Secretary
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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

NOV 4 1974

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___ No Mfrs Identified
✓ Excepted general
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Comments Processed
proceeding

149

Maurice H. Lamothe
Jarvis Company
Route 9
Fayville, Massachusetts 01745

Dear Mr. Lamothe:

This letter is in response to your correspondence of September 26, 1974, concerning power lawn mowers.

The Consumer Product Safety Commission has not yet promulgated any consumer product safety standards applicable to power lawn mowers. The Commission, under § 7 of the Consumer Product Safety Act (15 U.S.C. 2056), solicited interested persons to offer to develop a safety standard for power mowers or to submit existing standards as a proposed consumer product safety standard. On October 17, 1974, the Commission formally entered into an agreement with Consumer's Union of United States for the development of a standard for power lawn mowers, lawn tractors, and lawn and garden tractors. The expiration period for the development of the standard is December 19, 1974. Should you desire to participate in the development of the standard, you should contact Mr. Bertram Strauss, Project Manager, Consumers Union, 256 Washington Street, Mount Vernon, New York 10550.

We are unaware of any current federal mandatory standard applicable to power lawn mowers. We are enclosing a copy of the Federal Register notice which commenced the proceeding for the development of safety standards. Page 26663 of the notice includes standards of which the Commission is aware.

ADVISORY OPINION

In regard to your specific questions, the Commission has no regulation that requires lawn mower repair facilities to insure that safety equipment is on lawn mowers before returning the product to a customer. Further, as we indicated earlier, we are unaware of any Federal Safety Standards for power mowers.

The Consumer Product Safety Act defines the term manufacturer in section 3(a)(4) (15 U.S.C. 2052(a)(4)) as any person who "manufactures or imports a consumer product." The term "manufacture" is defined in section 3(a)(8) as meaning "to manufacture, produce, or assemble." Although we have not fully reviewed the area of repairs, our current thinking is that one who repairs a lawnmower for the owner of the mower by replacing a blade and blade holder would not be a manufacturer under the Consumer Product Safety Act.

In regard to who is responsible for the quality of blade installation under the Consumer Product Safety Act, we would examine the facts of each particular case to determine whether the blade presents an unreasonable risk of injury, a substantial product hazard, or an imminent hazard and then determine where responsibility lies. In this connection, it should be noted that the remedial powers of the Commission are limited to action against manufacturers, distributors, and retailers.

Please let us know if we can be of further help.

Sincerely,

Allan H. Schiem for

Margaret A. Freeston
Acting Assistant General
Counsel

Enclosure

R.C. JARVIS COMPANY
POWER EQUIPMENT DISTRIBUTORS
Route 9, Fayville, Massachusetts 01745 · (617) 485-6100

September 26, 1974

RECEIVED
SEP 30 1974
Consumer Product Safety Commission
Office of General Counsel

Consumer Products Safety Commission
Washington, D.C. 20207

Attention: Michael Brown, General Counsel

Dear Mr. Brown;

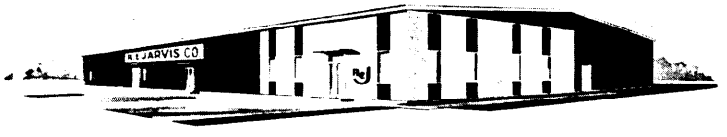
We are a distributor of consumer power lawn and garden equipment and serve as a distributor for the six New England states. In this capacity, we serve the dealers in both distribution of whole goods, parts and fulfill the usual obligations of a distributor in terms of service and dealer education

Since the Consumer Products Safety Commission was first announced last year, there has been much speculation regarding the various obligations of both distributors and dealers in terms of fulfilling their obligations of this act.

We have several questions that we must have answers on and I would appreciate your prompt reply to these questions.

1. Many customers prefer to remove discharge chute deflectors and drag shields from their walk behind mowers and very often bring lawnmowers into a service agency for repair of the engine and / or drive train. Our question is; is this dealer required by law to install all safety equipment before delivery to subject customer? The dealer has been fed all forms of rumors in this regard to the point where they are frightened to death of the implications.

2. Many dealers in the normal course of their business, are required for reasons of economics, to take in for service lawnmowers other than brand name merchandise. Many of these lawnmowers do not have readily available parts service. As a direct result of this, dealers are required to substitute blades. Under the terms of the Consumer Products Safety Commission, it is my understanding that if the dealer replaces a blade, he then becomes in terms, a "manufacturer". In many instances the dealer will replace the blade and



blade holder that are supplied by a manufacturer. Is the manufacturer of this sub-assembly responsible for the quality of this blade installation or is the dealer because of his installation, responsible?

Your prompt response to these questions would assist us in providing our dealers with authentic information. Any additional information that you have in regard to effectivity dates and pending changes that will become mandatory, would be appreciated.

Cordially yours,

Maurice.

Maurice H. Lamothe
Service Manager

MHL/ps

CC: Bob Smith
D. L. Satterfield Sr.
D. L. Satterfield, Jr.