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CONSUMER PRODUCT
SAFETY COMMISSION

Mr. Jack W. Woldert, Jr.
Woldert Enterprises
Hiway 69N, P.O. Box 4050
Tyler, Texas 75701

Dear Mr. Woldert:

Thank you for your letter of August 20, 1974, requesting that the Consumer Product Safety Commission establish safety standards for the jack stand and camp trailer stabilizer industry. We regret the delay in responding to your letter.

Your request for standards cannot be reviewed on the merits by the Commission as we have determined that we do not have jurisdiction at this time over jack stands and camp trailer stabilizers.

Under the Consumer Product Safety Act, (CPSA) 15 U.S.C. 2051, the Consumer Product Safety Commission is charged with protecting the public against unreasonable risks of injury associated with consumer products. The term "consumer product" is broadly defined to include:

> "...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...."

ADVISORY OPINION

Section 3(a)(1)(c) of the CPSA, (15 U.S.C. 2052 (a)(1)(c)), however, exempts from this broad definition "motor vehicle" and "motor vehicle equipment," as they are defined by section 102(3) and 102(4), of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(3)(4)). That act defines motor vehicle equipment as:

> "any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article or apparel not a system, part, or component of a motor vehicle (other than medicines, or eyeglasses prescribed by a physician or other duly licensed practitioner), which is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death."

If a product falls within the definition of motor vehicle equipment and is only used with motor vehicles, then jurisdiction over the product lies exclusively with the National Highway Traffic Safety Administration (NHTSA). On the other hand, if a product can be used in or around the home, a school, in recreation, or otherwise, as well as with a motor vehicle, then the product would be subject to regulation by both this Commission and NHTSA.

Regarding the products which your firm manufactures, the NHTSA has informally determined that jack stands are motor vehicle accessories, and hence, are within their exclusive jurisdiction. We are in agreement with the conclusion they reach, provided, of course, that there are not additional consumer uses for the jack stands.

Recreational vehicles, which include most forms of campers, are motor vehicles, and are subject to regulation by the NHTSA. Therefore, camp trailer stabilizers, which are used to support and stabilize campers, are motor vehicle equipment, and fall within the exclusive jurisdiction of the NHTSA.

In view of our conclusion that we lack jurisdiction over jack stands and camp trailer stabilizers, we have taken the liberty of forwarding your request to the Deputy Chief Counsel of the NHTSA, 400 7th Street, SW., Washington, D.C. 20591.

Sincerely,

Original signed by
Michael A. Brown

Michael A. Brown
General Counsel

SNess:mli:11/14/74

cc: SNess
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WOLDERT Enterprises

Hiway 69 N P. O. Box 4050
Tyler, Texas 75701
(214) 592-6521

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August 20, 1974

U.S. Consumer Product Safety Commission
Office of the Secretary
Washington, D.C. 20207

Gentlemen:

This is a petition to the Consumer Product Safety Commission requesting establishment of standards for the Jack Stand and Camp Trailer Stablizer industry. Please be assured that we as one of the manufacturers would be pleased to cooperate in any way.

Yours very truly,

WOLDERT ENTERPRISES

Jack Woldert Jr

Jack W. Woldert, Jr.