

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: September 4, 1974

TO : Michael Brown, GC
Through: Frederick Barrett, EX *FB*
FROM: Charles H. Boehne, OFC *Ch. Boehne*

SUBJECT: CPSC Jurisdiction of Amusement Rides

The question has been raised by our Denver Area Office as to whether or not the Commission has a basis to exercise jurisdiction over amusement rides. The issue has been raised because of injuries linked to amusement rides (see attached).

Dave Wolfson tells me there is a clear case to argue against jurisdiction on the theory of assumption of the risk. On the other side of the coin, we could say that the consumer is purchasing the ride, and the ride itself represents a consumer product; therefore the ride is subject to our jurisdiction. From this position, we could argue that, as a consumer product, the ride would be subject to our jurisdiction if it presented an unreasonable source of risk to the consumer.

Would you let me know so I can respond to our Denver Office, and refer any potential action to the appropriate PSOC Office?

Attachment

