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August 28, 1973

E.C. Steffani
17281 El Rancho Avenue
Monte Sereno, California 95030

Dear Mr. Steffani,

This is in response to your letters of July 20 and August 12, 1973, concerning the recent proposal under the Federal Hazardous Substances Act to ban children's bicycles which are not in conformance with certain safety requirements.

The working draft to which you refer was prepared by the staff of the Bureau of Product Safety, Food and Drug Administration. (The functions of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act, which had been delegated to the Commissioner of Food and Drugs, were transferred to the Consumer Product Safety Commission on May 14, 1973, pursuant to provisions of the Consumer Product Safety Act.) The draft was rewritten and edited several times before Federal Register publication as a proposal. Some of the changes reflect legal and policy considerations as well as technical and editorial ones. The proposal, published in the Federal Register on May 10, 1973, was issued by the agency with its approval. The working draft was not so approved and it would thus be inappropriate for the Commission to comment thereon.

The Federal Hazardous Substances Act does not require that cost considerations be weighed in dealing with unreasonable risks of personal injury or illness. Costs may be a factor in determining how best to eliminate such unreasonable risks, however, and the Commission will therefore be collecting economic data concerning various safety requirements for bicycles. An analysis of these data will be performed and information releasable under the Freedom of Information Act will be made available to the public.

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Economic and financial information regarding the industry association and its individual members is not available from the Commission. You may wish to contact the association directly for such data.

Your letters of July 20 and August 12, 1973, will be forwarded to the Office of the Secretary for further consideration along with other comments received in response to the proposal. These comments will be carefully analyzed and evaluated before a final regulation is issued. Since the formal comment period closed on July 9, 1973, I suggest that any additional thoughts you may have concerning this proposal be communicated to the Secretary as soon as possible.

Sincerely,

(S)

Paul W. Hallman

PWHallman:jh 8-28-73
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