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Honorable Samuel L. Devine
House of Representatives
Washington, D.C. 20515

Dear Congressman Devine:

This is in response to your recent inquiry on behalf of your constitutent, Mr. G. W. Way of the Correct Manufacturing Corp., Delaware, Ohio.

Mr. Way's company manufactures a type of crane which is mounted on a motor vehicle but appears to be independently powered; it is a work platform which can be elevated and rotated. Mr. Way inquired whether the safety of his firm's product would be of concern under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), (CPSA), or the Occupational Safety and Health Act (29 U.S.C. 651 et seq.) (OSHA).

Section 3 of the CPSA, a copy of which is enclosed, describes a consumer product as an article which is produced for use by a consumer in a household, residence, school or otherwise. Further, according to the Act, a consumer product does not include any article which is not customarily produced for use by a consumer. Accordingly, it would appear that the work platform described by Mr. Way does not meet the definition of consumer product.

As you may recall, one of the primary objectives of the OSHA was to reduce the burden of work-related injuries and illnesses by encouraging employers and employees to achieve safe and healthful working conditions. Thus, Mr. Way's opinion that the work platform produced by his firm must meet OSHA standards, would appear to be correct. If he would like to have

an opinion of his firm's status under OSHA, it is suggested that he communicate with the Office of the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

We appreciate your continuing interest in the Consumer Product Safety Commission.

Sincerely,

Barbara Ludden
Director
Congressional Relations

Enclosures

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cc: B. Ludden
B. Pitkin
GC Files
GC Chron
S. Dunn