



February 16, 2007

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

Dear Acting Chairman Nord and Commissioner Moore,

We are writing to you to inquire about a problem associated with a product that has and continues to cause severe injuries or deaths to consumers.

It has come to our attention that at least one retailer of free-standing gas and electric stoves delivers stoves to consumers' homes without installing the manufacturer-provided safety brackets. These brackets were designed and provided to consumers to prevent these ranges from tipping over. However, these brackets are not being installed by those that deliver the range. For example, according to an August 16, 1999 letter from Underwriters Laboratories to Sears, "The installation instructions require that the anti-tip hardware be installed. Sears must assume responsibility for installation of the anti-tip hardware upon which the UL listing is based."¹ According to an August 22, 1996 internal Sears communication, a Sears employee estimated that Sears installed brackets on, "less than 5%. More like 3-4 % . . . [and] 2-3% was a close number for Sears"² [of stoves delivered]. The consequences of this failure to install the brackets have been dire. Young children, especially those under four years old, and the elderly are especially at risk of severe burns or trauma caused by stoves tipping over on them.

The hazard pattern appears to occur when the door to the oven is open and weight is placed upon the open door, whether by a pan or food or a child. The open door, with additional weight, causes the stove to become imbalanced and it tips forward, scalding, crushing or even entrapping anyone in the fall zone of the stove.

Between 1980 and 1999, we are aware of 18 deaths and 70 injuries caused by these unstable stoves tipping over. According to recent data from CPSC, from 2000 to 2006 there were at least 8 deaths and 5 injuries.

¹ Letter on file with author Weintraub and is available upon request.

² Email on file with author Weintraub and is available upon request.

Underwriters Laboratory (UL) has a voluntary standard for electric ranges, UL 858: the Standard for Household Electric Ranges. That standard is predicated on the assumption that ranges provided with the anti-tipping brackets will be installed according to the installation instructions which require that the brackets be installed. The UL standard establishes a weight standard for ranges as well as a standard to prevent tipovers, when 250 pounds is applied to an oven drawer for 5 minutes. Ranges that don't meet this standard alone must be accompanied by anti-tip hardware that secures the range to the wall. ANSI has an applicable standard as well.

Sadly, the documented incidents show that even weights of under 25 pounds cause these ranges to become unstable. Just a few examples of the incidents we have knowledge of include:

- A 3 ½ year old child was severely injured when her family's stove tipped over and fell on her. She suffered severe burns to her right arm, requiring partial amputation.
- A 1 year-9 month old baby, weighing 24 pounds, stood on the open oven door of his family's stove when his mother was boiling chicken in a pot of water. The oven tipped spilling boiling water on him. He received second and third degree burns over 25% of his body, requiring two skin grafts.
- A 3 year-8 month old child climbed onto the oven door in her home. The stove tipped over, trapped her underneath, with her feet inside the oven. She was declared brain-dead and died 5 days after the oven fell on her.
- A 71 year old woman was crushed to death when she fell across the open door of her oven and the stove tipped over, trapping her upper body between the door and the stove.
- A 60 year old woman died from injuries she received when the range she was cooking on tipped over after she dropped a pan of food on the open oven door.
- A 65 year old woman died when she was cleaning the oven and the stove tipped over onto her.

This disturbing information leads us to ask CPSC numerous questions:

- 1) Is CPSC aware of this issue and if so, has CPSC conducted any investigations regarding ranges that tip over? What were the results of such investigations?
- 2) While we are aware of some statistics from 2001, does CPSC have more recent, or more comprehensive historical data documenting this problem?
- 3) We are aware of at least two voluntary standards that would address this hazard scenario, including UL 858 and Z21.1. Are there any other voluntary standards that would address this hazard? Has CPSC investigated whether there is compliance with these voluntary standards?

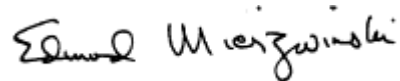
- 4) Does CPSC have information about how pervasive this problem is in the market, involving among other things, the number of manufacturers that have reported tip-over incidents as well as the number of incidents? Does the CPSC have data on total number of tip-over incidents reported? What percentage of incidents resulted in injury or death? Can CPSC break down these data in any other way to provide additional guidance and recommendations?

We look forward to CPSC's responses to our inquiries.

Sincerely,



Rachel Weintraub
Director of Product Safety and Senior
Counsel
Consumer Federation of America



Edmund Mierzwinski
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