

Additional Questions for the Record

Subcommittee on Consumer Protection and Commerce

Hearing on

“Protecting Americans from Dangerous Products: Is the Consumer Product Safety Commission Fulfilling Its Mission?”

April 9, 2019

Ms. Rachel Weintraub, Legislative Director and General Counsel **Consumer Federation of America**

The Honorable Jan Schakowsky:

1. Safety advocates have called for the use of flame arrestors on portable fuel containers to prevent flashback explosions, which can lead to injuries and death. CPSC does not currently have a mandatory standard in place that requires the use of these devices. Do you believe a standard is necessary to reduce this hazard?

Yes. I agree that flame mitigation devices or flame arrestors should be required to be included in the manufacturing of portable fuel containers to prevent injuries and deaths caused by flashback explosions, which occur when vapors coming from these containers ignite. The voluntary standard is not adequate and is failing to address this hazard. I believe that a mandatory standard that effectively addresses the hazards posed by flashback explosions by requiring flame mitigation devices such as flame arrestors is necessary.

2. In 2013, Consumer Federation of America petitioned CPSC to adopt a mandatory standard for adult portable bed rails to address risks of asphyxiation and entrapment associated with their use. Since then, a voluntary standard has been adopted. Do you believe that the voluntary standard adequately addresses the risks or is further action necessary? If you believe that further action is warranted, do you believe that Congress should direct CPSC to adopt a mandatory standard for adult portable bed rails?

In 2013, Consumer Federation and other groups petitioned the CPSC urging them to promulgate a mandatory standard for adult portable bed rails. ASTM published F3186-17, *Standard Specification for Adult Portable Bed Rails and Related Products*, on August 30, 2017. I believe that to assess whether the voluntary standard is adequate in addressing the suffocation, strangulation and entrapment hazards posed by these products, further information is necessary. Specifically, the CPSC should immediately make available: death and injury data from before and after the existence of the voluntary standard, compliance information with the voluntary standard, indicating what percentage of the manufacturers of this product are complying with this standard. We understand that the CPSC “has not assessed the market to determine whether there

is likely to be substantial compliance with the standard.”¹ And instead the CPSC is testing a random sample of 35 adult portable bed rail products and is planning to deliver these results along with an update on death and injury data in FY 2019.² We believe that this analysis must occur immediately, urge the CPSC to engage in broader market place assessment than the 35 random sample tests proposed, and urge the immediate release of death and injury data. If this data indicates that the voluntary standard is failing to address the strangulation, entrapment, and suffocation hazard posed by these products, we urge that an effective mandatory standard be promulgated.

¹ July 18, 2018 Memo from George A. Borlase and Michael Taylor to the Commission, regarding “July 2018 Update to Petition CP-13-1 Request for a Ban or Standard for Adult portable Bed Rails” available on the web at <https://www.cpsc.gov/s3fs-public/July%202018%20Update%20to%20Petition%20CP%2013-1%20Adult%20Portable%20Bed%20Rails%20-%20July%2018%202018.pdf?4iH.nu0RcuJMBE2HefKigVGRFGvtQaM>

² Ibid.