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CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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OCT 1 1 1974

James Pickering
Pickering Cycles
317 E. Congress
Tucson, Arizona 85701

Dear Mr. Pickering:

Thank you for the time you devoted to considering our bicycle regulation. We appreciate having received your August 21, 1974 letter.

The Commissioners asked our office to respond to the questions posed by your letter. The imported frames you describe are not covered by our regulation because they are not fully assembled or ready-for-assembling bicycles, but merely parts of bicycles. Further, you correctly point out that the finished bicycles you build on those frames are not covered by the regulation because they are classified as "one-of-a-kind" bicycles (§1512.2(e)). If you sold any of the frames to a person who used them to assemble bicycles that were not one-of-a-kind, however, he might want assurance from you that they comply with the regulation.

Your question concerning the definition of interstate commerce references the same frames and is therefore moot. Nevertheless, please note that the Federal Hazardous Substances Act defines that term in part as "...commerce between any State or territory and any place outside thereof..." (15 U.S.C. 1261(b)). All commerce involving imports is therefore "interstate."

We trust that this is responsive to your letter. We enclose a recent press release concerning certain changes to the bicycle regulation. Details will be published in the Federal Register in the near future.

Sincerely,

Michael A. Brown
General Counsel

Enclosure

ADVISORY OPINION

D.S

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PICKERING CYCLES General Counsel
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BEST QUALITY EQUIPMENT AND ACCESSORIES
317 E. CONGRESS
TUCSON, ARIZONA, 85701

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CONSUMER PRODUCT
SAFETY COMMISSION

21 AUGUST 1974

Dear Commissioners,

I have just finished reading the Bicycle Safety standards as formulated by your commission and published in the Federal Register on Tuesday 16 July 1974.

I must say that I am impressed with the general fairness and good sense exhibited in the finalized standards as they pertain to the "Common" bicycle being sold on todays' market. Some of the standards were sorely needed to insure a safe product, although I must say I remain unconvinced that the legend accompanying section 1500.18 (Banned toys and other banned articles intended for use by children) is really applicable. I understand your rationale as set forth in your discussion of Section 2(f)(1)(D) of the Federal Hazardous Substances Act in the background section of your rules and regulations, but I feel you are

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on shaky ground here. I cannot conceive, for instance, where a 25" size frame derailleur equipped bicycle could be considered an "article intended for use by children". Be that as it may, the safety standards are here, and, barring a "firestorm of adverse public reaction" (to use the current vernacular) I'm sure they are here to stay.

Let me reiterate: In general I think your standards are well thought out and in most cases should serve the public interest well. There is one section that concerns me personally and, depending upon your interpretations and rulings concerning it, will have considerable impact on my business operation.

I specialize in selling handbuilt bicycle frames and building bicycles to the customers' personal order, in fact, over 90% of my business is in this realm. I import these frames from a select few builders in England who represent the Father/Son or small family business

FRAMESETS – COMPONENTS – CLOTHING – TOOLS – WHEEL BUILDING – REPAIRS – OVERHAULING
FOR THE RACING AND TOURING ENTHUSIAST

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style of operation. The frames are all varied in design and performance characteristics. For instance, in a typical order of 5 frames from such a frame builder (because of the painstaking care of hand production this represents a sizeable shipment from a small shop) might include 3 road racing models with approx 39" wheelbases, standard forkends but with a variety of lug designs and finishes; 1 criterium/time trial model with a very short wheelbase and rear triangle, very upright angles, minimum clearances and vertical fork drop-outs 1 touring model with a long wheelbase and generous clearances and various brazed on appendages such as a lamp boss and mudguard eyes. Such frames as these are meticulously constructed, beautifully finished and altogether are exquisite works of art. We guarantee these frames for life under normal use. These frames are in great demand, and customers delight in having a

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large variety available for examination so that they may make a selection to suit their personal needs.

By this preamble, I am leading up to the following points and questions:

How does my business operation relate to 1512.2(e) of your standards (one-of-a-kind bicycle)? Will the frames I import after 1 Jan 75 (of course not including those built to individual customers' personal order - we do that too) have to be individually tested to meet your standard even though each one is different in design and construction? If so, how do I accomplish this? Will I be able to maintain a selection of special purpose frames thus offering customers (consumers) a choice upon which to build a custom bicycle? Similarly, will I be able to maintain such a selection so that customers can select [illegible] upon which to build his own bicycle?

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If I import frames direct to Tucson and sell them only to Arizona residents am I engaging in Interstate commerce as defined in 1500.18 (12) of your standard?

I know this letter has been voluminou and I have imposed extensively on your time in seeking answers to my many (and mayb "sticky") questions. However, this information is important, really essential, for me to be able to plan my immediate business operation.

In closing, may I say that as a true bicycle lover who has had a 35 year love affair with fine bicycles (and still a 50 mile per day "fast burner" at age 45 yrs) that I appreciate your conscientious efforts on behalf of all bicyclists

May your pedals turn easily, and the wind be always at your back,

Sincerely

James Pickering

PLEASE ADDRESS REPLY TO:
PICKERING CYCLES
317 E CONGRESS
TUCSON, ARIZ. 85701

FRAMESETS – COMPONENTS – CLOTHING – TOOLS – WHEEL BUILDING – REPAIRS – OVERHAULING
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