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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

JUL 18 1975

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CONSUMER PRODUCT SAFETY COMMISSION

MFR/PRVLBR NOTIFIED
✓ No comments made
___ Comments attached
___ Excisions/Revisions
✓ Firm has not requested further notice
8/16/84

Mr. Gerald I. Brecher
Friedman and Atherton
Nineteenth Floor
28 State Street
Boston, Massachusetts 02109

Dear Mr. Brecher:

This is in response to your June 2, 1975 request for an advisory opinion as to whether any standards under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) are applicable to the rubberized flannel sheeting product described in your letter.

The Commission's jurisdiction under the Flammable Fabrics Act includes rubberized flannel sheeting because it is an "interior furnishing" (15 U.S.C. 1191 (e)). However, it is the opinion of this office and of the Commission's Bureau of Compliance that neither the Flammable Fabrics Act Standard for the Flammability of Mattresses (FF 4-72, as amended; 38 FR 15095, June 8, 1973) nor any other standard issued under that Act is applicable to rubberized flannel sheeting used to protect bedding against infants who wet their beds, as you have described.

Please note, however, that this product is also subject to the Consumer Product Safety Act (copy enclosed) as a "consumer product" (see section 3(a)(1)). As such, your client is required to report to the Commission if its rubberized flannel sheeting "contains a defect which could create a substantial product hazard" (see section 15 and clarifying regulations on this subject, also enclosed).

ADVISORY OPINION

FRIEDMAN & ATHERTON
COUNSELLORS AT LAW
NINETEENTH FLOOR
28 STATE STREET
BOSTON
02109

AREA CODE 617
227-5540

June 2, 1975

Michael Brown, Esquire
General Counsel
Consumer Products Safety Commission
Washington, DC 20207

Dear Mr. Brown:

This office represents Plymouth Rubber Company of Canton, Massachusetts. Plymouth Rubber manufactures, among other products, rubberized flannel sheeting. This product consists of a thin flannel sheet bonded to a sheet of rubber. The purpose of the product is to protect bedding against infants who wet their beds. It is commonly used either over or under the bottom bed sheet to protect the bedding.

Plymouth Rubber has had inquiries from purchasers of rubberized flannel sheeting concerning the applicability of federal flammable fabric standards to this product. It is my understanding, from conversations that I have had with Consumer Products Safety officers in Boston, that federal flammable fabric standards do not apply to rubberized flannel sheeting. On behalf of Plymouth Rubber Company, I am requesting a formal advisory opinion from the Consumer Products Safety Commission to that effect.

I trust that the description of this product, and the uses to which it is put, which I have furnished you is sufficient to enable the Commission to furnish the requested advisory opinion. If there is any other information which you require regarding this product, please do not hesitate to contact me. I look forward to receiving the Commission's response before too long.

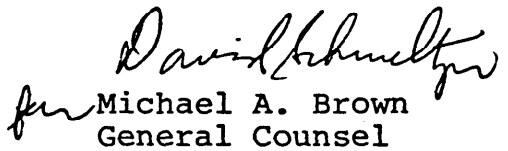
Very truly yours,

Gerald I. Brecher

GIB/sas

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 or its staff.

Sincerely,



for Michael A. Brown
General Counsel

Enclosures