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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

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C. Smith, General Manager
Mel Pinto Imports, Inc.
2860 Annandale Road
Falls Church, Virginia 22042

Dear Mr. Smith:

This is in response to your February 5, 1975 letter requesting our opinion on the terms "manufacturer" and "one-of-a-kind bicycle" which appear in our bicycle regulation and reproposal (39 FR 26100, July 16, 1974 and 40 FR 1493, January 7, 1975).

Any individual who, or company which, constructs a bicycle from a frame and other components would be a bicycle manufacturer. However, those acts prohibited by section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) (copy enclosed), under which the bicycle regulations are being issued, do not include the manufacture of a banned hazardous substance by an individual for his own use. Such manufacture, then, would not be affected by the bicycle regulations.

In addition, for the purposes of section 1512.19 (Instructions and labeling) and for the entire bicycle regulation, a bicycle is exempted from the requirements if it meets the definition of a "one-of-a-kind bicycle" at section 1512.2(e). This effectively relieves a manufacturer from any responsibilities under this regulation if he manufactures only such bicycles. A "custom built" bicycle which you describe may or may not meet the definition of a "one-of-a-kind bicycle." This definition requires that a bicycle be "uniquely constructed to the order of an individual consumer other

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ADVISORY OPINION

MEL PINTO IMPORTS, INC.

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February 5, 1975

Secretary
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Gentlemen:

Reference: Proposed Rules, as published in Federal Register, Vol. 40, No. 4 Tuesday, January 7, 1975, Paragraph 1512.19 Instructions & Labeling.

The purpose of this letter is to ask for an opinion with regard to the term "Manufacturer", when a bicycle is assembled by an individual and not a manufacturer.

Many individuals and bicycle dealers purchase a bicycle frame and the components as needed to build the complete bicycle. This type of bicycle is generally classified as a "Custom Built" bicycle. Therefore as defined in 1512.19, there is not a manufacturer involved in this assembly operation.

It may be that a bicycle, assembled as described above, would be classified as "one-of-a-kind bicycle".

We thank you in advance for your response and opinion.

Sincerely,
MEL PINTO IMPORTS, INC.

C. Smith
General Manager

CS/fvw

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than by assembly of stock or production parts." It is thus possible for a manufacturer to assemble bicycles for specific consumers without qualifying for the "one-of-a-kind" exemption. Unless the assembly process is unique by individual order and substantially involves non-stock components, the manufactured bicycle must meet all requirements of this regulation. In other words, the factual circumstances surrounding the bicycle's assembly and parts will determine the applicability of the regulation, including the requirements on instructions and labeling.

We trust that this is responsive to your questions.

Sincerely,

for

Michael A. Brown
General Counsel

Enclosure

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