

posite glazing material made of individual pieces of glass whose circumference is enclosed by lengths of durable metal such as lead or zinc and the pieces of glass are completely held together and supported by such metal.”

On April 20, 1977, the Stained Glass Association of America (SGAA), petitioned the Commission under section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) to amend the standard to exempt other decorative glazing materials. The petition was designated CP 77-12.

On June 21, 1977, SGAA requested the Commission to stay the standard as it applied to the products described in the petition, i.e., patinaed, leaded and faceted glass. SGAA stated that decorative glazing materials of the types described in its petition could not be manufactured to conform to the standard, were used for decorative and artistic purposes, and were produced in extremely limited quantities.

SGAA also argued that the standard effectively eliminated all of its products from use in glazed panels and decorative glass as an art form. After considering SGAA's arguments and reviewing information obtained by its staff, the Commission, on June 30, 1977, issued an order to stay the standard, pending action on the petition, for “faceted glass,” “patinaed glass” and “leaded glass,” as those terms were defined in the order when those materials are used in doors, storm doors and glazed panels having no individual piece of glazing material greater than nine square feet in area, provided certain specified criteria were met. Notice of the stay of the standard was published in the Federal Register on August 9, 1977 (42 FR 40188).

Discussion between the Commission staff and SGAA on the petition, after the Commission issued its stay of enforcement, disclosed that although the stay of enforcement did not include carved or etched glass, the same considerations that led to the stay of enforcement would support an exemption for carved or etched glass.

Those discussions also indicated that “patinaed glass” was almost always used as a component of leaded glass panels, and generally did not constitute a separate category of decorative glazing material.

In the Federal Register of March 15, 1978, the Commission proposed an amendment to the standard. The

proposal applied to “carved glass,” “faceted glass” and “leaded glass” that met the following criteria:

1. The coloring, texturing or other design qualities or components of the glazing material cannot be removed without destroying the material; and

2. The primary purpose of such glazing is decorative or artistic; and

3. The glazing material is conspicuously colored or textured so as to be plainly visible and plainly identifiable as aesthetic or decorative rather than functional (other than for the purpose of admitting or controlling admission of light components or heat and cold); and

4. The glazing material, or assembly into which it is incorporated, is divided into segments by conspicuous and plainly visible lines.

After consideration of the injury information associated with these products, the aesthetic characteristics of the decorative glazing materials and technical problems of producing decorative glazing materials that comply with the standard, the Commission proposed an exemption for carved, faceted and leaded glass used in doors and glazed panels without regard to their size.

The amendment, as proposed, would not exempt any decorative materials used in any storm door, sliding glass door (patio type), bathtub door and enclosure, or shower door and enclosure from the requirements of the standard.

The basis for the proposed amendment was that only small quantities of glazing were covered by the amendment; any risk of injury was mitigated by the visibility of decorative glass; substitute glazing that complied with the standard generally was not available; and not granting an exemption would reduce aesthetic qualities of the products with a resulting loss of consumer utility. These reasons are discussed in more detail in the proposal.

1. Because “patinaed glass” is used as a component of leaded glass panels, the March 15, 1978 proposal did not refer to “patinaed glass” as a separate category of glazing material.

