#214
6b OK 8/10/83

OFFICE RECEIVED
JUL 21 3 ... '75
CONSUMER PRODUCT SAFETY COMMISSION

UNITED STATES GOVERNMENT

Memorandum

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

214

TO : Tom McKay, Director, OCR

DATE: 18 JUL 1975

FROM : Margaret A. Freeston, Assistant General Counsel MAF

SUBJECT: Jurisdiction Over Safety Hazards Of Residual Gasoline In Gasoline Pump Hoses

In a letter dated June 16, 1975, Congressman Mazzoli has asked about the possibility of CPSC action regarding the alleged hazard, particularly to small children, of a small amount of gasoline remaining in gasoline pump hoses even after the pump is locked.

It appears to this office that the Commission may have jurisdiction to address the alleged hazard of residual gasoline in gasoline pump hoses under the Consumer Product Safety Act (CPSA) and the Federal Hazardous Substances Act (FHSA).

Under the CPSA, the Commission has jurisdiction over consumer products, as that term is defined in section 3 of the CPSA. The term consumer product includes any article or component produced or distributed for sale to or 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. Among items excluded from the definition of consumer product are any articles which are not customarily produced or distributed for sale to or use or consumption by a consumer. Although gasoline pumps are most often produced for commercial stations where attendants operate the pumps, many service stations allow customers to serve themselves. In addition, consumers may, on occasion, own their own gasoline pumps. Therefore, we believe there may be more than occasional use of gasoline pumps by consumers and the Commission thus would have jurisdiction over gasoline pumps.

Under the FHSA, the Commission has authority to regulate "hazardous substances" intended or packaged in a form suitable for use in the household or by children. This term has been defined to include any hazardous substance,

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

whether or not packaged, that under any customary or reasonably foreseeable condition of purchase, storage, or use may be brought into or around a house, apartment, or other place where people dwell. Under the FHSA the Commission may have jurisdiction to address hazards associated with residual gasoline in gasoline pumps which are located in or around households, such as on farms.

We know of no current Commission plans to address any hazards associated with gasoline pumps. However, any person may petition the Commission under section 10 of the CPSA to set a consumer product safety rule, or under the FHSA. Such a petition must set forth facts which it is claimed establish that a consumer product safety rule (or regulation under the FHSA) is necessary and a brief description of the substance of the rule which it is claimed should be issued by the Commission.

The opinions contained in this memorandum represent the views of this office based on the most current interpretation of the law. They may be revised or superseded at any time.

6b ok

ROMANO L. MAZZOLI
THIRD DISTRICT, KENTUCKY

WASHINGTON OFFICE:
ROBERT J. BAUGHMAN
ADMINISTRATIVE ASSISTANT

1212 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-5401

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEES:
JUDICIARY
DISTRICT OF COLUMBIA

DISTRICT OFFICE:
CECIL H. NOEL
JOHN L. KILROY, JR.
CHARLES MATTINGLY
VICKI GIGLIANDI

FEDERAL BUILDING
600 FEDERAL PLACE
LOUISVILLE, KENTUCKY 40202
TELEPHONE: (502) 582-5129

June 16, 1975

RECEIVED
JUN 17 1975
Consumer Product Safety Commission
Office of Congressional Relations

Ms. Barbara Ludden, Director
Office of Congressional Relations
Consumer Product Safety Commission
1750 K Street
Washington, D.C. 20207

Dear Ms. Ludden:

One of my constituents has written to me about the safety hazards of residual gasoline in gasoline pump hoses.

My constituent states that a small amount of gasoline remains in the hose even after the pump is locked, and that this gasoline is a hazard, particularly to small children.

I would appreciate being advised of the possibility of action by the Commission on this matter.

With best wishes.

Sincerely,

ROMANO L. MAZZOLI
Member of Congress

RLM:jll