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November 1, 1973

Ms. Barbara Bigham
3015 East Virginia
Phoenix, Arizona 85008

Dear Ms. Bigham:

Your letter of September 18, 1973, addressed to the Food and Drug Administration, has been forwarded to the Consumer Product Safety Commission for reply, since a personal chemical protective device could be regulated as a "hazardous substance" under the Federal Hazardous Substances Act, or as a "consumer product" under the Consumer Product Safety Act, both of which Acts are administered by the Commission.

Mr. Ron Eisenberg, Director of Public Affairs for the Commission, has referred your jurisdictional questions to the Office of the General Counsel for direct response, and to the Bureau of Biomedical Science for response to your questions relating to the safety and effectiveness of such devices.

As of this time, no regulations have been issued under the Consumer Product Safety Act relating to chemical protective devices. Under the Federal Hazardous Substances Act (copy enclosed) however, household substances which are hazardous within the meaning of the Act, may be banned, require special precautionary labeling, or require child-resistant packaging in accordance with regulations issued under the Poison Prevention Packaging Act.

The term "hazardous substance" means any substance or mixture of substances which is toxic, is corrosive, is an irritant, is a strong sensitizer, is flammable or combustible, or generates pressure through decomposition, heat or other means. These terms are further defined in the Act and in regulations issued

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under the Act. In order to determine the requirements for any particular product, therefore, it would be necessary for us to obtain a list of the substances contained in the product as well as a description of the packaging and labeling of the product.

If you wish to communicate with the Commission with respect to the requirements for any particular product, we suggest that you contact the Bureau of Compliance, Division of Inspection and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207.

I hope these comments have been helpful.

Sincerely,

Michael A. Brown
General Counsel

Enclosures (2)

DSLEMBERG:jh 11-1-73
CC:
Bureau of Biomedical
Office of Public Affairs
Bureau of Compliance
SLEMBERG

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