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8 MAR 1974

Dr. Elliott E. Blinderman
3920 Wilshire Boulevard
Beverly Hills, California 90211

Dear Dr. Blinderman:

Thank you for your recent letter to Chairman Richard O. Simpson which described the unshielded muffler on your boat as a safety hazard and requested that consumers be protected from such designs.

One of the purposes of the Consumer Product Safety Act is to protect the public against unreasonable risks of injury associated with consumer products. However, one of the exemptions from this Act is for boats and associated equipment which can be regualted under the Federal Boat Safety Act of 1971. The agency responsible for boat safety regulations is the Coast Guard. Therefore, we have referred your letter to the appropriate office of the Coast Guard for examination of the problem you raised.

We believe you will be contacted by that office in the near future if further information is necessary.

Sincerely,

Original signed by
Michael A. Brown
Michael A. Brown
General Counsel

BPitkin:clb:3/8/74

cc: Cdr. George W. Conrad, Chief
Product Assurance Branch
Boating Standards Division
U.S. Coast Guard

Executive Director
Secretary
B. Pitkin
GC Files
√GC Chron
GC Reading

ADVISORY OPINION

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February 26, 1974

Mr. Michael A. Brown
General Counsel
Consumer Product Safety Commission
Washington, D.C. 20207

Dear Mr. Brown:

Thank you for your letter of February 21, 1974 wherein you advised of the general application of the Consumer Product Safety Act with respect to batteries used in automobiles and in those cases where they are not used as such. The information you furnished is extremely helpful and has been passed on to the Independent Battery Manufacturers Association on whose behalf we submitted the request.

At this time we would request additional information from you as to your interpretation of the coverage of batteries under the Poison Prevention Packaging Act, a law administered by the Consumer Product Safety Commission.

According to regulations issued by the Commission, household substances containing 10 percent or more by weight of sulfuric acid, except those in wet-cell batteries, are required to be packaged in a certain manner. Household substances are defined to mean any substance which is customarily produced or distributed for sale or consumption or use, or customarily stored, by individuals in or about the household and which are a hazardous substance as defined by the Federal Hazardous Substances Act.

Batteries are generally produced for sale or use in automobiles and as such it does not appear that they would fall within the above classification. However, we have been informed that there is an interpretation that batteries are covered under the Poison Prevention Packaging Act.

February 26, 1974

Because of the possible confusion that may result from such interpretation, we are requesting from you a clarification as to coverage of batteries under the Poison Prevention Packaging Act and the Federal Hazardous Substances Act.

Thank you for your continuing cooperation in this matter.

Sincerely,

Harold T. Halfpenny

HTH:am