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July 31, 1973

Mr. Robert D. McCabe
President
National Knitwear Manufacturers
Association
350 Fifth Avenue
New York, New York 10001

Dear Mr. McCabe:

This is in reply to your letter of July 17, 1973, concerning the extent of coverage of the preemption provisions of the Flammable Fabrics Act.

I do not believe that my personal views concerning the preemption provision of the Flammable Fabrics Act would be of particular use to any of the parties concerned with the new Washington State law. As I pointed out in the article you mentioned, the question of how far the preemption clause of the Act extends has never been judicially determined. It is not anticipated that it would be necessary for this Commission to seek such a determination because any parties believing themselves to be adversely affected by state or local regulation allegedly preempted by the Act have a remedy available. They may go to a federal court and seek a definitive ruling. As the matter is one for judicial determination, I do not think that my personal opinion as to the various arguments concerning the extent of preemption would serve any useful purpose.

Thank you for sharing your views with me.

Sincerely,

Michael A. Brown

Michael A. Brown
Acting General Counsel

MABrown/MAFreeston:smm:7/31/73

cc: GC Files
GC Chron
MFreeston