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CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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CONSUMER PRODUCT SAFETY COMMISSION

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Thomas F. Geren
Eagle Signal Divisions
Gulf & Western Industries, Inc.
736 Federal Street
Davenport, Iowa 52803

Dear Mr. Geren:

This is in response to your October 17, 1974 letter concerning the application of the Consumer Product Safety Act (copy enclosed) to the traffic control signals and fire alarm equipment which your company manufactures and sells. The Commission's view is that these products are subject to the jurisdiction of the Act.

Protecting the public against "unreasonable risks of injury associated with consumer products" is one of the purposes of the Act (section 2(b)(1)). The Commission's jurisdiction over fire alarm equipment is related to jurisdiction over fire extinguishers which has already been addressed in a November 14, 1974 advisory opinion (copy enclosed). If a fire alarm device does not function properly, injuries from a fire are more likely to occur than with an available well-functioning device. Similarly, a malfunctioning traffic control device can cause injuries by directing cars or pedestrians to enter an intersection into oncoming traffic. Such injuries are "associated with" these products.

Consumer products under the Act are not necessarily sold directly to consumers. The definition requires that a product be produced or distributed for a consumer's "...use, consumption or enjoyment...in or around a permanent or temporary household or residence, a school, in recreation, or otherwise..." (section 3(a)(1)). The legislative history clarifies that "[i]t is not necessary that a product be actually sold to a consumer, but only

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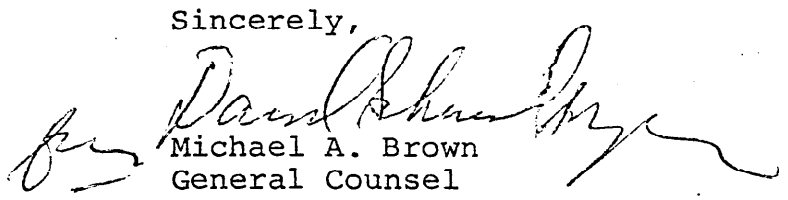
that it be produced or distributed for his use" (House Interstate and Foreign Commerce Committee Report No. 92-1153(1972)). Although your sales are to municipalities, fire alarm equipment and traffic control devices are used by consumers and for their benefit. Both are consumer products and are subject to the Consumer Product Safety Act.

Thank you for writing and for your appreciative comments about Mr. Dimcoff's speech.

Sincerely,



Michael A. Brown
General Counsel

Enclosures