

### Part C—Alternative Actions

The Commission is not aware of any feasible alternatives to repealing the Fiberglass Curtain Rule.

### Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Fiberglass Curtain Rule. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies the issues on which it solicits public comment. The identification of issues is designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

### Questions

(1) Is any manufacturer currently manufacturing and marketing fiberglass fabric for decorative use, as opposed to industrial use such as electronic circuit boards, joint tape, and insulation?

(2) Is any individual or business entity currently marketing fiberglass curtains or drapes?

(3) What benefits do consumers derive from the Rule?

(4) Have there been any technological or other changes that have reduced or eliminated the possibility of skin irritation from contact from glass fiber material?

(5) Should the Rule be kept in effect or should it be repealed?

**Authority:** Section 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

### List of Subjects in 16 CFR 413

Fiberglass curtains and curtain fabric, Trade practices.

By direction of the Commission.

**Donald S. Clark,**

Secretary.

[FR Doc. 95-12584 Filed 5-22-95; 8:45 am]

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### 16 CFR Part 417

#### Trade Regulation Rule Concerning the Failure To Disclose the Lethal Effects of Inhaling Quick-Freeze Aerosol Spray Products Used for Frosting Cocktail Glasses

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Federal Trade Commission (the "Commission") proposes to commence a rulemaking

proceeding to repeal its Trade Regulation Rule entitled "Failure to Disclose the Lethal Effects of Inhaling Quick-Freeze Aerosol Spray Products Used for Frosting Cocktail Glasses" ("Quick-Freeze Spray Rule"), 16 CFR part 417. The proceeding will address whether the Quick-Freeze Spray Rule should be repealed or remain in effect. The Commission is soliciting written comment, data, and arguments concerning this proposal.

**DATES:** Written comments must be submitted on or before June 22, 1995.

**ADDRESSES:** Written comments should be identified as "16 CFR Part 417" and sent to Secretary, Federal Trade Commission, Room 159, Sixth Street and Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Lemuel W. Dowdy or George Brent Mickum IV, Attorneys, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, (202) 326-2981 or (202) 326-3132.

### SUPPLEMENTARY INFORMATION:

#### Part A—Background Information

This notice is being published pursuant to Section 18 of the Federal Trade Commission ("FTC") Act, 15 U.S.C. 57a *et seq.*, the provisions of part 1, subpart B of Commission's rules of practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify, and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45.

The Quick-Freeze Spray Rule requires a clear and conspicuous warning on aerosol spray products used for frosting beverage glasses. The warning states that the contents should not be inhaled in concentrated form and that doing so may cause injury or death. Glass frosting products contain a compound known as Fluorocarbon 12 (dichlorodifluoromethane), which is also the principal ingredient used in coolants for automobile air conditioners and refrigerators.

The Rule was promulgated on February 20, 1969 (34 FR 2417 (1969)). The Statement of Basis and Purpose for the Rule stated that, although the product is not harmful when used as directed, there had been several instances where the intentional misuse of this product by inhaling its vapors resulted in death. Consequently, the Commission concluded that it was in the public interest to caution purchasers

who may not otherwise be aware of the lethal effects of inhaling the product.

On October 25, 1989, the Commission published a notice in the **Federal Register** soliciting public comments on the Rule's impact on small entities. (54 FR 43435). No comments were received in response to the notice. The Commission determined, however, that a small amount of quick freeze aerosol products were still available for sale. Therefore, the Commission determined that because the Rule's safety warnings, if followed, could prevent physical harm and loss of life, the Rule should be retained.

### Part B—Objectives

As part of its continuing review of its trade regulation rules to determine their current effectiveness and impact, the Commission recently obtained information bearing on the need for this Rule.<sup>1</sup> Based on this review, the Commission has determined that glass frosting products are no longer produced and that they are precluded by the Clean Air Act from being reintroduced into the market place.<sup>2</sup> The objective of this notice is to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Quick-Freeze Spray Rule.

### Part C—Alternative Actions

The Commission is not aware of any feasible alternatives to repealing the Quick-Freeze Spray Rule.

### Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Quick-Freeze Spray Rule. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies the issues on which it solicits public comment. The identification of issues is designed to

<sup>1</sup> In a memorandum to all federal departments and agencies dated March 4, 1995, the President requested all agencies to review their regulations and to initiate proceedings to eliminate those they determined were obsolete or unnecessary. In 1992, the Commission adopted a plan to review all its rules and guides at least once during a ten-year period. In response to the President's request, the Commission accelerated its scheduled review of certain rules to identify any that might be appropriate candidates for repeal or amendment. For example, under the ten-year plan, the Quick-Freeze Rule was scheduled for review in 1999, ten years after its last review.

<sup>2</sup> 42 U.S.C. 7401, 7671i. Regulations promulgated by the Environmental Protection Agency implementing the Clean Air Act ban chlorofluorocarbons in aerosols and foams for non-essential uses. 40 CFR 82.64. The ban, which includes fluorocarbon 12, became effective on January 17, 1994.

assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

### Questions

(1) Is any manufacturer currently manufacturing quick-freeze spray products?

(2) Is any individual or business entity currently marketing quick-freeze spray products?

(3) Do any retail stores or suppliers still maintain stocks of quick-freeze spray products for resale?

(4) What benefits do consumers derive from the Rule?

(5) Does regulation of this product by the Environmental Protection Agency render the Rule unnecessary?

(6) Should the Rule be kept in effect or should it be repealed?

**Authority:** Section 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

### List of Subjects in 16 CFR Part 417

Quick-freeze aerosol spray, Trade practices.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

[FR Doc. 95-12582 Filed 5-22-95; 8:45 am]

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### 16 CFR Part 418

#### Trade Regulation Rule: Deceptive Advertising and Labeling as to Length of Extension Ladders

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking (ANPR).

**SUMMARY:** The Federal Trade Commission ("Commission") proposes to repeal its Trade Regulation Rule entitled "Deceptive Advertising and Labeling as to Length of Extension Ladders" ("Extension Ladder Rule"), 16 CFR part 418. The proceeding will address whether the Extension Ladder Rule should be repealed or remain in effect. The Commission is soliciting written comment, data and arguments concerning this proposal.

**DATES:** Written comments must be submitted on or before June 22, 1995.

**ADDRESSES:** Written comments should be identified as "16 CFR Part 418" and sent to Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** John A. Crowley, Esq., (202) 326-3280, Division of Service Industry Practices,

Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

### SUPPLEMENTARY INFORMATION:

#### Part A—Background Information

This notice is published pursuant to Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a *et seq.*, the provisions of part 1, subpart B of the Commission's rules of practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting Commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1).

The Extension Ladder Rule, promulgated by the Commission on June 22, 1969, declares that it is an unfair or deceptive act or practice and an unfair method of competition to represent the size or length of an extension ladder, in terms of the total length of the component sections thereof, unless:

(a) Such size or length representation is accompanied by the words "total length of sections" or words with similar meanings which clearly indicate the basis of the representation; and,

(b) Such size or length representation is accompanied by a statement in close proximity which clearly and conspicuously shows the maximum length of the product when fully extended for use (i.e., excluding the footage lost in overlapping) along with an explanation for the basis of such representation.

The Commission periodically reviews rules and guides seeking information about the costs and benefits of such rules and guides and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. Pursuant to its review schedule, on April 19, 1993, the Commission published in the **Federal Register** a request for public comments on its Extension Ladder Rule. 58 FR 21125. The Commission asked commenters to address questions relating to the costs and benefits of the rule, the burdens it imposes, and the basis for assessing whether it should be retained, or amended.

The request for comments on the Extension Ladder Rule elicited six specific comments. One commenter, a consumer, opined that the only label that should be on ladders is the "maximum working length" since

consumers should not have to do any figuring to determine the length of the ladder that would meet their needs.

Of the other five commenters, four are manufacturers or suppliers of ladders and one is a trade association. A number of these comments refer to ANSI standard A14, which governs the labeling of ladders. ANSI standard A14 details the requirements for labeling portable wood ladders, portable metal ladders, fixed ladders, job made ladders and portable reinforced plastic ladders. The ANSI standard requires specification of the maximum working length of extension ladders, as well as several other pieces of information not required by the Extension Ladder Rule, including the total length of the ladder's sections and the highest standing level of the ladder. Compliance with the ANSI standard therefore ensures compliance with the labeling requirements of the Extension Ladder Rule.

Several commenters noted this overlap in the coverage of the Extension Ladder Rule and ANSI standard A14, and recommended that the rule be retained unchanged.

Another commenter stated that the rule has imposed minor, incremental costs, but opined that the benefits have been significant in that consumers have a better understanding of extension ladder length. The commenter questioned whether there was a continuing need for this rule given the existence of ANSI standard A14 and UL Standard 184.

In addition to this specific comment, one general comment, applicable to several rules being reviewed, was received from an advertising agency association. This organization recommends rescission of the Extension Ladder Rule because the general prohibitions covering false and deceptive advertising apply to the ladder industry, and thus the Rule creates unnecessary administrative costs for the government, industry members and consumers. The advertising association did not submit any analysis or data relating to the imposition of unnecessary administrative costs on affected industry members, government or consumers.

Finally, Commission staff engaged in an informal review of industry practices by examining the marking of length on extension ladders available for retail sale at several chain stores. That review indicated general compliance with the requirements of the rule. Additionally, the Commission has no record of receiving any complaints regarding non-compliance with the rule, or of initiating any law enforcement actions