~~EXTRA~~ Chron 36

SEP 13 1973

Honorable Alan Cranston
18051 Federal Building
450 Golden Gate Avenue
San Francisco, California 94102

Dear Senator Cranston:

Your July 30, 1973, referral to the Food and Drug Administration of a letter from your constituent, Mr. [redacted] of [redacted] Co., [redacted] California [redacted], has been forwarded to this agency for response. Mr. [redacted] is requesting an extension of the effective date of the child protection packaging standards for certain liquid furniture polishes.

Our interest in child protection packaging is under the provisions of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.). Authority for the administration of this Act was transferred from the Food and Drug Administration to this Commission on May 14, 1973, by the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

The child protection packaging standards referred to by Mr. [redacted] apply to all nonemulsion-type liquid furniture polishes, containing 10% or more by weight of mineral seal oil and/or other petroleum distillates, and having a viscosity of less than 100 Saybolt universal seconds at 100° F. These standards were originally published as a proposal in the Federal Register of September 8, 1971 (36 F.R. 18012), in response to significant injury data showing a clear need for the child protection packaging of these substances. The aspiration of these polishes into the lungs following ingestion can result in serious or fatal chemical pneumonitis. For the period 1965-1970, eight or more deaths annually of children under five years of age have been attributed to furniture polish. Comments received in response to this proposal were reviewed and a final regulation establishing the standards for liquid furniture polishes was published in the Federal Register of March 19, 1972 (37 F.R. 5613), with a September 13, 1972, effective date (copy enclosed). This regulation is codified as 16 CFR 1700.14(a)(2). A press release was issued simultaneously. Slightly more than one year transpired between the date on which the standards were proposed and the date on which they became effective.

The Poison Prevention Packaging Act specifically prohibits establishing an effective date of longer than one year following promulgation of the standards. In the case of the furniture polish standards, this one-year period expired on March 17, 1973. For this reason and because

of the grave need for the child protection packaging of these products, we are unable to extend the effective date. It is unfortunate that your constituent did not learn of the requirements for his product until June of this year. However, as it can be seen, the agency did provide sufficient advance notice to industry and all other interested persons of the requirements of these standards. We are including a listing of all manufacturers of child-resistant packaging known to us which may assist your constituent in his search for child-resistant packaging.

Although your constituent states he does not ship interstate, the Commission is of the view that the standards are applicable where the substance, any component thereof, or the packaging has been received in interstate commerce.

Your incoming correspondence is enclosed, as requested.

We hope these comments will be of assistance to you in responding to your constituent. If we can be of further assistance, please let us know.

Sincerely,

ORIGINAL SIGNED BY
RICHARD O. SIMPSON
Richard O. Simpson
Chairman

Enclosures (3)

Prepared by RGPoth:cvi:8/30/73 Ext. 7641
Approved: DCMiller
Revised:DSLemberg:tdr:9/7/73

bc: Chairman Simpson
Secretary w/inc
J. Locke w/inc; EFinch; RPoth; JSharman w/inc; REarly w/inc;
S. Lemberg; General Counsel w/inc.
Los Angeles Area Office (FYI & F/U w/inc)