

hardware components that were *not* intended for overhead suspension *was not found liable* for any damages because their products were being misused.

- The consultant who specified the use of products that were not intended for overhead suspension *was found liable for partial damages* because a consultant is considered a qualified professional with knowledge of standards and safe industry practices, and has a responsibility to design and approve systems that are safe for the intended application.

- The contractor who installed the products exactly as they were specified was also *found liable for partial damages* because a contractor is considered a qualified professional with knowledge of standards and safe industry practices, and also is responsible for installing systems that are safe for the intended application.

- The owners of the loudspeaker system that fell from its suspension were *found liable for partial damages* because they had not inspected the hardware components in accordance with the manufacturer's maintenance instructions, and had therefore abused the system.

Be Aware

From what we've just related, it's obvious that contractors and consultants should be aware of the liability exposure they can encounter without realizing the risks attached with the specification, purchase and installation of high-risk products. There are many areas of potential risk exposure for both contractors and consultants, including the areas of product liability, health and safety, service liability, representation, performance, implied warranties and guarantees and contractual, among others. We'll concentrate here on the area of product liability and representation, which is one of the largest potential risks, and is also one of the easiest areas to reduce liability exposure.

Risk-management programs usually are simple in concept and difficult in application because of the unique circumstances under which they are be-

"How does one prove that a product complies with existing standards and is safe for the installation?"

ing designed. In almost every application, the risk-management system must be designed around the standard practices of the particular organization or individual requiring a reduction in risk exposure. For example, a high-voltage electrical contractor would have a different perspective on health and safety issues than a low-voltage electrical contractor. Risk-management programs would have the same

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