Secretary

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CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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CONSUMER PRODUCT
SAFETY COMMISSION

Dr. Jack Haberstroh
4458 Mataro Drive
San Diego, California 92115

Dear Dr. Haberstroh:

This letter is in response to your letter of May 31, 1974 to Chairman Simpson requesting the Commission to conduct an investigation into the hazards associated with hang gliding.

The primary purpose of the Commission is to protect the public against unreasonable risks of injury associated with consumer products. In this regard, the term "consumer product" is defined in section 3(a)(1) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2052) as

> "any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...."

Section 3(a)(1)(F) of the CPSA excludes from the meaning of "consumer product" aircraft as defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301.) Aircraft is defined in that act as "any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air."

In view of the foregoing, the Commission believes that it does not have jurisdiction to regulate hang gliders. Rather, that product appears to fall within the jurisdiction of the Federal Aviation Administration. I have therefore referred your letter to the Director, Flight Standards Service (AFS-1), Federal Aviation Administration, 800 Independence Avenue S.W., Washington, D.C. 20591.

Please let me know if I may be of further assistance.

Sincerely,

Michael A. Brown
General Counsel

CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

24 JUN 1974

Director
Flight Standards Service
(AFS-1)
Federal Aviation Administration
800 Independence Avenue S.W.
Washington, D.C. 20591

Dear Sir or Madam:

We are referring to you the enclosed letter from Dr. Jack Haberstroh requesting the Consumer Product Safety Commmission to conduct an investigation into the hazards associated with hang gliding. In our view, this Commission has no jurisdiction over hang gliders because section 3(a)(1)(F) of the Consumer Product Safety Act (15 U.S.C. 2052) excludes from coverage aircraft as defined in section 101 of the Federal Aviation Act of 1958.

Hang gliders appear to fall within the jurisdiction of the Federal Aviation Administration, and we understand the FAA has issued an advisory circular regarding hang gliders (60-10; 5/16/74).

Sincerely,

Michael A. Brown
General Counsel

Enclosure

SAN DIEGO STATE UNIVERSITY
SAN DIEGO, CALIFORNIA 92115
Department of Journalism

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CONSUMER PRODUCT SAFETY COMMISSION

May 31, 1974

Mr. Richard O. Simpson, Chairman
Consumer Product Safety Commission
7315 Wisconsin Ave., N.W.
Washington, D.C. 20016

Re: Hang Gliders

Dear Mr. Simpson:

This letter is being written to ask your commission to conduct a thorough investigation into the hazards associated with hang gliding (also called sky sailing).

Southern California has been described as the "center" of hang gliding activity in the nation and many concerned parents (and participants) are having second thoughts about just how safe these hang gliders are.

This letter, furthermore, might be considered a kind of "public atonement" as I am the former President of Free-Flight of San Diego, the largest sky sailing school in the world. We trained more than 100 students a week in sky sailing. One of the principal reasons I sold my interest in Free-Flight of San Diego, frankly, was my mounting alarm over the increasing incidence of fatal and near-fatal accidents in hang gliding.

Given the relatively small number who are continually active in hang gliding (i.e. not merely signed up in some club) the accident rate seems disproportionately high. Four persons have been killed this year in the State of California. Here in San Diego, the death a week ago Sunday (5-20-74) of Bruce Slingerland, 27, a "very experienced pilot", has added a dismal exclamation mark to the sport's deplorable safety record.

A recent news account stated that "Scripps Memorial Hospital (here) has handled at least six serious hang glider accidents within the past year, involving broken legs, spines, and skulls." John Adcock, a 28-year-old San Diego State University student who rates himself "a very good hang glider pilot" spent 85 days in the hospital with a broken back and leg as the result of a hang glider accident. When I spoke with him this morning he described the sport as "dangerous as hell".

Dale Cooper, 30, suffered head injuries in a hang glider crash at Torrey Pines (a popular cliff-site location) this year. Robert Edgett suffered a broken leg when his hang glider was smashed against the Torrey Pines cliff. Just last month Gordon Cummings, a 32-year-old hang glider pilot from Encinitas, suffered a broken arm, shock, and head injuries, when he crashed into a 60-ft. pine tree. He had to be cut down from the tree and was later admitted to the hospital in serious condition. Even the Sea World air devil, Jim Rusin, admits to breaking his neck twice and all the ribs in his body at least once.

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My own sky sailing school, conducted as safely as we possibly could conduct it, was not free of injuries. We limited indiviual classes to 30 students and, as I recall, had a broken wrist the first class. A broken ankle the second class. A broken wrist the third class. And so it went, class after class. All this, despite the fact that we required students to wear full-length clothing, as well as elbowpads, gloves, knee pads, and a helmet, all of which we provided. And the fact that the first flying lesson was conducted from an elevation on a gentle sloping hill of no more than 30 ft.

Furthermore, I suspect that hang glider manufacturers and clubs are simply paying lip service to safety. I shall never forget one instance of this which I personally observed. Quite possibly the largest hang gliding meet ever held, from the standpoint of number of manufacturers and participants, was the Francis M. Rogallo First Annual Meet held in Escape Country (in Orange County, Calif.) in January of this year. For openers, can you imagine holding a hang gliding meet (of all things!) in a pea-soup, London fog ! I couldn't believe it ! We could hear the kites descending before we could see them ! Kites were landing in the spectator area, on top of parked kites in the manufacturers' area, and in the parking lot where cars were maneuvering for parking places. Incredible ! When I protested holding a meet under such conditions with letters to all parties and to all three hang glider publications with which I was familiar I was told it "looked more dangerous than it really was"and that no "official" flying was being done at that time. That may be technically true. But (1) flying was being conducted, with each flight announced over the public address system by the meet announcer; (2) pilots were attempting target landings with envelopes (cash enclosed ?) placed by meet officials at the center of the landing target; (3) much of the flying under such conditions was being performed by "factory pilots" (i.e. representatives of various hang glider manufacturers, most of whom were in attendance at this bizarre event).

To add confusion to the safety claims and counter-claims of hang glider enthusiasts for their craft — and to silence we critics — is the fact that many expert pilots become involved in the commercial aspects and promote it (as I used to) despite its so obviously tawdry safety record. Manufacturers have also become involved in many club activities, again self-servingly promoting a sport that may not be nearly as safe as it might look !

In a nutshell: Is the "aircraft" itself a safe flying vehicle ? Is its glide ratio too steep, meaning that light, freak breezes or down-drafts will send the craft crashing ? Is the control mechanism sophisticated enough ? After all it's simply weight-shifting which controls it from side to side — the same general principle which steers a surfboard. The difference, of course, is a surfboard misstep means a dunking in four feet of water. The injuries listed above suggest what can happen when one makes the same mistakes with a hang glider. Should manufacturers sell kites in "kit" form ? Or worse, sell plans, and hope the buyer can scrounge around for all the parts. And shouldn't hang glider instructors be certified ? And what about FAA certification for the "aircraft" themselves ? Manufacturers, as some materials become difficult to obtain, are themselves substituting parts and materials. What certification

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is there that even these factory constructed "aircraft" are suitable to fly ?

My own investigation into this entire matter suggests that the "Rogallo Wing" may be too unstable and is unsuitable for safe, personal flight from any elevation. One aerophysicist of my acquaintance, calls them "death traps".

The injuries and deaths resulting from their use would seem to reinforce that assessment.

Sincerely,

Dr. Jack Haberstroh
4458 Mataro Drive
San Diego, Calif. 92115
(714) 583-2845

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