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August 16, 1973

Mr. Allen Walters
American Warehousemen's Association
222 West Adams Street
Chicago, Illinois 60606

Dear Mr. Walters:

Our office was notified by Mr. Albert Limberg, Acting Director, Chicago Area Office, that you had inquired whether public warehousemen who are neither manufacturers, distributors nor retailers were subject to section 15(b) of the Consumer Product Safety Act. That section provides:

> (b) Every manufacturer of a consumer product distributed in Commerce, and every distributor and retailer of such product, who obtains information which reasonably supports the conclusion that such product -
> (1) fails to comply with an applicable consumer product safety rule; or
> (2) contains a defect which could create a substantial product hazard described in subsection (a)(2),
> shall immediately inform the Commission of such failure to comply or of such defect, unless such manufacturer, distributor or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

Section 15(b) places the duty of reporting on manufacturers, distributors and retailers. If public warehousemen do not act as manufacturers, distributors or retailers of the goods in their possession, but merely store the goods for others, they would not be subject to the reporting requirements of section 15(b) of the Consumer Product Safety Act.

If I can be of further assistance please do not hesitate to call on me.

Sincerely yours,

Michael A. Brown

Michael A. Brown
Acting General Counsel

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cc Limberg

28