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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

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John O. Hayward, Esquire
4 Brattle Street, Suite 211
Harvard Square
Cambridge, Massachusetts 02138

Dear Mr. Hayward:

This is in response to your letter of March 13, 1975, wherein you inquired whether the power lawn mower standard being developed by Consumers Union should include requirements for lawn mower attachments. Please excuse the delay in responding to your letter, but we did not receive it until April 29, 1975.

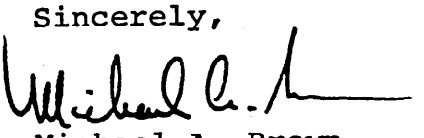
The Federal Register Notice of July 22, 1974, which commenced a proceeding to develop a standard for power lawn mowers, identified six hazards to be addressed in the standard. In the view of the Office of the General Counsel, if Consumers Union believes that in order to eliminate or reduce the hazards identified in the development notice, it must include requirements for mower attachments, it could do so. In this connection, Consumers Union could also consider including requirements for some form of labeling concerning appropriate usage of additional equipment for power mowers.

We agree with Mr. Strauss that in certain situations, attachments could present a substantial product hazard under section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) if they cause the mower to be in violation of a consumer product safety standard.

ADVISORY OPINION

While the views expressed in this letter are based on the most current interpretation of the law by this office, they could subsequently be changed or superseded by the Commission.

Sincerely,



Michael A. Brown
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4 BRATTLE STREET, SUITE 211
HARVARD SQUARE
CAMBRIDGE, MASSACHUSETTS 02138

March 13, 1975

David Schmeltzer, Atty.
Office of the General Counsel
Consumer Product Safety Commission
1750 K Street, NW
Washington, DC 20207

Dear Mr. Schmeltzer:

I am a consumer representative on Consumers Union's Power Lawnmower Standard Development Committee and have been asked by Bert Strauss, Project Director, to inquire of your Office whether the Committee should include in the standard requirements for mower attachments. Some Committee Members are concerned that certain attachments may cause the mower to be in violation of the standard. Mr. Strauss has suggested that in such a case the attachment itself could be a Section 15A substantial product hazard.

Could your office give Mr. Strauss and the Committee some guidance in this matter?

Cordially,

John O. Hayward

John O. Hayward, Esq.

JOH:AEA

cc: Bert Strauss
Alan Ehrlich

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APR 29 1975
Consumer Product Safety Commission
Office of the General Counsel