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Sadye E. Dunn, Secretary

THRU: Michael A. Brown, General Counsel /S/
David Melnick, OGC /S/

Effect of Pub. L. 94-284, the Consumer Product Safety Commission Improvements Act of 1976, on the composition of the National Advisory Committee for the Flammable Fabrics Act (NAC).

Section 19 of Pub. L. 94-284 amends section 17(a) of the Flammable Fabrics Act (15 U.S.C. 1204(a)) to provide that members of the NAC who are appointed to represent manufacturers shall include representatives from the natural fiber producing industry, the man-made fiber producing industry and manufacturers of fabrics, related materials, apparel or interior furnishings.

This memorandum addresses several questions which have arisen regarding implementation of this provision, including the scope of the term "natural fiber" and to what extent the provision requires that currently existing vacancies be filled according to the specified representational composition.

The legislative history of Pub. L. 94-284 does not define the term "natural fiber" and offers no assistance in discerning its meaning. Therefore, we must look to the plain meaning of the term and other uses of the term in similar or related statutes.

The Textile Fiber Products Identification Act defines the term "fiber" as

> "A unit of matter which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods, including weaving, knitting, braiding, felting, twisting or webbing and which is the basic structural element of textile products." 15 U.S.C. 70(b)

The same Act defines the term "natural fiber" as "any fiber that exists as such in the natural state." 15 U.S.C. 70(c).

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It is clear from these definitions that both wool and cotton as well as silk are natural fibers. The legislative history of the Textile Fiber Products Identification Act further supports the conclusion that wool is a natural fiber. (see, e.g., S. Rep. No. 1658, 85th Cong., 2d Sess., reprinted at 1958 U.S. Code Cong. & Admin. News 5167).

Regarding the question of implementation of this section in filling vacancies on the NAC, the legislative history is devoid of any guidance. The fact that Congress intended the amendment to the FFA made by Pub. L. 94-284 to be effective immediately, however, leads to the conclusion that efforts should be made to implement the provisions as soon as possible. This does not, in my view, require an immediate reconstituting of the Committee. However, when filling individual vacancies as they occur, and when filling a number of vacancies at the expiration of current members' terms, the Commission is required to appoint manufacturers' representatives to accomplish the required composition.

With regard to the single current vacancy resulting from the resignation of a manufacturer's representative, the Commission should appoint a representative from the presently unrepresented natural fiber industry. Such an appointment may, in accordance with section 1018.16(c) of the Advisory Committee Management Regulations, be made from the applications or nominations on file if such file contains applications from one or more representatives of the natural fiber producing industry.

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