ADVISORY OPINION #272

RECEIVED
OFFICE OF THE SECRETARY
U.S. CONSUMER PRODUCT
SAFETY COMMISSION
OCT 12 3 48 PM '78

UNITED STATES GOVERNMENT

Memorandum

TO: Cecil O. Smith, Investigator,
Memphis Resident Post
Through: Margaret A. Freeston, Acting General Counsel
Through: Stephen Lemberg, Assistant General Counsel

FROM: Philip Bechtel, OGC
PB

DATE: October 12, 1978

SUBJECT: Request for an Opinion Concerning Cotton Fiber Insulation

This is in response to your request of September 25, 1978 for an opinion whether insulation made from cotton fibers is subject to the Commission's interim standard for cellulose insulation.

After having discussed your memorandum with ES, CERM, and OPM, our office concludes that cotton fiber insulation falls within the definition of "cellulose insulation" at section 1209.2(a) of the interim standard and is subject to the requirements of the interim standard where it is a consumer product. According to ES, cotton fiber insulation is "cellulosic fiber, loose fill, thermal insulation that is suitable for blowing or pouring applications." ES has also advised us that cotton fiber insulation can be tested in accordance with the test procedures in the interim standard.

cc:
B. Schwartz, ES
J. Liskey, OPM
W. Anderson, CERM
J. Delgado, FO
Atlanta Area Office
Philadelphia Area Office

MFR PRV BR NOTIFIED
✓ No comments made
___ Comments attached
___ Excisions/Revisions
✓ Firm has not requested further notice
[illegible] 8/16/84

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Phil Bechtel, OGC

DATE: 4 OCT 1978

FROM : John Liskey, Project Manager, OPM John Liskey

SUBJECT: Request for Opinion Regarding Cotton Fiber Insulation

During a recent telephone conversation with Cecil Smith, Investigator, Memphis Resident Post, information was requested concerning cotton fiber insulation and whether it is subject to the interim standard on cellulose insulation. I feel a legal opinion from your office should be expressed and forwarded to:

(1) Cecil Smith
(2) Atlanta Area Office
(3) Philadelphia Area Office

Please send me a copy of your reply. Thank you.

Attachment

Copy to:
Harry Cohen, OPM
Wade Anderson, C&E
Cecil Smith, Memphis Resident Post

RECEIVED
OCT 5 1978
Consumer Product Safety Commission
Office of the General Counsel

☆U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TO : John Liskey, EX-P
Office of Programs Management

DATE: September 25, 1978

THRU: George L. Lester, Director of Operations, Atlanta Area Office

FROM : Cecil O. Smith, Investigator
Memphis Resident Post

Cecil Smith

SUBJECT: Request for opinion about cotton fiber insulation.

During our telephone conversation on 9-25-78 about home insulation, I asked whether insulation made from cotton fibers was subject to the Cellulose Insulation Standard - 16 CFR Part 1209. You replied that this question should be referred to the Office of General Counsel for an opinion.

Listed below is some of the background information which I shared with you about cotton fiber insulation.

(1) I collected a sample consisting of 25 bags of Fibe-"R" insulation per ESEM STI 78-0493 on 9-21-78 at the Lula Cotton Processing Co., Inc., Highway 61 North, Lula, MS 38644 (Sample D-810-1099). This product is marketed by Kelsul, Inc., 3205 Foxgrove Lane, Chesapeake, VA 23321.

(2) This insulation is made from cotton fibers which are ginned and then treated with a flame-retardant in a wet application process.

(3) Management at the Lula Cotton Processing Company said that they were the only manufacturer of insulation from cotton fibers, at the present. They were not sure if their insulation was subject to the CPSC Standard.

(4) Management said there was very much interest from other companies in their cotton fiber insulation. However, they considered their manufacturing plant as off-limits to everyone, except Federal personnel. They consider their flame-retardant as confidential.

(5) Because of the interest expressed by other companies, it appears likely that there will be other cotton fiber insulation manufacturers in the future.

(6) The Materials Handbook, 10th Edition, George S. Brady, McGraw Hill, 1971, defines cotton on page 245 as "The white to yellow fiber --- of several species of plants of the genus Gossypium ---. Cotton fiber contains 88 to 96% cellulose , dry weight, together with protein, pectin, sugars, and 0.4 to 0.8% wax."

cc: Joe Thompson
cc: A.T. Sturdivant
PHL-AO