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FROM: J. E. PETERS, Cleveland, #30

SUBJECT: PRODUCT SAFETY LETTER

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ATTACHED FOR YOUR INFORMATION IS AN ARTICLE WHICH APPEARED IN THE SUBJECT PUBLICATION

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ARCHITECTURAL GLASS INJURIES TOTALED 4,412 of the 157,132 accident reports received by the Bureau of Product Safety's National Electronic Injury Surveillance System (NEISS) for the year ended June 30, with 2,636 of the cases involving windows and window glass. Next highest category listed was 1,125 cases for storm doors, followed by sliding patio doors, 201; fixed glass panels, 163; storm windows, 135; jalousie doors, 71; tub or shower enclosures, 65; and jalousie windows, 19.

Severity of injuries from many of the cases reported, and the fact that architectural glass represented 2.8% of total NEISS reports, indicates why safety glazing requirements will get high priority from the new Consumer Product Safety Commission. The NEISS statistics are just the "tip of the iceberg" as they are for the period before the accident-reporting system was in full operation. If the 2.8% ratio holds for the 720,000 accidents annually expected to be tallied by NEISS, the architectural glass total would top 20,000. Projecting for the fact that NEISS samples about 11% of product-related injuries, those blamed on the glass products could be about 185,000.

July-September NEISS data for architectural glass list 2,812 cases, more than 47% involving persons age 14 and under. The figures are in the initial issue of NEISS News, a Bureau publication that is expected to be continued by the new Commission. Frequency of release has not been set, but requests to be on the mailing list can be sent now to Larry Chishlm, BPS, 5401 Westbard Ave., Bethesda, Md. 20016. (A copy of the publication is enclosed, for the convenience of subscribers, with this issue of PSL.)

◇ SAFETY CLOSURE DEADLINE EXTENSION TO FEB. 16, 1973 is expected to be ordered by FDA for drugs containing aspirin, or under the Controlled Substances Act, or liquids with more than 5% methyl salicylate. The extension, being reviewed by agency topsiders, would cover both over-the-counter and prescription forms of the drugs. The order would apply to manufacturers' packages and to containers dispensed by pharmacists (see *Product Safety Letter*, Nov. 6, page 4, and Oct. 23, page 2).

A label warning stating that the package is not child-safe is likely to be required during the extension period. Producers and dispensers would have to prove that child-resistant packaging was ordered, and not received, well in advance of the former closure deadlines. FDA also is expected to require immediate use of safety closures obtained before Feb. 16.

Closure order backlogs of three to six months were revealed by a Bureau of Product Safety survey of closure manufacturers. Two companies, Kerr Glass and Owens-Illinois, got the bulk of the orders from drug firms. The deadline extension being considered by FDA would supersede the earlier agency order giving pharmacists until Jan. 24 to put safety closures on prescription drugs in the three classes.

◇ NADERITES' SUIT OVER RED NO. 2 is likely if FDA's final order is, as expected, close to its July 4 proposal to limit use of the color to 30 parts per million in food, ingested drugs, pet foods and animal feeds, and to 1,000 ppm in lipsticks. Nader's Health Research Group probably would center the court challenge on FDA's use of a 10-to-1 safety factor instead of the usual 100-fold safety margin in establishing a tolerance for use of dyes in food. FDA's food additive regulations, the Nader organization has asserted, provide that a food additive tolerance cannot exceed 1/100th of the maximum amount demonstrated to be without harm to test animals.

FDA was "grossly irresponsible" in setting the 10-to-1 margin on the basis that there was no evidence of human harm, the Health Research Group has contended. The Nader group, headed by Dr. Sidney Wolfe and lawyer Anita Johnson, maintains that animal tests showing birth deformities, genetic defects and cancer, which are sufficient indicators of potential human harm, are being ignored by FDA (see *Product Safety Letter*, July 10, page 1).

◇ FDA SUSPENDING LEAD-IN-PAINT BAN effective date of Dec. 31 for seven types of special-purpose paints, containing more than .5% lead, listed in an exemption petition filed by the National Paint & Coatings Assn. (NPCA). The products are automotive, agricultural and industrial refinishes; industrial maintenance coatings; graphic art coatings; touch-ups for cars, boats, appliances, etc.; exterior marine coatings for small craft; exterior rubber-based roof paint; and exterior primers for wood siding.

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containing extractives. In the exemption petition, NPCA said the seven specialty paints are not intended nor likely to be used on surfaces reasonably available to children.

Warning labels for these paints were proposed by NPCA to caution against using them on surfaces children could chew. The association's petition, filed by general counsel John Montgomery, suggested the following statement for the main panel of the paint labels: "Warning: Contains lead. Dried film of this paint may be harmful if eaten or chewed."

FDA will publish the NPCA petition as a proposal, with probably 60 days allowed for comment. Paints which exceed the .5% lead limit, except the seven types under the suspension, will be illegal after Dec. 31, 1972. Still pending is final action on FDA's proposal to outlaw -- at the end of 1973 -- paints with more than .06% lead. ■

◇ NOISE LEVELS OF APPLIANCES HAVE BEEN TARGETED by Bureau of Product Safety officials for early consideration under broadened regulatory authority granted by the Consumer Product Safety Act. No decisions have been made yet, but Bureau officials express confidence that the new law gives them power to control noise emitted by consumer products used in homes, and that there is no conflict between this theory and the powers bestowed on the Environmental Protection Agency under the Noise Control Act passed by Congress this year. ■

◇ BPS HOME CONSTRUCTION SAFETY PROGRAM will be handled by James Bradley, a mechanical engineer who recently joined the Bureau of Product Safety as chief of the Data Analysis Section in the Injury Data & Control Center. Bradley came to BPS from Teledyne Brown Engineering in Huntsville, Ala., where he was the principal engineer on a Housing & Urban Development Dept. contract for analysis of home accident causes. Bradley, 42, holds a B.S. in aeronautical engineering and an M.B.A. The BPS program involves monitoring accidents and injuries in 113 test homes with about 20 safety features in each (see *Product Safety Letter*, Nov. 13, page 1).

> EDITOR'S NOTE: Biographical sketches of Center topsiders appeared in PSL May 1 and June 12. Background on other key BPS officials -- and a Bureau organization chart, with phone numbers -- was in the April 17, April 24, May 8 and May 15 issues. ■

◇ SHOE SOLE AND HEEL TRACTION THAT IS SAFE on about 90% of walking surfaces is the goal of a voluntary standard -- being developed by the American Society for Testing & Materials (ASTM) -- that could be made mandatory by the new Consumer Product Safety Commission. Slippers, sandals, and all adult and children's shoes would be covered by the standard that will be prepared by ASTM's proposed Safety & Traction for Footwear Committee. It will deal first with the problem of slick soles and heels, and later with other safety aspects of shoe construction, such as laces and straps.

Pre-scuffing to reduce sole and heel slickness will be considered by the committee as a possible specification. Slick, uneven floors and pavements, and carpets that catch heels are part of the problem, but were left out of the standard's proposed scope because it seemed more practical to deal only with shoes -- products consumers can choose -- eliminating walking surfaces which are not usually a matter o choice. The scope will be voted on at a Jan. 9 organizational meeting.

> Development of the standard will take about a year, with test methods and specifications being the core of the voluntary effort. An initial step by the ASTM Committee will be to select and test standard walking surfaces, plus shoe sole and heel material, to get measurements on co-efficients of friction.

Children's shoes could be controlled quickly by a mandatory standard because FDA's Bureau of Product Safety (BPS) can regulate articles intended for use by children under its existing authority, separate from the procedures in the new product safety law. The Bureau is not expected to set a mandatory standard, however, unless its NEISS injury data indicate an urgent need. BPS urged the shoe industry to develop a voluntary standard when many consumers wrote the Bureau after injuries from shoes were publicized by a syndicated column on consumer questions and in an article in a Seattle newspaper (see *Product Safety Letter*, May 8, page 2). ■

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