

WCMA CLAIMS vs. REALITY

1. **WCMA claims** that ANSI accreditation of its standard suggests that the ANSI/WCMA standard is a “good” standard.

REALITY: While some ANSI standards are true *safety standards*, the ANSI/WCMA standard is not:

- **Unlike other *safety standards*, the ANSI/WCMA standard is not written to address the prevailing hazard – strangulation.**

Window coverings that comply with the ANSI/WCMA standard can present a strangulation risk. The reason – *the standard permits accessible cords and loops* such as:

- Unlimited cord lengths that result in cords that wrap around necks of infants & young children or tangle and re-create deadly loops
- Unlimited number of exposed cords
- Products with non-break-apart, cord joiner loops
- Low placement of inner cord stops on stock window coverings that allow for the creation of hazardous inner cord loops;
- Low placement of cord joiners on stock products that creates hazardous exposed loops every time the window covering is raised.

- **Unlike other standards, the ANSI/WCMA standard lags woefully behind technology:**

Window covering manufacturers have been developing and selling products without accessible cords since 1998 but the option to continue using hazardous accessible cords continues to be allowed. *This strategy has proven ineffective as deaths and strangulations continue.*

- **The ANSI/WCMA standard did not follow or incorporate critical safety advice provided by safety experts and consumer groups:**

Voluntary standards committees often invite interested parties to participate in the drafting of a standard to incorporate perspectives of relevant stakeholders.

The WCMA blocked participation of safety experts and consumer advocates until 2010, when pressured by CPSC to include.

Although permitted to sit on a “steering committee”, critical safety advice issued by safety experts, consumer groups, and CPSC staff was not incorporated into the revised standard.

Furthermore, results of performance testing of long cords for the wrap-around cord hazard was not shared with the steering committee. Instead, this test requirement was eliminated from the standard without a vote or discussion.

2. WCMA claims that the ANSI/WCMA standard is the most stringent in the world.

REALITY: While other countries initially turned to the ready-made ANSI/WCMA standard as a prototype, in recognition of its failure to affect the hazard pattern, they are now moving away from and ahead of this standard.

- **The Canadian Standards Association (CSA) is currently undergoing a comment period on the CSA Z600 standard. During this process, concerns have been raised about perpetuating the strangulation hazard if the WCMA standard is adopted.**

“I maintain a strongly dissenting vote as to the fitness of this proposed standard to use as a national standard of Canada... It is the use of the deeply flawed WCMA standard as a basis which has led us to this point” (Tyler Goodier, Engineering Consultant, Health Canada Risk Management Bureau). **Additionally, the Canada’s current Corded Window Covering Products Regulations SOR/2009-112 has made the CSA Z600 standard mandatory, not voluntary, and requires manufacturers to document proof of compliance.**

- **Early in 2014, revisions to the European Union’s EN13120 (plus two new testing standards EN 16433 and EN 16434) will take effect with provisions¹ purported to be more stringent than the current ANSI/WCMA standard, including:**
 - The new performance standards ensure free-hanging cords will untangle safely and not form knots
 - The standard will be mandatory, not voluntary
 - Sets maximum cord lengths and minimum cord heights

¹ For further information, see <http://www.rospa.com/about/currentcampaigns/publichealth/info/hs5-blind-cord-campaign.pdf>; www.es-so.com/documents/ChildSafetyDEC.pdf; <http://www.conservatoryblinds.co.uk/blinds-article/937/child-safety-the-design-of-cords/>; and <http://www.conservatoryblinds.co.uk/blinds-article/913/forthcoming-child-safety-regulations/>.

- While the ANSI/WCMA A100.1-2012 standard aims low with a goal to only ***“reduce the risk of injury”*** (Section 2.1), the European Union in a 2011 directive requires ***“eliminating the risk of strangulation and internal asphyxiation due to accessible cords”*** to **“ensure...window coverings are inherently safe for children.”**

- The EU Directive further puts the burden on manufacturers that **“every possible means, based in the state of the art and technology, shall be considered for the safe design of the product, when used in all reasonably foreseeable environments where young children have access to or are likely to be present...”**²

² See EU Commission Directive at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:196:0021:0024:EN:PDF>, July 27, 2011.

3. WCMA claims that 80% of fatalities involve products manufactured prior to standards.

REALITY: This claim is unfounded and inconsistent with the data.

- **CPSC data shows that 50% or more of the incidents involved products manufactured since ANSI/WCMA had a standard in place.**

The WCMA claim is achieved by including old injury data in current analyses. This artificially inflates the proportion of incidents involving old window coverings.

In recent years (2008-2010) 50% of the incidents took place on products manufactured after the 1996 ANSI/WCMA standard (requiring separate cords) passed.

Further, most incidents occurred on window coverings manufactured after the 2002 standard (requiring inner cord stops).

The date of manufacture of blinds in remaining incidents is unknown (so they could involve either older *or* new window coverings).

Of the 26 incidents in 2008:

- 14 – involved 1998 or newer window coverings (12 were 2006 or newer)
- 4 – involved old pre-1996 standard window coverings
- 8 – involved window coverings with unknown manufacture/purchase dates

Of the 44 incidents in 2009:

- 20 – involved window coverings newer than the first 1996 ANSI/WCMA Standard and all but 5 were known to be made after the 2002 standard
- 5 – involved window coverings believed to be pre-1996
- 19 – involved window coverings with unknown manufacture/purchase dates

Of the 25 incidents in 2010:

- 13 – involved window covering newer than the first 1996 ANSI/WCMA Standard
- 2 – involved window coverings known to be pre-1996 blinds
- 10 – involved window coverings with unknown manufacture/purchase date

In 2011, all but two of the eight known incidents took place on window coverings manufactured after the first WCMA/ANSI standard took effect in 1996.

Therefore, not only have strangulations increased (as detailed in #10 below), but they are happening, to a large extent, on products manufactured after at least one version of the ANSI/WCMA standard was in place.

- **Further, the age of the window covering is not relevant to determining the standard’s effectiveness. What matters is whether an incident would have been prevented by the standard.**

It doesn’t matter if an incident took place on an older blind, if the incident would not have been prevented by a WCMA/ANSI 2012 compliant blind.

For example it doesn’t matter whether or not the pull cords have separate ‘safety’ tassels as first required by the 1996 standard, if the child died in a wrap-around incident on a long single cord or in a tangled cord that re-creates the hazardous loop.

Long, cords that can encircle a child’s neck or tangle are still permitted by the standard.

- **Forty percent of the injuries occurring since 1996 would not have been prevented by the current ANSI/WCMA standard.**

As detailed in data accompanying the petition, this 40% is made up of window covering cord hazards that are still permitted in the latest version of the standard:

- Loops caused by long cords that knot and tangle;
- Long cords that result in wrap-around incidents;
- Reverse inner cord incidents that are not prevented by inner cord stops;
- Active guards that break or were present but not installed;
- Safety devices (i.e. faulty break-away devices) that fail to function properly;
- Non-breakaway cord joiners allowed by the standard on cellular/pleated shades and multi-corded products; and
- Intentional and unintentional non-compliance by industry that goes un-policed.

It is likely that the percentage is higher than 40% since for 43 incidents there was insufficient information to determine the cause of the incident.

WCMA is aware that 40% (or possibly more) fatalities would not have been prevented by conformance to its standard. Nearly 10 years ago, the joint CPSC/WCMA Industry study of window covering cord fatalities similarly found that almost 40% (39.39%) of the fatalities reviewed (26 of 66 incidents) would not have been prevented by conformance to the then current ANSI/WCMA. standard.³

³ Caroleene Paul, CPSC Director of Engineering in Spring 2005 CPSC Consumer Product Safety Review based on the November 2004 “Analysis of Fatal Incidents Associated with Window Covering Cords”

4. WCMA claims that the CPSC and WCMA have been working cooperatively together so no mandatory standard is necessary.

REALITY: While CPSC and WCMA have worked together on public education campaigns, they have not worked cooperatively on developing a standard that eliminates the strangulation hazard. Despite CPSC's repeated requests, WCMA has resisted.

- **CPSC Chairman, Inez Tenenbaum, has repeatedly expressed her frustration with WCMA for its failure to develop a standard that eliminates the strangulation hazard, particularly since doing so has been technologically feasible for years.**

In 2010, CPSC Chairman, Inez Tenenbaum, along with Canadian and European regulators sent a letter to WCMA asking that they eliminate the strangulation risk.

“Let the past not represent a prologue to the future. Chart a new course today—a course that is more inclusive. A course that promises to eliminate, not just mitigate the risk of harm to children.”

“I expect to hear... that the steering committee and each of six working groups are remaining true to the principles of full stakeholder participation and complete elimination of the strangulation hazard. This has not been the tradition of the ANSI/WCMA A100 committee. However, this must be your mission starting now.”⁴

In 2011, Chairman Tenenbaum wrote to the WCMA asking that they develop a standard that eliminates risk factors associated with exposed cords.

“I am writing today to recognize your current efforts to meet this goal but also to encourage WCMA and the steering committee to facilitate, rather than resist, the strengthening of some of the proposals currently being considered in the technical working groups. Although the voluntary standard is not yet complete, I remain very concerned that some of the revisions to the voluntary standard will fall short of eliminating the risk factors causing death and injuries” especially among toddlers and young children, from exposed cords on window coverings.”⁵

⁴ Chairman Inez Tenenbaum Opening Remarks, WCMA Stakeholders Meeting, November 9, 2010.

⁵ Letter from CPSC Chair to WCMA President Vasami, June 1, 2011.

In 2012, Chairman Tenenbaum again reiterated her disappointment with the standard and frustration with WCMA's belligerence.

"Unfortunately, the revised ANSI standard does not go far enough to support cordless solutions or shrouded lift cords. And it does not adequately address the problems with tension devices. As I told the industry just days ago, we still need to work together to "design out" the strangulation hazard in future work on the standard."⁶

➤ **Despite repeated requests by CPSC, the WCMA has refused to include cord length requirements in its standard.**

For more than a decade, CPSC has repeatedly asked industry to revise its standard to include requirements that eliminate or limit the length of exposed cords to 7.25" (7.25" is the neck circumference of a 5th percentile 7-9 month old child).

Industry has refused. There is absolutely no requirement in the standard limiting cord length even though the importance of short cords has been repeatedly recognized by both WCMA and CPSC since 1985.^{7 8 9 10} For example:

- In 2001, a CPSC letter to WCMA stated "The CPSC staff strongly believes that these strangulation hazards with window covering products could be eliminated if they were designed to meet the following conditions:
 - Window coverings shall not have exposed cords or bead chains; or
 - If exposed cords are required for operation, these cords shall be less than 7.25 inches long in any covering position..."
 - The letter provided specific language for the standard to incorporate those recommendations.¹¹
- In 2002, CPSC wrote to WCMA expressing concern that "despite an agreement to do so, WCMA's proposed standard revision does not include CPSC's requested change that would put a 7.25" maximum-length requirement on exposed cords. The committee has also not produced promised designs that include the 7.25" maximum-length exposed cord requirement."¹²

⁶ International Consumer Product Health and Safety Organization Conference Keynote Address, March, 1, 2012.

⁷ CPSC Release 85-069, December 20, 1985.

⁸ WCMA, 1986.

⁹ WCSC, October 1994.

¹⁰ www.windowcoverings.org

¹¹ Letter from Ron Medford, CPSC Assistant Executive Director, 1/19/2001

¹² Letter from Jacquie Elder, CPSC Acting Assistant Executive Director, 2/6/2002.

- Analysis of Fatal Incidents Associated with Window Covering Cords (1996-2002) by Caroleene Paul, U.S. CPSC Directorate for Engineering Sciences. CPSC staff recommendation: “A requirement that eliminates the operating cord or limits the length of the exposed cord to 7.25 inches would prevent the possibility of cord manipulation into a hazardous loop on products that use a cord lift control system.” (November 2004)

Instead of developing a standard that keeps up with technology and eliminates exposed cords, WCMA hired legal analysts to assist them in fighting back against pressure to develop an adequate standard. The result is the latest version of the ANSI/WCMA standard which, like previous versions, permits window coverings with hazardous accessible cords.

5. WCMA claims that as innovations develop they are incorporated into the standard.

REALITY: While the standard raised the ceiling to allow for new innovations, it did not raise the floor in order to eliminate products that continue to pose the strangulation hazard.

Most safety standards have qualifications for what makes a “safe” product. Such standards set performance requirements, a “bar,” that a product must meet in order to comply.

In this case, the bar is literally on the floor. This “safety” standard allows products to comply, regardless of whether or not they have accessible cords.

For instance, even though good cord retraction devices, cord shrouds and cordless window coverings are incorporated into the standard, the standard still allows manufacturers to opt not to use them and instead allows manufacturers to put long, hazardous cords on products (even to the extent that they lay on the floor by several feet) in unlimited numbers.

6. WCMA CLAIMS that they distributed over 500,000 retrofit kits and estimated that they've retrofitted over 1 million products. This, they claim, supports their argument that there is no need for a mandatory standard to address strangulation risks posed by accessible cords.

REALITY: The number of retrofit kits distributed is minimal compared to the number of products on the market. The vast majority of window coverings have not been retrofitted.

➤ **By their own admission, retrofit kits have barely impacted the market.**

WCMA estimates that there are 750 million window coverings in people's homes.

Thus, according to WCMA's data, their retrofit kits have reached 0.1337% of existing window coverings. This is not a successful effort by anyone's accounting.

➤ **Retrofit kits do not prevent the most common hazard posed by window coverings – strangulation on pull cords.**

Retrofit kits do not correct long pull cords that wrap around the necks of children.

Retrofit kits provide separate tassels, however, the tassels do not prevent multiple cords from entangling during consumer use and reforming a loop.

Retrofit kits do not address cord joiners that create hazardous loops.

Consumers cannot and should not rely on retrofit kits to make their window coverings safe. This is a dangerously false sense of security.

7. WCMA claims that there is no one innovation that addresses strangulation hazards on all window coverings. They argue that their standard must work for all corded window products including those where no technology exists to support a solution.

REALITY: These are moot points for a number of reasons.

- **This is not the first time a manufacturer has claimed that they cannot take action because they do not have a viable solution that works for 100% of products in the market.**

As CPSC has previously instructed industry, we do not withhold a technical fix for the majority of products in the market simply because we don't have a solution for a minority.

Further, every voluntary standard begins by defining the scope. In this section, products covered by the standard are enumerated; those outside the scope are identified as exempt.

- **Second, viable, financially feasible solutions are available today that work for the majority of products in the market.**
- **Third, as stated in the petition, the scope of the standard can be tailored to include those products for which the technology already exists and, in fact, has already been implemented in products sold on the market for years.**

Window coverings that are out of reach, oversized, and/or for which there is no technological fix should be considered out of the scope of the standard.

- **Finally, WCMA is well-aware that the petition does not request a single solution to all window coverings.**

Doing so would impose a design standard and that is not what is being requested. Rather, the petition asks for a performance standard.

8. **WCMA claims that the ANSI/WCMA standard provides warnings that are effective for addressing the hazard.**

REALITY: The ineffectiveness of WCMA's warnings is demonstrated every time another child strangles on a window covering.

- **Instead of prohibiting hazardous accessible cords, the ANSI/WCMA standard relies heavily on vague, generalized warning labels and information on their website.**

This strategy has proven ineffective as deaths and strangulations continue.

As it states on CPSC's website, one child dies every month due to strangling on the cords of a window covering. This ominous statement has appeared on CPSC's website for years.

The average rate of fatalities, according to CPSC's data, has not abated despite the presence of warnings on blinds.

- **The ineffectiveness of WCMA's warning labels could have been anticipated; published, peer-reviewed research has demonstrated that warning labels are often ineffective for reducing injuries and deaths.**

Warnings are particularly ineffective for highly familiar products like window coverings as consumers are not likely to look for or notice warnings on such products.

- **Best Practices for designing safe products: Manufacturers are advised by the CPSC to follow the Safety Hierarchy for Hazard Control, a long-established and accepted methodology for hazard reduction advises implementation of technical remediation whenever possible. Warnings should only be utilized when technological fixes are not feasible or entirely effective.**

Reliance on warnings labels when technological remediation is feasible is contrary to the Safety Hierarchy for Hazard Prevention, a long-established heuristic advised by CPSC.

9. WCMA claims that the cost to produce cordless window coverings is higher than the cost of making the products and consumers don't want to spend money on cordless blinds.

REALITY: One of the primary benefits of a standard is that it levels the playing field for all manufacturers, resulting in more affordable products for consumers.

- **The cost of making cordless blinds is feasible for manufacturers.**
\$1 - 2 more for 1" aluminum & vinyl.
\$5 - 7 more for 2" faux wood

- **WCMA's argument that consumers will keep old blinds rather than spend the money on cordless products is based on the fact that cordless products currently on the market are typically priced at twice the cost of blinds with accessible cords.**

In some cases, blinds are priced \$70 more per window compared to products with inaccessible cords.

Industry's premium pricing of cordless and cord-inaccessible products has made these products financially prohibitive for many consumers.

- **WCMA argues that cord cover technology has not proven itself in the market and cord covers might break, resulting in exposed and accessible cords.**

First - the purpose of any standard is to include performance requirements to ensure that the product can hold up to expected use.

Second – it is ironic that WCMA is troubled by the potential for broken cord covers which might result in exposed and accessible cords. Yet, the exposed and accessible cords on the market today and which comply with their latest version of the WCMA voluntary standard do not cause them alarm.

- **WCMA argues that the petition ignores the millions of dollars industry has spent on innovations.**

Every industry spends millions of dollars on innovation. Costs for development may be higher initially, but very quickly revert to pre-existing levels.

Example: GFCIs for hair dryers.

Innovations are better served by a more stringent standard. Otherwise, a few companies spend the money on research and innovation while others can maintain the status quo through continuing to include accessible cords in their products.

10. WCMA claims that the voluntary standards process is working as evidenced by a drop in fatalities from 2011 to 2013.

REALITY: The ANSI/WCMA standard is not working. The fatality rate is not dropping.

- **It is erroneous to look at data from 2011-2013 since CPSC data is incomplete for that time period due to a lag in reporting.**

WCMA is well-aware of this lag-time in reporting.

Instead of counting incidents from 2011 to 2013, WCMA should instead look to data from 2008 to 2010. During this time, window covering cord incidents dramatically increased - doubling and, for 2009, even tripling over the number of incidents in each of the four preceding years, 2004-2007:

- In **2008**, there were 26 incidents: 17 deaths, 2 severe brain damage injuries and 7 other near-strangulations and injuries.
 - In **2009**, there were 44 incidents: 14 deaths, 1 severe brain damage injury and 29 other near-strangulations and injuries.
 - In **2010**, there were 25 incidents: 11 deaths, 2 severe brain damage injuries and 12 other near-strangulations and injuries.
- **By their own admission, the WCMA's analyses of the hazard uses incomplete data because they fail to include non-fatal incidents.**
 - Yet window cord strangulations are quick and silent with the victim unable to cry out for help. The only difference between a fatal and non-fatal incident is a matter of seconds if a caregiver or sibling is lucky enough to free the victim in time.
 - A significant number of non-fatal incidents result in coma and/or severe brain injury. CPSC appropriately describes non-fatal incidents as "near strangulations".
 - In May 2004, the ANSI/WCMA technical committee (at CPSC's urging) agreed to review non-fatal incidents because they provided useful information on how hazards occurred and the committee agreed to regularly update their database including both non-fatal and fatal incidents;¹³
 - CPSC has provided WCMA with both fatal and non-fatal injury data for almost two decades. In addition, Linda Kaiser of Parents for Window Blind Safety has twice provided the ANSI/WCMA standard committee with all her CPSC injury data (fatal and non-fatal) as well as injury data received through the PWBS website.

¹³ CPSC Log of WCMA Technical Subcommittee meeting - available on CPSC website, May 25, 2004

- **WCMA further limited their data by failing to include 14 IDIs that they assert had questionable underlying facts.** Specifically, they stated “We don’t feel its right to include cases of suicide and homicide.” However, the injury data included in the petition does not include any incident where homicide or suicide is known to be involved.

Bottom Line:

While industry has been aware of the hazard posed by window coverings with hazardous accessible cords for 30 years, consumers often fail to appreciate the risk. To them, window coverings are familiar, seemingly benign household products.

The ANSI/WCMA standard is a low-bar standard that is written to permit compliance by window coverings with accessible cords despite the fact that technological innovations that eliminate this hazard have existed for years.

WCMA is not aware of a single death on a window covering product with non-accessible cords. Neither are we.

The choice is clear – a mandatory standard requiring inaccessible cords for window coverings is long overdue. The voluntary standard has failed to keep pace with technology. Permitting this failure to persist allows and encourages the proliferation of dangerous window coverings putting our nation’s children at risk.