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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

12 MAY 1977

6(b) CLEARED: 3/15/84
X No Mfrs Identified
Exceptions
Mfrs Notified
Comments Processed

Mr. D. R. Watson, P. E.
Technical Director
International Conference of Building Officials
5360 South Workman Mill Road
Whittier, California 90601

Dear Mr. Watson:

This is in response to your letter of April 7 in which you asked whether it would be possible for your organization to request an exemption from preemption in accordance with section 26 of the Consumer Product Safety Act, CPSA, 15 U.S.C. 2075. As we understand it, you would seek exemption for the provisions of the National Building Code, regarding glass and glazing, from the application of the Commission's Safety Standard for Architectural Glazing Materials. Enclosed is a copy of Section 26, as amended by the Consumer Product Safety Commission Improvements Act of 1976, P. L. 94-284. Section 26(c) provides that on application of a "State or political subdivision of a State," the Commission may by rulemaking grant an exemption from preemption provided the required findings are made by the Commission. As our office interprets this section, an application for an exemption from preemption can be made only by a State or political subdivision of a State. This interpretation would preclude Commission consideration of applications submitted by organizations that are not States or political subdivisions of States.

If my office can be of any further assistance, please contact me.

Sincerely,

Margaret A. Freeston

Margaret A. Freeston
Assistant General Counsel

Enclosure

ADVISORY OPINION

international Conference of Building Officials

5360 SOUTH WORKMAN MILL ROAD • WHITTIER, CALIFORNIA 90601 • (213) 699-0541

Regional Office: 6738 N.W. Tower Drive • Kansas City, Missouri 64151 • (816) 741-2241

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April 7, 1977

Alan H. Schoem
U.S. Consumer Product Safety
Commission
Washington D.C. 20207

Dear Mr. Schoem:

We have been advised by Mr. David Schmeltzer that we should contact you concerning preemption provisions of the standard for Architectural Glazing Materials (16CFR1205).

Our organization publishes the Uniform Building Code which is used widely throughout the United States. Chapter 54 of the Code, copy enclosed, contains requirements for glass and glazing including provisions for glazing which is subject to human impact as set forth in Section 5406 of the Code. Identification of safety glazing materials are included in Section 5402. U.B.C. Standard No. 54-1 is ANSI Standard Z97.1.

We wonder if it would be possible for our organization to request an exemption from preemption in accordance with Section 26(a) of Public Law 92-573. This would eliminate the necessity for each jurisdiction or state to request individual consideration.

Hoping to hear from you in the near future.

Yours very truly,

D. R. Watson

D. R. Watson, P.E.
Technical Director

DRW:jg

Enclosure