#174

CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

November 22, 1974

6(b) CLEARED: 3/15/84 RC
X No Mfrs Identified
X Excepted No Jurisd.
Mfrs Notified
Comments Processed
exceed vg 3

Mr. Harvey E. Schock, Jr.
30 Oak Ridge Drive
Haddonfield, New Jersey 08033

Dear Mr. Schock:

This is in response to your October 1, 1974, petition concerning the regulation of textbooks and your October 17 follow-up letter. Your petition requests the Commission to regulate certain textbooks based on an unreasonable risk of injury which they present. The claimed basis for such risk is that the books contain instructions for performing science experiments that do not include discussions, cautions, or illustrations relating to safety consideration.

The Commission, after careful deliberation, has concluded that its jurisdiction under the Consumer Product Safety Act (CPSA) and the other Acts the Commission administers does not extend to risks of injury such as the one you allege. Accordingly, we must deny your petition. In so doing, we wish to make clear that our decision is based solely upon our judgement regarding the limitations of our jurisdiction and not upon the merit or lack of merit of your petition.

Textbooks, as physical objects, are clearly "consumer products" under Section 3(a)(1) of the Consumer Product Safety Act (CPSA) and thus; by way of illustration, if any textbook were manufactured with unreasonably sharp edges it could be regulated for such sharp edges under this Act. However, we can find no evidence that Congress intended to give us authority to regulate the written contents, such as directions for scientific experiments, of textbooks when it passed the CPSA. Congress was concerned with those injury risks directly associated with and caused by the consumption and use or enjoyment of consumer products. While it is no doubt true that unsafe textbook directions might affect the way a child performs a scientific experiment and could even contribute to an injury resulting from the unsafe performance of that experiment, we do not believe that such an indirect

ADVISORY OPINION

causal connection was included within congressional thinking in passage of this legislation. Nevertheless, the Commission will look into what it can do to urge publishers of educationa materials intended for children to avoid text and/or illustrat which could encourage the unsafe use of consumer products.

We deeply appreciate the concern which prompted you to petition the Commission for a product safety rule and we hope that you will continue to participate in our activities.

Sincerely,

Sadye E. Dunn

Sadye E. Dunn
Secretary

HARVEY E. SCHOCK, JR.
30 OAK RIDGE DRIVE
HADDONFIELD, NJ 08033

RECEIVED
OFFICE OF THE SECRETARY
OCT 8 9 2 PM '74
CONSUMER PRODUCT
SAFETY COMMISSION

To: Consumer Product Safety Commission
Washington, D. C. 20207
Attention: Honorable Richard O. Simpson, Chairman

Whereas the Consumer Product Safety Act, Public Law 92-573 is for the protectio of the public against unreasonable risk of injury, and

Whereas the importance of safety and health for youth and their training is needed,

Whereas a consumer product is defined to include items used in school, and

Whereas textbooks, such as the new Houghton Mifflin Company, 110 Tremont Stree Boston, Massachusetts 02107 in its textbook MODULES ACTION PROGRAM FOR S ISBN 0-395-16701-9, Copyright 1974, and used by children 11 years old in Sixth Gra is a product that provides instructions on the performing of experiments involving unreasonable risk of injury, without cautions or illustrations for any associated protection by eye shields, thermal gloves, exhaust hoods or other safety protectio devices or guidance, and

Whereas it could be an experiment causing unreasonable risk of injury to ask a chi Pages 244 and 245 and on other pages of such book, without proper protection to pe an experiment of emptying a full can of pressurized [redacted] into a simple plastic bag

Whereas one of the purposes of child education is to equip children, among other t to be prepared for or to reduce the impact of situations in later life as well as in t youth from situations involving unreasonable risk of injury, and

Whereas Section 10 of the Act does provide for the petitioning of the Commission fo issuance of consumer product safety rules, and

Whereas Section 15 of the Act does provide for the repair, replacement and refund a product presenting a substantial product hazard, so

Therefore it is hereby petitioned that the Commission

Will develop rules for the issuance and regulation of textbooks containing direction experiments involving unreasonable risk of injury either in performance of such ex ents or resulting from the education of persons in practices considered to offer un able risk of injury to such persons or to others, either in the performing of such e iments or in the learning of practices which would provide unreasonable risk of inj to themselves or to others at a later time, and

Will take necessary action to order correction of the forenoted textbook and other s textbooks as may be determined by the Commission as providing unreasonable risk injury in their content and resulting acts

Petitioned this First of October, 1974, Borough Haddonfield, State New Jersey, by

Harvey E. Schock, Jr. (Seal)