

May 19, 2016

The Honorable Michael C. Burgess, M.D.
Chairman, House Subcommittee
On Commerce, Manufacturing and Trade
2336 Rayburn House Office Building
Washington, DC 20515

The Honorable Janice Schakowsky,
Ranking Member, House Subcommittee
On Commerce, Manufacturing and Trade
2367 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Burgess and Ranking Member Schakowsky:

I write today on behalf of the hundreds of sporting goods retailers and institutional dealers operating more than 21,000 stores throughout the United States – many of whom are small, family-owned businesses. These business owners would be unfairly exposed to Federal or state prosecution if the over-reaching H.R. 4460 were passed and signed into law. Retailers and dealers should not be held liable for any claims deemed to be deceptive made by manufacturers or others.

In addition, Section 5 of the Federal Trade Commission Act (FTC Act) (15 USC 45) prohibits “unfair or deceptive acts or practices in or affecting commerce.” As a result, it appears that the third section of H.R. 4460 is entirely duplicative and unnecessary.

In most cases, protective equipment safety standards are developed for national governing bodies (NCAA, National Federation of State High School Associations, Pop Warner, Little League, etc.) by scientific organizations such as the American Society for Testing Materials (ASTM International) or the National Organizing Committee on Standards for Athletic Equipment (NOCSAE). Third parties, such as the Safety Equipment Institute (SEI), monitor adherence to these standards. Equipment sold to the teams and athletes meet the safety standards those national governing bodies have adopted. The authority to enforce deceptive practices claims regarding any of these standards appears to already exist.

We are interested in understanding why the committee felt it is necessary to include this language, when federal law already prohibits such conduct and provides appropriate penalties. We believe this language will only serve as a basis for unnecessary and frivolous litigation and divert resources from the actual process of ensuring the safety of youth sporting equipment.

We would appreciate an opportunity to discuss this issue and will be in touch to schedule a time to meet in the near future.

Sincerely,



Matt Carlson
President & CEO

cc: NSGA Board of Directors
Larry Weindruch, NSGA Director of Public Affairs