

April 26, 2016

The Honorable John Thune, Chairman
U.S. Senate Committee on Commerce
511 Dirksen Senate Office Building
Constitution Avenue and First Street NE
Washington, DC 20510

The Honorable Bill Nelson, Ranking Member
U.S. Senate Committee on Commerce
716 Hart Senate Office Building
Constitution Avenue and Second Street NE
Washington, DC 20510

Dear Senators Thune and Nelson:

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 S. 2508 were passed by the Committee on Commerce, brought to the Senate for a vote and signed into law. 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 S. 2508 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