



U. S. CONSUMER PRODUCT SAFETY COMMISSION
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OFFICE OF THE GENERAL COUNSEL

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November 26, 2008

Cindy L. Squires, Esq.
Chief Counsel for Public Affairs and Director of Regulatory Affairs
National Marine Manufacturers Association
444 North Capitol Street, N.W.
Washington, D.C. 20001

Dear Ms. Squires:

This letter responds to your letter dated November 14, 2008 asking to confirm that personal flotation devices, or life jackets, do not fall within the jurisdiction of the Consumer Product Safety Commission and are not subject to the Consumer Product Safety Improvement Act ("CPSIA"). As discussed below, the Office of the General Counsel agrees with your interpretation.¹

As you recognize, the CPSC has historically considered personal flotation devices, such as life jackets, to fall outside of the definition of "consumer product" and instead to come under the jurisdiction of the U.S. Coast Guard. *See* OGC Advisory Op. 271 (October 3, 1978) (concluding that life preservers intended for use on boats are equipment associated with boats or vessels and not consumer products.) Under the Consumer Product Safety Act ("CPSA"), a consumer product does not include "associated equipment" as defined in the Federal Boat Safety Act. 15 U.S.C. § 2052(a)(1)(G).

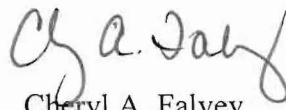
The CPSIA did not change this. You ask specifically about products that are marketed to children. A "children's product" is defined by the CPSIA as "a consumer product designed or intended primarily for children 12 years of age or younger." CPSIA, § 252(a). Thus, only a product that is a "consumer product" can fall within the definition of "children's product." Because personal flotation devices are not consumer products, they would not be considered "children's products" under the CPSIA and would not be subject to CPSIA requirements

¹ The views expressed in this letter have not been reviewed or approved by the Commission. They are based on the best available information at the time the letter was written and may be superseded at any time by the Commission, or by operation of law.

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applicable to children's products. Rather, as you suggest, they continue to be subject to regulation by the Coast Guard.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl A. Falvey". The signature is written in a cursive, flowing style.

Cheryl A. Falvey
General Counsel