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U.S. CONSUMER PRODUCT SAFETY COMMISSION

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CONSUMER PRODUCT SAFETY COMMISSION

William Cordes, Esquire
2900 Dubois Tower
Cincinnati, Ohio 45202

Dear Mr. Cordes:

This letter is in response to your inquiry concerning the Commission's jurisdiction over the flammability of umbrellas, rubber galoshes, and head or neck scarves under the Flammable Fabrics Act.

In our opinion, umbrellas are not subject to regulation under the Flammable Fabrics Act, since they do not constitute articles of wearing apparel, that is costumes or articles of clothing worn or intended to be worn, as defined in section 2 of the Act.

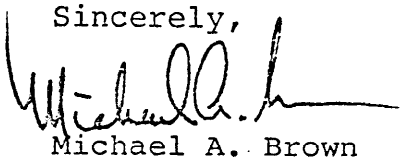
Under the Flammable Fabrics Act as amended in 1967, the Commission has the authority to regulate the flammability of footwear, including rubber galoshes. However, the general wearing apparel standard, CS 191-53, at section 2.2(a) specifically excepts "footwear" from coverage under the standard. Since no other flammability standard provides for the testing of footwear, rubber galoshes are not presently covered under any standard promulgated under the Flammable Fabrics Act. It should be noted that by amending CS 191-53 or by promulgating another regulation under the Flammable Fabrics Act, the Commission could regulate footwear.

Headscarves and neckscarves that are likely to be used as part of a covering for the neck, face, or shoulders are subject to the requirements of CS 191-53.

ADVISORY OPINION

While the views expressed in this letter are based on the most current interpretation of the law by this office, they could subsequently be changed or superseded by the Commission.

Sincerely,



Michael A. Brown
General Counsel