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Honorable J. Bennett Johnston
United States Senate
Washington, D.C. 20510

Dear Senator Johnston:

This is in response to your letter dated November 21, 1973, in which you enclosed correspondence from Mr. [redacted] which had been forwarded to you from Mr. Louis [redacted]

The letter from [redacted] raises the question of whether a mattress manufacturer and renovator in Louisiana who receives goods from out of state used to manufacture and renovate mattresses sold only within Louisiana is subject to the requirements of the Flammable Fabrics Act. That Act prohibits the manufacture for sale, the sale, or the offering for sale, in commerce or the importation into the U.S., or the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric, or related material which fails to conform to an applicable standard or regulation issued under the Act.

It is the Consumer Product Safety Commission's view that the fact that Mr. [redacted] receives components from out of state, used in the manufacture and renovation of mattresses, is sufficient to establish a basis of jurisdiction under the Flammable Fabrics Act even though sales and shipments of the finished products are only within the state of manufacture.

Although a Department of Labor employee apparently advised Mr. [redacted] that he was not in interstate commerce for their purposes, we are unaware of the particular facts leading to that conclusion. In any event, whether particular activities are within the scope and operation of various statutory provisions relating to interstate commerce depends in part on the applicable statutory provisions. For purposes of enforcing the Flammable Fabrics Act, it is our view that Mr. [redacted] operation is in interstate commerce and therefore he is subject to the provisions of the Flammable Fabrics Act.

We trust that this answer will provide you with a sufficient asis to respond to your constituent. Please let me know if I may be of further assistance.

Sincerely,

Mrs. Barbara A. Ludden
Director of Congressional Relations

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