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Mrs. Bernice Abbott
8625 Green Braes N. Dr.
Indianapolis, Indiana 46234

Dear Mrs. Abbott:

This is in reply to your letter of July 16, 1973, regarding application of Federal regulations to stuffed toys that may be made by your students.

Our responses to your questions, in the same order that they appear in your letter, are as follows:

A. 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. Enclosed please find a copy of the Act and certain proposed and final regulations issued thereunder. Based upon the information provided in your letter it appears that the "Prohibited Acts" section of the law (Section 4-TAB A) would not have application to your particular activities.

B. The method for determining flammable solids (including stuffed toys) is found in section 191.14 (TAB B) of the enclosed regulations; the definition of flammable solids is contained in Section 191.1(k)(2). (TAB C)

C. Both the covering and stuffing materials of toys are subject to the regulations mentioned in (B). Our concern for stuffing material, however, is limited to those cases where the material can become accessible during normal use or reasonably foreseeable abuse of a toy. The enclosed copy of proposed test methods for toys (TAB D) indicates procedures for simulating use and abuse conditions.

D. All yard goods in interstate commerce are expected to be in compliance with any applicable federal regulations. Since compliance may not always be taken for granted, however, you may wish to make appropriate inquiry of the retailer.

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E. Enclosed is a copy of Commercial Standard 191.53.

F. There is no requirement that a fabric treated with a flame retardant be labeled to indicate that fact.

G. Since personal civil liability cases are governed by local law, you may wish to contact a private attorney to gain information with regard to this question. The Commission has no specific authority to participate in, or offer counsel with regard to, such matters.

H. Since the parameters of the flammability standards under the Flammable Fabrics Act vary with respect to the type of material, it would be difficult to offer a conclusive determination as to the comparative stringency of requirements under that Act and those under the Federal Hazardous Substances Act.

I. Information on the apparatus is found in Section 191.13 (TAB E) of the enclosed regulations.

We trust that the above information is helpful. If we can be of further assistance, please let us know.

Sincerely,

Michael A. Brown

Michael A. Brown
Acting General Counsel

Enclosures

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