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acts, practices and policies of the corporation.

Respondents are engaged in the manufacture and sale of carpets and rugs with their office and principal place of business located at Fleming Street, Dalton, Georgia 30720.

2. Respondents are now and have been engaged in the manufacturing for sale, sale and offering for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce, products, as the terms "commerce" and "product," are defined in the Flammable Fabrics Act (FFA). These products fail to conform to the requirements of an applicable standard as required by Section 3(a) of the FFA (15 U.S.C. 1192).

Among such products mentioned above was carpeting designated as style "Shag West" subject to the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70), but which were not manufactured in conformance with all of the requirements of that standard.

3. Respondents furnished false guarantees in respect to certain carpeting designated as style "Shag West" with reason to believe that such carpeting might be introduced, sold or transported in commerce, in violation of Section 8(b) of the FFA.

4. Attached hereto are copies of the principal items of written evidence, marked Commission Exhibits 1-11 which the staff considers to constitute a prima facie case. Briefly described, the exhibits are test reports and inspection reports relating to samples of carpet manufactured by respondents which failed the aforementioned flammability tests under the Carpet Standard.

5. The aforesaid acts and practices of respondents were and are in violation of the FFA, as amended, and the rules and regulations promulgated thereunder; and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning of the Federal Trade Commission Act.

A proposed agreement containing a Consent Order to Cease and Desist the alleged violations was also furnished to Respondents. The identification of the exhibits which Enforcement Counsel considers as constituting a prima facie case will not preclude the introduction of further evidence relevant and material to the subject matter.

Counsel for Respondents has filed an answer constituting, in effect, a general denial of the substantive allegations in the Notice of Enforcement, and in addition, has included several affirmative defenses alleging as follows:

1. That the procedures utilized by the Commission in concluding that carpet samples failed to meet the requirements of the FFA as not being in accord with permissible procedures promulgated by the Federal Trade Commission or the Commission, were improper.

2. That said procedures are neither accurate nor reliable and that the failure of isolated carpet samples to meet the acceptance criteria of the Flammable Fabrics Standard does not constitute violation of the FFA.

3. That the Commission improperly rejected the results of intervening flammability tests which show compliance with said Standard.

4. That the Commission has misapplied the provisions of Section 3(a) of the FFA and the Standards thereunder.

5. That the samples of the carpet tested were not "in commerce" as that term is used in the FFA.

6. That the Respondents have already recalled from commerce unsold rolls of the carpet in question and, therefore, no additional benefits will inure to the public as a result of this proceeding.

7. That this proceeding is unnecessary and should have been terminated by execution of voluntary assurances under Federal Trade Commission rules.

8. That Respondent corporation has previously executed a consent order agreement conforming with the Commission's decision in *Congoleum Industries, Inc.* (CPSC Docket No. 75-3), a case involving essentially identical facts and law, with the result that the imposition of a markedly different form of order, would violate Respondents' constitutional rights.

9. That no substantial hazard exists, and that the remedies contained in the proposed Order are unnecessary to adequately protect the public.

10. That the extent of Respondents' failure to comply with the FFA or the Standard, if any, was de minimus.

11. That the Respondent company exercised good faith in the production of the carpet in question by utilizing the latest flame retardant materials and by conducting extensive testing to insure continued compliance with the law.

12. That the proposed Order seeks to impose remedies based upon Section 15 (c) and (d) of the Consumer Product Safety Act, when in fact, Section 30(d) of said Act requires Respondents' conduct to be judged pursuant to the Federal Trade Commission Act and the FFA.

13. That the proposed Order is too broad in that it extends to all products subject to the FFA, although the issue herein concerns only carpet rolls.

14. That George A. Titlow is improperly joined as an individual although he engaged in no acts whatsoever that gave rise to this complaint.

15. That the proposed Order is ambiguous and extends the jurisdiction of the Commission beyond its statutory authority.

16. That the Notice of Enforcement is ambiguous in that it applies to all "Shag West" carpet production while the proposed Order extends to "Shag West" (foam backed) only.

17. That the Commission's regulations pertaining to guarantees and false guarantees are ambiguous, invalid, and unenforceable.

18. That the proposed Order is invalid insofar as it attempts to preclude the export of noncomplying product in contravention of Respondents' rights under 15 U.S.C. Section 1202(a).

19. That the proposed Order is invalid as to Respondent George A. Titlow, in that it would expose him to public ignominy and could seriously interfere with his ability to earn a livelihood—all in excess of the Commission's authority.

On the basis of the foregoing, Respondents' request dismissal of the Notice of Enforcement.

Issue having been joined, it is deemed necessary in order to organize the preparation for, and conduct of, the hearing, that a prehearing conference be held at 9:30 a.m., e.s.t., Tuesday, January 6, 1976, in the Commission's 7th Floor Conference Room, 1750 K St. NW., Washington, D.C. 20207.

Counsel are requested to exchange and file with this office memoranda setting forth (1) a definition of the issues to be heard, (2) requests for discovery, if any, (3) disclosure of the number of witnesses and the approximate length of time each presentation will entail, and (4) a proposal for the time, date and place of the hearing.

Dated: December 16, 1975.

PAUL N. PREIFFER,
Administrative Law Judge.

[FR Doc. 75-34646 Filed 12-23-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 454-2]

AIR POLLUTION PREVENTION AND CONTROL

Hazardous Air Pollutants, Addition to List

Section 112 of the Clean Air Act (42 U.S.C. 1857c-7) directs the Administrator of the Environmental Protection Agency to publish and from time to time revise a list of air pollutants, which in his judgment may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness and to which no national ambient air quality standard is applicable. Within 180 days after the inclusion of any air pollutant in the list, the Administrator is required to publish proposed regulations establishing emission standards for such pollutants together with a notice of a public hearing to be held within 30 days after publication of the notice.

The Administrator, after evaluating available information, has concluded that vinyl chloride is an air pollutant which meets the above requirements. Evaluation of other air pollutants is being conducted and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 112(b)(1)(A) of the Act and after consultation with appropriate advisory committees, independent experts, and Federal departments and

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agencies in accordance with section 117 (f) of the Act, effective on December 24, 1975 amends the list of hazardous air pollutants to read as follows:

LIST OF HAZARDOUS AIR POLLUTANTS

4. Vinyl chloride

Dated: December 16, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc. 75-34512 Filed 12-23-75; 8:45 am]

[PFTS: FRL 472-6]

FOOD ADDITIVE PETITION

Notice of Filing

Chemagro Agricultural Div., Mobay Chemical Co., PO Box 4913, Kansas City MO 64120, has submitted a food additive petition (FAP 6H5111) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 123 and 561 by establishing food and feed additive regulations permitting the use of the insecticide which is a mixture of O-ethyl O - [4 - (methylthio) phenyl] S - propyl phosphorodithioate and xylene in a proposed experimental program involving application of the insecticide to growing cotton with a tolerance of 1.0 part per million for residues of the insecticide in cottonseed hulls and cottonseed oil.

Notice of this submission is given pursuant to Section 409(b) (5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5111." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the Office of the Federal Register from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Dated: December 17, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 75-34740 Filed 12-23-75; 8:45 am]

[OFF-180057; FRL 473-1]

VERMONT DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control the Meadow Vole in Vermont

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has

granted a specific exemption to the Vermont Department of Agriculture (hereafter referred to as the "Applicant") to use a diphacinone formulation to control populations of the meadow vole, which are threatening commercial apple orchards located in three counties in Vermont. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the meadow vole (*Microtus pennsylvanicus*) is a perennial problem in Vermont orchards, and is the principal rodent responsible for girdling of apple trees in the State. Populations of the meadow vole commonly cause economic damage to commercial apple orchards by girdling the tree trunks below snow cover during the winter months over much of the Northeast. Therefore, satisfactory control of this rodent must be accomplished before snow falls; the desired application time would be after the apple harvest is complete and before the first snows, which generally occur in late November.

Zinc phosphide and Endrin in formulations are registered for controlling meadow voles. However, the Applicant claimed that zinc phosphide is ineffective because it is very unstable in the presence of moisture and, unless packaged under ideal conditions, it deteriorates very rapidly. The use of Endrin poses definite risks to non-target species, especially birds. The Applicant proposed to use a 0.005 percent diphacinone pelletized bait formulation at the rate of 10 pounds of product (0.05 pounds A.I.) per acre.

The diphacinone formulation will be applied aerially by fixed-wing aircraft. Personnel involved in the application are experienced in all aspects of apple pest control, and include personnel from the University of Vermont Agricultural Experiment Station, University of Vermont Extension Service, Velsicol Chemical Corporation, and the Vermont Department of Agriculture. The economic benefits anticipated from the program will be adequate protection of certain orchards from meadow voles; some of these orchards experienced severe damage during the past several years. The controls proposed appear to be adequate to prevent misuse of the pesticide and prevent any serious short-term or long-term adverse environmental effects. The Fish and Wildlife Service of the U.S. Department of the Interior has reported that no endangered or threatened species occur within the proposed treatment area.

After reviewing the application and other available information, EPA has de-

termined that (a) a pest outbreak of meadow voles has occurred; (b) there is no pesticide presently registered likely to be efficacious and environmentally acceptable; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the meadow voles are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following additional provisions:

1. The dosage rate shall not exceed ten (10) pounds of the pelletized diphacinone bait (Ramik Brown, EPA Reg. No. 876-184AA) per acre (0.05 pounds A.I.);
2. The treated acreage shall not exceed 2,000 acres of apple orchards located in Addison, Bennington, and Windham counties;
3. The total actual diphacinone used shall not exceed one hundred (100) pounds;
4. Duration of the application will be from the end of apple harvest until the first snow in November;
5. Efficacy data will be obtained pursuant to registration of this use pattern of Ramik Brown under section 3 of the amended FIFRA;
6. The Applicant will establish liaison with the Vermont Department of Fish and Game pursuant to monitoring effects of the rodenticide on non-target species, especially secondary poisoning of scavenging mammals and raptors; and
7. The Applicant is reminded of the reporting requirement pursuant to § 166.5 of the amended FIFRA.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: December 19, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 75-34739 Filed 12-23-75; 8:45 am]

[FRL 472-5]

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE OF THE SCIENCE ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee of the Science Advisory Board will be held at 9:00 a.m. on January 22, 1976 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be (1) to consult the committee on arsenic as an air pollutant; (2) to hear and discuss progress reports from committee review