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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

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Joseph W. Hobson
Staff Vice President
1990 M. Street, N.W.
Suite 350
Washington, D. C. 20036

Dear Mr. Hobson:

This is in response to your letter of April 17, 1975, in which you inquired whether retailers are required to post signs in accordance with the repurchase regulations under the Federal Hazardous Substances Act (16 CFR 1500.202 (f)(2)(iii)) in connection with the Commission's ban on self-pressurized products intended or suitable for household use that contain vinyl chloride monomer as an ingredient or in the propellant.

As you are aware, the United States Court of Appeals for the Ninth Circuit stayed the repurchase provisions of the Commission's ban on aerosol products containing vinyl chloride monomer pending the Commission's compliance with the provisions of the National Environmental Policy Act. As a result of the Ninth Circuit Order, manufacturers, distributors, and retailers are currently not required to repurchase banned household products containing vinyl chloride. Because the repurchase provisions of the Commission's ban were stayed, it is the opinion of the Office of the General Counsel that retailers are not now required to post signs or notices required by the Repurchase Regulations concerning vinyl chloride. If the stay is lifted, they would be required to do so.

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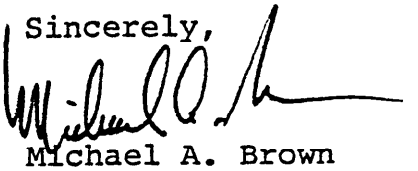
ADVISORY OPINION

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letter are based on the most current interpretation of the law by this office, they could subsequently be changed or superseded by the Commission. If you need further assistance, please feel free to write again.

Sincerely,



Michael A. Brown
General Counsel

NATIONAL LUMBER AND BUILDING NLBMDA MATERIAL DEALERS ASSOCIATION

April 17, 1975

Mr. Alan Schoem
Office of General Counsel
Consumer Product Safety Commission
Suite 700
1750 K Street, N. W.
Washington, D. C. 20207

Dear Mr. Schoem:

You were most kind and helpful to me this morning when I called concerning the Federal Banned Hazardous Substances Act.

Per our conversation, your review of my questions would be deeply appreciated. As I understand the Act, it requires all businesses to post a sign (22" x 28") advising customers that certain products are banned. Your assistance to clarify that requirement would be appreciated: are businesses required to post such a sign? I further understand that the U. S. District Court in San Francisco has issued a STAY providing for present that it is necessary to post the sign but not to make a refund.

Your reply concerning these questions would be helpful. Also, if you have any information available on the same, it would be beneficial to me in better understanding this Act. I further wonder if the Consumer Product Safety Commission has distribution of the required signs or any plans for such distribution to businessmen?

I shall look forward to hearing from you, Mr. Schoem, at your earliest convenience and thank you very much.

Sincerely yours,

Joe Hobson

JOSEPH WM. HOBSON
Staff Vice President

JWH:ljr

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