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CONSUMER PRODUCT
SAFETY COMMISSION

#157

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

NOV 21 1974

Mr. Robert K. Brewer
BSP Enterprises
Highway 69 North
P. O. Box 686
Tyler, Texas 75701

Dear Mr. Brewer:

Thank you for your letter of September 3, 1974, requesting that the Consumer Product Safety Commission establish safety standards for the portable car ramp industry.

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 portable car ramps.

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...."

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 sections 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:

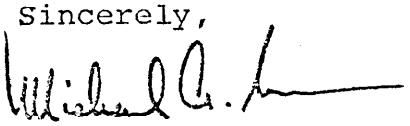
> "any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article or apparel not a system, 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.

The NHTSA has informally determined that portable car ramps are motor vehicle accessories, and, as such, fall within their exclusive jurisdiction. We agree with that conclusion, provided, of course, that there are no additional consumer uses for portable car ramps.

In view of our determination that we lack jurisdiction over your product, we have taken the liberty of forwarding your request for standards development to the Acting Chief Counsel of the NHTSA.

Sincerely,



Michael A. Brown
General Counsel

BSP ENTERPRISES
HIGHWAY 69 NORTH
P. O. BOX 686
TYLER, TEXAS 75701

Robert K. Brewer, Owner

Phone: 214 - 597-9422

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CONSUMER PRODUCT SAFETY COMMISSION

September 3, 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 portable car ramp industry.

Please be assured that we as one of the manufacturers would be pleased to cooperate in any way.

Yours very truly,

B.S.P. Enterprises

Robert K. Brewer

Robert K. Brewer

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