6 6 ok
lab

28

----- 20207

AUG 29 1973

Anthony F. Essaye, Esq.
Royall, Koegel & Wells
1730 K Street, N.W.
Washington, D. C. 20006

Dear Mr. Essaye:

Ed Finch has referred to me your letters of August 7 and August 8 regarding the effective date of the Flammability Standard for Mattresses. It is our position that all mattresses and mattress pads manufactured on or after June 22, 1973 must either comply with the Standard or be labeled as noncomplying.

The temporary restraining order which was issued by the District Court expired at 5:00 p.m. on Thursday, June 21. Although the Standard became effective at that time, the Government determined not to institute enforcement procedures until a decision was issued by the Court of Appeals. The Government did not agree to extend the temporary restraining order. Late in the afternoon on June 22, the Court of Appeals denied the three motions for stay pending review of the Standard.

We might have considered the Standard to have become effective at 5:00 p.m. E.S.T. on June 21. However, for convenience, we have determined that the Standard applies to mattresses and mattress pads manufactured on or after June 22. We intend to proceed accordingly in our enforcement activities.

Sincerely,

Michael A. Brown

Michael A. Brown
Acting General Counsel

MAFreeston:tdr:8/27/73
cc: Secretary
Mr. Finch
GC Files
GC Chron
M. Freeston

41