U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

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SEP - 9 2003

Dr. Kenneth Olden
Director
National Institutes of Health
National Institute of Environmental Health Sciences
P.O. Box 12233
Research Triangle Park, N.C. 27709

Dear Dr. Olden:

We are pleased to inform you, as required by the ICCVAM Authorization Act, that the US Consumer Product Safety Commission (Commission) voted unanimously on August 28, 2003 to approve the recommendations of ICCVAM that for the purpose of classification and labeling, the Revised Up-and-Down Procedure (UDP) be used instead of the conventional LD50 test to determine the acute oral toxicity hazard of chemicals. Further, the Commission also approved the recommendation to encourage the use of certain *in vitro* tests for determining the starting dose for acute systemic toxicity testing. The UDP can be used instead of the conventional LD50 for the purpose of classification for labeling under the Federal Hazardous Substances Act. (FHSA) (15 U.S.C. 1261-1278) Both the FHSA at 2(h)(2) and the supplemental definitions state that available data on human experience that indicate results different from those obtained in animals in the defined dosages or concentrations will always take precedence. This is true for both the conventional LD50 and the UDP. The briefing package sent to the Commission can be found on the Commission website (www.cpsc.gov) in the Library (FOIA) section at http://www.cpsc.gov/library/foia/foia03/brief/testing.pdf.

Sincerely,

/S/

Todd Stevenson