FF164

DEC 23 1974

6(b) CLEARED: 3/15/84 RC
___ No Mfrs Identified
X Excepted
___ Mfrs Notified
___ Comments Processed
Not under our jurisdiction

Mr. Alfred R. Puccinelli, President
ARP Industries, Inc.
36 Bay Drive E.
Huntington, New York 11743

Dear Mr. Puccinelli:

This is in response to your letter dated September 30, 1974 to Chairman Richard O. Simpson concerning your firm's carburetor ice detector for aircraft. Please accept our apology for the delay in responding.

In your letter you requested information as to whether the Commission has authority over general aviation aircraft and whether the Commission can require the use of a safety device on such aircraft.

The primary purpose of the Commission is to protect the public against unreasonable risks of injury associated with consumer products. The term "consumer product" is defined in section 3(a)(1) of the Consumer Product Safety Act (CPSA) (15 U.S.C. section 2052(a)(1)) 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, aircraft engines ... as defined in section 101, Federal Aviation Act of 1958 49 U.S.C. section 1301(6) "Aircraft engine" is defined in that act as "an engine used, or intended to be used, for propulsion of aircraft and include all parts, appurtenances and accessories thereof other than propellers."

In view of the foregoing, the Commission believes it does not have jurisdiction over aircraft or safety devices such as your carburetor ice detector manufactured for use in aircraft or aircraft engines. Aircraft safety is, as you know, under the jurisdiction of the Federal Aviation Administration.

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

Sincerely,

Original signed by
Michael A. Brown

Michael A. Brown
General Counsel

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ADVISORY OPINION