CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Mr. Peter H. Ruger
Husch, Eppenberger, Donohue
Elson & Cornfeld
7 North Seventh Street
St. Louis, Missouri 63101

Dear Mr. Ruger:

This letter is in response to your correspondence of May 2, 1974 in which you inquired whether micro switches distributed by your client fall within the definition of the term "consumer product" as defined in section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052).

Section 3(a)(1) defines the term consumer product as meaning:

> "...any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...." (emphasis added).

To the extent that micro switches are sold to or used by consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise as an end product or as a component part of a product they would be considered consumer products. It is our view that a product need not be directly consumed by a consumer but merely ultimately consumed to fall under the Commission's jurisdiction.

In any event, the manufacturer of a product has the ultimate responsibility to determine the distribution and use patterns of his products and to act accordingly. In our opinion, any doubts should be resolved in favor of considering the product to be a consumer product.

It is also the view of this office that component parts of consumer products are subject to the requirements of the Consumer Product Safety Act. For example, section 15 requirements [15 U.S.C. 2064] are applicable to component parts of a consumer product if the component contains a defect

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which creates a substantial product hazard. Reports under section 15(b) of the CPSA are also required if such components are discovered by the manufacturer, distributor or retailer to fail to comply with an applicable consumer product safety rule.

Where the finished product is discovered to contain a substantial product hazard, manufacturers, distributors and retailers of components thereof are advised to ascertain the extent to which the component may be involved and to report the problem to the Commission. In any event, responsibility would be determined on a case-by-case basis with a view toward assessing the causal connection between the component part and the defective aspects of the end product that primarily contributed to, or may be responsible for, the injury or risk of injury.

If you have any further questions concerning this matter, please let us know.

Sincerely,

Michael A. Brown
General Counsel