanatory. We are somewhat disappointed that the National Safety Council thinks of this merely as a small part of a large problem.

It would be our suggestion that perhaps something should be prepared in the way of a bulletin by your agency that would assist in the educational process. We would further hope that more could be done than this to effect change in the present manufacturing pattern for these missiles.

Thank you for your comments regarding these thoughts.

Sincerely,

Alan B. Campbell, MSHA, FACHA
Assistant Superintendent
Special Services

ABC:ps

NATIONAL SAFETY COUNCIL

425 NO. MICHIGAN AVE.
CHICAGO, ILLINOIS 606
TELEPHONE { CODE 312
527-4300

May 24, 1974

Mr. Alan B. Campbell
Asst. Supt., Spec. Serv.
St. Luke's Methodist Hospital
1026 A Ave., N. E.
Cedar Rapids, IA 52402

Dear Mr. Campbell:

Received your letter of May 7, 1974 concerning some action to be taken to prohibit the manufacture of BBs from copper.

I am sure that to secure or realize such a law would be a voluminous time-consuming task that would accomplish very little. If the copper coating alloy was restricted, the manufacturers would most certainly use another coating to cover the lead BBs.

Perhaps, the restriction against guns or rifles using gas or air as a propellant might be a means of lessening injury, certainly to some extent. A complete stop to the manufacture of guns, propellants and pellets would be the answer but we realize this could not be achieved as the opposition would claim the old fallacy that air guns are merely used for "target practice" and, as such, are not weapons.

When we consider the overall statistics of accidents resulting from projectiles, it becomes evident that BBs are only part of the problem. Makeshift bows and arrows, slingshots, rubber band guns, dart blow guns, and others contribute to the danger of propelled objects.

It appears that the only recourse is one of constant vigilance wherever any form of a projector of missiles is observed. This may seem to be an indifferent attitude, but safety, in this respect, will be realized only through stringent laws and an overall campaign by everyone concerned.

Sincerely,

E. E. Koch
Staff Representative

EEK:mj

take time to be safe
National Safety Congress and Exposition
Sept. 30—Oct. 3, 1974

A NONGOVERNMENTAL NONPROFIT PUBLIC SERVICE ORGANIZATION

May 7, 1974

National Safety Council
425 N. Michigan Avenue
Chicago, Illinois 60611

Dear Sirs:

Recently we admitted an 11 year old child that had been struck in the eye with a copper BB which lodged very close to the optic nerve. Two surgical attempts by a highly qualified ophthalmologist failed to recover this foreign body. It was felt that further attempts would be ill advised and might lead to more serious complications.

Two problems present themselves which lead to the question as to whether the production and sale of copper BB's should be attacked. It is our understanding that:

1. Dissolving copper can be injurious to eye tissue and may lead to impairment of vision.

2. Copper does not have magnetic properties like steel and is therefore not readily retrievable by an eye magnet.

We would appreciate your comments concerning the properties of copper for the manufacture of BB's and whether you believe that the cause against this product is one that can gain support.

Sincerely,

Alan B. Campbell, MSHA, FACHA
Assistant Superintendent
Special Services

ABC:ps