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✓ Firm has not requested further notice
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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

1 8 '77

Mr. Joseph A. Howell, Jr.
Vice President
General Counsel
Robertshaw Controls Company
1701 Byrd Avenue
P. O. Box 26544
Richmond, Virginia 23261

Dear Mr. Howell:

I am in receipt of your letter dated December 28, 1976 in which you request written confirmation of the Consumer Product Safety Commission's lack of jurisdiction over a gas oven control valve specifically designed, manufactured and sold by the Robertshaw Controls Company as a component part on gas ranges used exclusively in recreational vehicles.

As you are aware, the Consumer Product Safety Act (CPSA) excludes, at section 3(a)(1)(C), motor vehicles and motor vehicle equipment as defined by sections 102(3) and (4) of the National Traffic and Motor Vehicle Safety Act of 1966. If the gas control valve manufactured by the Robertshaw Controls Company that is the subject of your letter is used exclusively in motor vehicles, and is "motor vehicle equipment," that product would be excluded from the Commission's jurisdiction under section 3(a)(1)(C) of the CPSA.

The statements in this letter represent the current interpretation of the law by the Office of the General Counsel. Our opinions could be subsequently modified or withdrawn at any time by action of the Commission.

Sincerely,

David Schmeltzer
Acting General Counsel

ADVISORY OPINION

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ROBERTSHAW CONTROLS COMPANY

EXECUTIVE OFFICES

1701 BYRD AVENUE • P. O. BOX 26544 • RICHMOND, VIRGINIA 23261

AREA CODE 804 • TELEPHONE 282-9561

LEGAL DEPARTMENT

December 28, 1976

David Smeltzer, Esquire
General Counsel
Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D.C. 20207

Re: RV Type Recreational Vehicle Gas Oven Control Valves

Dear Sir:

This will confirm my telephone conversations on December 23, 1976, with Messrs. Hauseman and Kitzes concerning the jurisdiction of the Consumer Product Safety Commission over a possible defect in a gas oven control valve designed for, manufactured and sold by Robertshaw ontrols Company to original equipment manufacturers of recreational vehicle gas ranges.

On December 23 I attempted to reach you and in your absence spoke to Mr. Hauseman. I identified myself as an attorney in Richmond, Virginia, representing a gas valve manufacturer as general counsel. I explained to Mr. Hauseman that my client manufactured a miniature gas oven control valve which was specifically designed for installation as a component part on gas ranges manufactured by original equipment range manufacturers for sale to manufacturers of recreational vehicles. These controls are identified by Model Nos. RV, RVB, RVBS, RVF and RVT - in each case the designation RV referring to recreational vehicle.

I explained that my client had become aware of a possible defect in certain RV controls manufactured during the time period from September 20 through December 17, 1976, when it was discovered that certain units in one of the recreational vehicle range manufacturer's plants had broken cover plate screws. Four screws are used to secure a rectangular cover plate to the rear of the control body which contains the temperature sensing element and provides a gas seal. The broken screws did not result in a gas leak nor has any gas leakage resulted from this condition been found or reported to date from the field. The gas involved is liquid petroleum gas. Laboratory tests of the cover plate screws used during the manufacturing period involved

indicate that a percentage of improperly heat treated screws were mixed with properly treated screws. Improperly heat treated screws could result in screw head fractures.

I discussed with Messrs. Hauseman and Kitzes the exemption of motor vehicles or motor vehicle equipment (as defined by Section 102(3) and (4) of the National Traffic and Motor Vehicle Safety Act of 1966) as contained in the definition of "consumer product" at Section 3(a)(1)(C) of the Consumer Product Safety Act. I pointed out that a recreational vehicle is a "motor vehicle" as defined by Section 102(3) of the National Traffic and Motor Vehicle Safety Act of 1966 and a gas oven control valve is "motor vehicle equipment" as defined in Section 102(4) of the same statute. I further pointed out that in fact the RV Model Controls (RV designating "recreational vehicle") are designed solely for use as components of recreational vehicle ranges and are sold only by Robertshaw Controls Company to original equipment manufacturers of recreational vehicle ranges. Robertshaw Controls Company has been informed by its customers that they do not sell recreational vehicle ranges to customers other than recreational vehicle manufacturers. Consequently, it appears that the RV control is designed for and sold exclusively to recreational vehicle range manufacturers who in turn sell only to manufacturers of recreational vehicles. Further, the unit is clearly designated as a replacement control valve for recreational vehicles when sold in the replacement market. It is not designed for nor sold in any market other than the recreational vehicle market in the regular course of business and Robertshaw has no knowledge of a specific application of the unit outside of the market.

On the basis of these representations Mr. Kitzes who had spoken to Mr. Hauseman informed me that the Consumer Product Safety Commission did not have jurisdiction in this matter and indicated that written confirmation would be forthcoming from your office upon request. This letter constitutes a request for such written confirmation.

For your information a letter of notification of the situation was mailed by the New Stanton Division of Robertshaw Controls Company to the Office of Defect Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, on December 23 and I have been informed today by that office that the letter has been received. An active recall program is under way.

Very truly yours,

Joseph A. Howell, Jr.

Joseph A. Howell, Jr.
Vice President
General Counsel

JAHJr/cel
cc: Allen Hauseman, Esquire
William Kitzes, Esquire