

Public Citizen

*Protecting Health,
Safety & Democracy*

Auto Safety Group • Congress Watch • Energy Program • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

February 20, 2008

The Honorable Nancy Nord, Acting Chair
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Ms. Nord:

Public Citizen is sending this petition requesting the CPSC to immediately initiate a recall proceeding on tip-over ranges that are sold by all retailers other than Sears, Roebuck & Company. We are making this request following the settlement by Sears of a class action case on January 15, 2008, in which the company agreed to install an anti-tip bracket in all freestanding or slide-in gas or electric stoves it sold between July 2, 2000, and September 18, 2007. Sears must also install anti-tip brackets on ranges it delivers for the next three years. Enclosed is a copy of the final settlement.

We are also petitioning the CPSC to issue a mandatory safety standard to require that ranges not tip over if 250 pounds of weight is placed on the oven door for five minutes. If any range cannot pass this test without installation of a supplementary stabilizing device, it should not be allowed to be sold.

The existing Underwriters Laboratory voluntary standard 858, which took effect on June 3, 1991, and the American National Standards Institute (ANSI) voluntary standard have not worked. They require installation of a wall or floor bracket if the stove cannot withstand 250 pounds of weight on the oven door for five minutes. But retailers have regularly failed to install the anti-tip bracket supplied by the manufacturer for each stove because it costs about \$135 to install. Also, some consumers don't like the brackets because they damage the wall or floor when installed. However, consumers are rarely warned and thus don't realize the threat of severe injury or death from current stove models without brackets. Because the retailers are ignoring the voluntary standards and suffer no penalty, a mandatory consumer safety standard is urgently required to assure consumers that ranges will not tip over.

The Consumer Product Safety Commission has been grossly negligent for not addressing this problem years ago. It first learned about it in about 1980, 28 years ago, yet it has not even warned consumers of the dangers. While data collection concerning this preventable problem is minimal, the CPSC knows that pots on the top of the stove have

The Honorable Nancy Nord
Page Two

scalded people, especially children, and deaths have occurred from blunt trauma when younger and older people particularly are injured as the stove falls on top of them. The minimal data that is known reveals that at least 33 deaths and 84 serious injuries occurred between January 1980 and December 2006, with 58 percent of fatalities being children, almost half of them under age 2. The majority of injuries for all ages were burns from hot liquids spilled from pots when the ranges tilted.

While we are aware that you do not now have the authority without a quorum to issue any rules or recalls, you certainly have the capability to prepare to require a recall and to prepare to issue a proposed rule. The pending legislation to upgrade the CPSC's authority and funding also contains authority for the CPSC to act in the absence of a quorum; that legislation is expected to be completed this spring.

In the meantime, we urge you to issue an immediate warning to consumers about the threat to the health and safety of their families and friends from the killer stoves, and to urge Sears customers to have the range brackets installed.

Sincerely,

Joan Claybrook
President