

Hazardous Waits

CPSC Lets Crucial Time Pass Before
Warning Public About Dangerous Products

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The Consumer Product Safety Commission (CPSC) requires manufacturers to notify it immediately of products posing safety hazards.¹ But a Public Citizen analysis of cases in which the CPSC fined companies for failing to meet this reporting requirement reveals a stunning lack of urgency and an apparent lack of resources at the agency to warn the public about the same hazards.²

In 46 cases since 2002 in which the CPSC entered into settlement agreements with companies to pay civil penalties for late reporting, the agency delayed an average of at least 209 days after learning of a hazard to share the information with the public. Notably, each case concerned a hazard that eventually resulted in a product recall.

The products included coffee makers and vacuum cleaners prone to catching on fire, treadmills that spontaneously accelerated to the pace of an Olympic miler, all-terrain vehicles with throttles that stuck in the “go” position, bicycles with forks prone to breaking under normal use, and infant swings that caused strangulation and were implicated in six deaths.³

The CPSC’s delays in notifying the public about these hazards followed even longer delays by manufacturers, who waited an average of 993 days – 2.7 years – to notify the CPSC after learning of product hazards. All told, the average time lapse between a company initially learning of a potential safety defect and the public receiving notification of the hazard was at least 3.3 years in the cases studied.

The CPSC fined companies a total of \$20.8 million between 2002 and 2007 for tardy reporting (an average of \$452,000 per case). Details of the settlement agreements in these cases indicate that many manufacturers showed little respect for the CPSC or the reporting law. Besides filing late reports about hazardous products, many withheld key details from the agency, such as information about customer complaints, efforts to redesign products to resolve design flaws, and at least one death suffered by a consumer.

In each of these cases, the manufacturers received several – and often hundreds – of reports of product hazards from consumers before they notified the CPSC. In a few cases, companies did not provide information to the agency until it demanded a report based on information it had obtained independently.

But even in cases in which the CPSC affirmatively sought a report on a product hazard, the agency was sometimes shockingly slow in informing the public about what it learned. For example, in December 2000, the CPSC requested that Polaris Industries submit a report about all-terrain vehicles whose oil lines were prone to disconnecting and spewing steaming oil. The company had already made at least four engineering changes to address the problem and sent five alerts to dealers by the time it submitted a report to the CPSC in February 2001.⁴

But the CPSC did not notify the public about the oil-line hazard – which was eventually blamed for causing 42 fires and injuring 18 people – until April 2003, more than two years after the agency received Polaris’s report.⁵

The CPSC's effectiveness at compelling disclosures by manufacturers and notifying the public of hazards are vital determinants in whether the agency achieves its mission of protecting the public. The agency relies on mandatory self-reporting by companies because it conducts few tests or inspections on its own. Most of the fines it assesses are for manufacturers' failures to meet reporting requirements – not for the distribution of defective products.

The next section of this report discusses resource and authority limitations that plague the CPSC and recommends solutions that Congress should enact in pending legislation to reauthorize the agency. The final section, beginning on page 5, provides 12 case studies in which companies and/or the CPSC were inexcusably slow in informing the public about serious safety hazards. An appendix encompassing all 46 cases studied in this analysis is at the conclusion of this report. (More information about the CPSC reauthorization pending in Congress is available at www.citizen.org/publications/release.cfm?ID=7563.)

Congress Should Empower the CPSC to Protect the Public

The CPSC's ineffectiveness at ensuring that the public receives prompt notification of hazardous products points to the need for several reforms that Congress should implement in its pending reauthorization of the agency, including providing the agency with adequate resources.

- **Grant the CPSC increased authority to notify the public about hazards.** Under current law, manufacturers can sue the CPSC to stop it from disclosing urgent safety information to the public. To avoid costly litigation, the agency typically chooses to negotiate “voluntary” recall and public notification agreements with manufacturers. Congress should prohibit manufacturers from using lawsuits to delay or prevent public disclosure, mandate the creation of a publicly available incident database, and permit the agency to disclose product safety hazards to the public immediately.

The current Senate version of the reauthorization bill eliminates manufacturers' right to bring suit in federal court to enjoin public disclosure of safety information, replacing it with an internal appeal within the agency. The House bill leaves the lawsuit loophole in tact. CPSC Acting Chairman Nancy Nord opposes giving the agency more freedom to disclose hazards, saying that such a step would discourage companies from notifying the agency about dangerous products.⁶

- **Grant the CPSC authority to levy higher fines and impose criminal penalties for flagrant violations.** Currently, the CPSC cannot fine companies more than \$1.8 million for any individual violation – or even for a series of related violations. This level is grossly inadequate to deter reporting violations because a recall can easily cost tens of millions of dollars. It is no surprise that a company would risk incurring a \$1.8 million penalty for violating the law – which means leaving the agency and the public in the dark – if doing so could save the company the far greater cost of a recall. Furthermore, even merely delaying a recall can save a company millions of dollars by reducing the number of products still in use when the recall is announced.

The absence of meaningful civil and criminal penalties for violations severely undermines the CPSC's ability to protect the public. Congress should eliminate the cap on CPSC civil penalties or at least raise the cap to no less than \$100 million for any related series of violations. It should also remove the provision of current that allows violators to receive a free pass on their first violation before the commission can seek criminal penalties.

The following comparison illustrates the weakness of the CPSC's use of fines compared to that of other agencies:

- Krups North America received 48 reports of a coffee maker it manufactured overheating and igniting. But the company did not inform the CPSC of the defect until after it caused a fire that destroyed a consumer's house. The CPSC fined Krups just \$500,000.⁷
- During the 2004 Super Bowl halftime show, a "wardrobe malfunction" caused pop star Janet Jackson's right breast to be partially exposed on national television for about two seconds. The Federal Communications Commission (FCC) fined Viacom, the parent company of television network CBS, \$550,000.⁸

The following chart lists the highest fines levied by nine federal agencies, further illustrating the CPSC's inability to deter violations through the threat of penalties. The largest fine that the CPSC has ever levied, \$4 million against Graco Children's Products Inc., covered gross reporting violations concerning seven hazardous products. (The maximum fine for the seven products combined would have been \$12.6 million.) Those products, combined, were implicated in the deaths of seven infants.⁹ Yet that fine ranks as the second-lowest among the highest fines levied by the nine agencies listed below. It exceeds only the highest fine of the Federal Election Commission (FEC), which is notorious for its feckless enforcement.

Agency	Largest Fine
Securities and Exchange Commission (SEC)	\$2.25 billion (\$500 million paid) ¹⁰
Food and Drug Administration (FDA)	\$500 million ¹¹
National Highway Traffic Safety Administration (NHTSA)	\$30 million ¹²
Federal Communications Commission (FCC)	\$24 million ¹³
Occupational Safety & Health Administration (OSHA)	\$21.3 million ¹⁴
Environmental Protection Agency (EPA)	\$10.3 million ¹⁵
Federal Trade Commission (FTC)	\$10 million ¹⁶
Consumer Product Safety Commission (CPSC)	\$4 million ¹⁷
Federal Election Commission (FEC)	\$3.8 million ¹⁸

- **Provide the CPSC with a significantly larger budget and staff.** The CPSC needs a larger budget to increase testing, inspections, and turnaround speeds. The agency received a meager \$63 million in 2007 to protect the public from potential dangers posed

by millions of products. If the level of resources that the Congress provided the CPSC in 1972 had been maintained at the rate of inflation, the CPSC would now have a budget of about \$150 million – *2.4 times its current funding*.

- **Require independent safety testing of children's products before they reach the market.** To reduce the number of product safety hazards that threaten children, Congress should require that all products intended for use by children 12 years of age or younger be tested by independent laboratories before they are placed on market.

A Dozen Hazards Kept Secret from the Public for Months or Years

Graco Infant Swings

Between approximately 1988 and 1998, Graco manufactured three versions of an infant swing. The second and third versions included design changes that were intended to remedy defects that allowed babies to fall out of the seat or become caught at the neck or chest.¹⁹

The company received numerous notices of injuries caused by each version of the swing, and there were reports of six deaths. Among 181 reports of falls were nine reports of infants suffering serious injuries, including bone fractures and concussions. There were 22 reports of infants being caught by the neck or chest in one of the swings.²⁰

Graco did not report these hazards to the CPSC until the commission's staff contacted the company in 2000 – eleven years after the company originally discovered the problem and nine years after the company had begun making (failed) design modifications to address the hazards.²¹

Time for manufacturer to notify CPSC after first learning of hazard: At least 2,954 days²²

Time for CPSC to announce recall after receiving report from manufacturer: Not available due to imprecision in CPSC reporting

Fine: \$4 million (includes settlements involving several other products manufactured by Graco Children's Products Inc.)²³

Century Infant Seat/Carrier ("Assura" line)

Flaws in the handles of Assura baby carriers resulted in infants falling and suffering serious injuries. Starting in 1993, Century began attempting to strengthen the handles of the carriers and improve their locking mechanism. The company replaced between 2,700 and 3,400 handles in response to consumer complaints.²⁴

But the company did not attempt to remedy the problem for all purchasers – nor did it report the defect to the CPSC – until after the agency inquired about it in 1998. When the company did report, it still neglected to furnish the agency with "critically important information about incidents, injuries and engineering changes."²⁵

Time for manufacturer to notify CPSC after first learning of hazard: At least 1,462 days

Time for CPSC to announce recall after receiving report from manufacturer: At least 652 days²⁶

Fine: \$4 million (includes settlements involving several other products manufactured by Graco Children's Products Inc.)²⁷

Dynacraft BSC Inc. bicycles (faulty forks)

- **Vertical XL2 Mountain Bicycle**

In February 2000, Dynacraft recalled Vertical XL2 mountain bicycles that had been manufactured in October 1999 because the bicycles had defective welds that could cause their forks to break during normal use. By then, Dynacraft was already aware of two failures of the same model of bikes with a date of manufacture not covered by the recall. But the company did not inform the CPSC about the new problems, despite the agency's instructions to report new information immediately "if the firm receives or learns of any . . . information affecting the scope, prevalence or seriousness of the reported problem." By July 2000, the company had learned of five incidents of the forks breaking, causing riders to suffer broken and lost teeth, fractures, lacerations, and other injuries. The company did not notify the CPSC until July 26, 2000.²⁸

Time for manufacturer to notify CPSC after first learning of hazard: At least 177 days
Time for CPSC to announce recall after receiving report from manufacturer: 62 days²⁹
Fine: \$1,400,000 (includes settlements involving several other Dynacraft products)³⁰

- **Magna Electroshock Mountain Bicycle**

Between January 8, 2000 and August 4, 2000, Dynacraft received 35 reports of this bicycle's fork breaking, causing riders to lose control and fall to the ground. Injuries included concussions, fractures, abrasions, back strain, and chipped teeth. Dynacraft did not report the hazard to the commission until August 4, 2000.³¹

Time for manufacturer to notify CPSC after first learning of hazard: 209 days
Time for CPSC to announce recall after receiving report from manufacturer: 53 days³²
Fine: \$1,400,000 (includes settlements involving several other Dynacraft products)³³

- **Next Shockzone Mountain Bicycle**

Dynacraft received at least 31 reports of this bicycle's forks breaking during normal use – resulting in injuries including a blood clot to the brain, fractures, lacerations and chipped teeth – between March 2000 and March 16, 2001, when it finally reported the defect to the commission.³⁴

Time for manufacturer to notify CPSC after first learning of hazard: 350 days
Time for CPSC to announce recall after receiving report from manufacturer: 39 days³⁵
Fine: \$1,400,000 (includes settlements involving several other Dynacraft products)³⁶

- Next Ultra Shock Mountain Bicycle

Between November 1999 and November 2001, Dynacraft received 21 reports alleging that this bicycle's forks broke during normal use, causing abrasions, concussions, and chipped teeth. The company did not report the safety hazard to the commission until March 18, 2002. By then, the defect had allegedly resulted in a death, that the company neglected to report to the CPSC.³⁷

Time for manufacturer to notify CPSC after first learning of hazard: 839 days
Time for CPSC to announce recall after receiving report from manufacturer: 94 days³⁸
Fine: \$1,400,000 (includes settlements involving several other Dynacraft products)³⁹

Fisher Price Animal Sounds Farm

By November 2002, Fisher Price was aware of nine reports of nail fasteners becoming detached from its Animal Sounds Farm toy and presenting a risk of choking to children. On February 14, 2003, the company learned of an incident in which a 14-month old child was taken to an emergency room and surgery was performed to remove a nail fastener from the child's lung. The company did not notify CPSC of this risk until March 14, 2003.⁴⁰ An additional 40 days passed before a recall was announced.⁴¹

Time for manufacturer to notify CPSC after first learning of hazard: 184 days
Time for CPSC to announce recall after receiving report from manufacturer: 40 days⁴²
Fine: \$975,000⁴³

Polaris Industries Scrambler, Sport, and Xplorer 400 all-terrain vehicles (ATVs)

Between December 1998 and May 2000, Polaris received 88 reports of throttles sticking open on these models of ATVs, resulting in 19 crashes that caused a dislocated hip, a broken shoulder, and torn back muscles. By September 30, 1999, Polaris had obtained sufficient information to determine that the product was faulty, the CPSC's staff alleged. But the company did not report the defect to the CPSC until May 23, 2000.⁴⁴ The CPSC and Polaris then took an additional 78 days before a recall notice was announced.⁴⁵

Time for manufacturer to notify CPSC after first learning of hazard: At least 509 days
Time for CPSC to announce recall after receiving report from manufacturer: 78 days⁴⁶
Fine: \$950,000 (includes fine for late notification of hazards posed by other Polaris Industries ATVs)⁴⁷

Polaris Industries Xpedition 325, Trail Boss 325, and Magnum 325 all-terrain vehicles (ATVs)

Polaris had received 1,447 reports by February 2000 of oil lines on these models of ATVs that "disconnected, blew off, loosened, or leaked." In 42 instances, discharges of hot oil caused the ATVs or their surroundings to catch on fire. In 18 of these instances, the oil caused injuries, including second- and third-degree burns and scarring. By February 2000,

Polaris was analyzing the issue. The firm made four engineering alterations to address the flaw and, by January 2001, it had sent at least five alerts about the problem to its dealers.⁴⁸

But the company did not report the hazard to the CPSC until February 2001, after the agency requested a report.

In turn, the CPSC failed to notify the public until April 2003, well over two years after receiving the requested report.

Time for manufacturer to notify CPSC after first learning of hazard: At least 673 days
Time for CPSC to announce recall after receiving report from manufacturer: At least 776 days⁴⁹

Fine: \$950,000 (includes fine for late notification of hazards posed by other Polaris Industries ATVs)⁵⁰

Hoover Self-Propelled Wind Tunnel Upright vacuum cleaners

By November 1999, Hoover had received at least four reports of switches on these vacuum cleaners that overheated and caught fire. By this time, Hoover had redesigned the switch to solve the problem, retrofitted similar models in inventory with the new switch, and directed that any vacuums brought in for repair be reworked to eliminate the overheating problem.⁵¹

In February 2001, the company's safety committee counted 23 reports of the switch overheating, including at least two reports of overheating while the vacuum cleaner was turned off but remained plugged into an outlet. In March 2003, a company-hired consulting firm issued a report "confirming that a poor crimp connection caused the switch to melt and malfunction." By then, the company had received notice of 171 incidents of switches overheating, including 96 cases in which consumers reported their vacuums catching fire. Still, the company made no report to the CPSC.⁵² (Eventually, the company received notice of 260 incidents, of which 141 were reports of fire.)

Not until July 9, 2004, nearly five years after Hoover received its first notice of the problem, did the company submit a report to the CPSC. The agency had requested the report more than a month earlier.⁵³

But any warning or corrective action for consumers was still far in the future. The agency and company took at least 279 days to announce a recall after the CPSC received the report.⁵⁴

Time for manufacturer to notify CPSC after first learning of hazard: 1,913 days
Time for CPSC to announce recall after receiving report from manufacturer: 279 days⁵⁵
Fine: \$750,000⁵⁶

Treadmills manufactured by Johnson Health Tech Co. and distributed by Horizon Fitness Inc.

By January 2002, these companies had learned of 180 instances in which their treadmills spontaneously accelerated to speeds as fast as 16.5 miles per hour. The “safety stop” keys on the treadmills also failed. These incidents resulted in alleged injuries that included sprains, strains, bruises, serious friction burns, and a torn rotator cuff.⁵⁷

The manufacturer made three design changes to address the hazard between February 2001 and May 2001, but did not issue a full report to the CPSC until January 14, 2002 – three days after the CPSC had contacted Horizon to schedule an appointment to discuss the hazard.⁵⁸

In turn, the CPSC did not announce a recall of the treadmills until April 23, 2002, more than three months after it received official notice of the defect.⁵⁹

Time for manufacturer to notify CPSC after first learning of hazard: At least 348 days
Time for CPSC to announce recall after receiving report from manufacturer: 99 days⁶⁰
Fine: \$500,000⁶¹

Krups North America Inc. electric drip coffee makers.

Between July 1997 and June 2001, Krups received about 48 reports of coffee makers overheating and igniting, “causing incidents of smoking, melting or fires.” But the company did not report the defective product to the CPSC until May 2001, after the company learned of a coffee-maker incited fire that destroyed a consumer’s house.⁶²

The CPSC waited at least five weeks to announce a recall.⁶³

Time for manufacturer to notify CPSC after first learning of hazard: At least 1,370 days
Time for CPSC to announce recall after receiving report from manufacturer: At least 41 days⁶⁴
Fine: \$500,000⁶⁵

Briggs & Stratton “Fun Kart” engines

In early 1994, Briggs & Stratton learned that a “fun kart” equipped with a Briggs & Stratton engine had tipped over, spilled gasoline and caught on fire. By 1999, the company had received at least eight reports of such incidents involving its engines, including four cases in which 10- to 16-year-old riders suffered severe burns. Beginning in 1994, the company attempted to resolve the problem by redesigning the engine. But the repair was unsuccessful and the company received at least nine subsequent reports of the updated engine catching on fire.⁶⁶

The company did not notify the CPSC of the design flaw until March 1999, five years after learning of the problem. The company also failed to notify the CPSC about lawsuits it had settled regarding its engines, an omission that also violated the law.⁶⁷

Time for manufacturer to notify CPSC after first learning of hazard: At least 1,871 days
*Time for CPSC to announce recall after receiving report from manufacturer: 1,240 days*⁶⁸
*Fine: \$400,000*⁶⁹

Rose Art Industries Inc. Glamour Gear soap making kits

Between January 1998 and January 2002, Rose Art received notice of 10 instances in which children were burned by hot soap after removing plastic cups used in a soap-making toy from a microwave oven. The majority of the injuries were second- and third-degree burns. The CPSC later alleged that the soap-making kits were defective because the plastic cup intended to heat soap in a microwave oven was prone to becoming deformed or developing a hole at the bottom. But Rose Art did not notify the CPSC about this health risk until February 14, 2002, more than four years after receiving its initial notice of the problem.⁷⁰

Time for manufacturer to notify CPSC after first learning of hazard: At least 1,475 days
*Time for CPSC to announce recall after receiving report from manufacturer: 28 days*⁷¹
*Fine: \$300,000*⁷²

RRK Holdings spiral saws

During the first 10 months of 2001, RRK Holdings received notice of at least 235 alleged instances of these hand-powered saws detaching from their handles, and numerous other reports of the handles being too loose. The company received notice of 20 instances in which this defect had caused injuries, including several lacerations and one injury that required surgery.⁷³

But RRK did not file a report with the CPSC until October 23, 2001, more than a month after the CPSC conducted an inspection of RRK's headquarters in response to complaints it had received.⁷⁴

The CPSC did not notify consumers of the defective product until February 23, 2002, four months after it received notice from RRK holdings.⁷⁵

Time for manufacturer to notify CPSC after first learning of hazard: At least 327 days
*Time for CPSC to announce recall after receiving report from manufacturer: 126 days*⁷⁶
*Fine: \$100,000*⁷⁷

Appendix: CPSC Settlement Agreements for Late Notification, 2002-2007

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
Acuity Brands	ELM/ ELM2 emergency lights	4/13/01 ⁷⁸	1,723	176	\$700,000 ⁷⁹	The ELM Lights have an electrical component that can overheat and burn the light enclosure. Acuity received 109 notices of failed lights, including lights that smoked, melted, and caught on fire. There was one injury. ⁸⁰
Acuity Brands	Indoor high intensity discharge lights	3/29/04 ⁸¹	251	52	\$700,000	The lights have an electrical component leak that can cause the lenses and reflectors to crack and fall. Acuity received 56 reports of falling lenses or reflectors, including one injury involving a forehead laceration and eye damage. ⁸²
Acuity Brands	Indoor high intensity discharge lights	3/8/05 ⁸³	374	151	\$700,000	The lights have an electrical component leak that can cause the lenses and reflectors to crack and fall. Acuity received 31 reports of falling lenses or reflectors. ⁸⁴
Acuity Brands	Indoor high intensity discharge lights	3/11/05 ⁸⁵	820	165	\$700,000	The cord of the lights can drip plasticizer fluid that can crack lenses or reflectors, resulting in 19 reports of falling objects. ⁸⁶
Aerus	Vacuums	11/10/98 ⁸⁷	2,509	28	\$250,000 ⁸⁸	The casing around the vacuum's cord can break, leaving wires exposed. There were 56 cases of shocks or burns and 11 cases of second or third degree burns or serious shocks, or both. ⁸⁹
Battat	Bee Bop Band Drum Set	4/17/03 ⁹⁰	452	51	\$125,000 ⁹¹	The rubber end of the drumsticks can detach and become a choking hazard. There were over 330 complaints

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
						from consumers that either the end cap, the screw, or the tip detached from the drumstick. ⁹²
Briggs & Stratton	Fun-Carts	8/8/02 ⁹³	1,871	1240	\$400,000 ⁹⁴	When the fun-carts are tipped over, they spill gasoline and can possibly cause fires. There were at least 8 reports of fire including severe burns to four riders under the age of 16. ⁹⁵
Brunswick	Mountain Bikes	2/23/01 ⁹⁶	91	116	\$1 million ⁹⁷	The front forks have defective welds that can cause the fork to come apart while in use. Brunswick received notice of at least 31 injuries, mostly to the face and head. ⁹⁸
Dynacraft	Vertical XL2 Mountain Bicycle	9/26/00 ⁹⁹	177	62	\$1.4 million ¹⁰⁰	The front forks have defective welds that can cause the fork to come apart while in use. There were five reports of incidents. There were 23 reports of injury, included a concussion, fractures, cuts, bruises, back strain, and chipped and lost teeth. ¹⁰¹
Dynacraft	Magna Electro-shock Mountain Bicycle	9/26/00 ¹⁰²	209	53	\$1.4 million	The front forks have defective welds that can cause the fork to come apart while in use. There were 35 reports of broken forks. ¹⁰³
Dynacraft	Next Shockzone Mountain Bicycle	4/24/01 ¹⁰⁴	350	39	\$1.4 million	The front forks have defective welds that can cause the fork to come apart while in use. There 31 reports of injuries including a blood clot to the brain, fractures, and bruising. ¹⁰⁵
Dynacraft	Next Ultra Shock	6/20/02 ¹⁰⁶	839	94	\$1.4 million	The front forks have defective welds that can

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
	Mountain Bicycle					cause the fork to come apart while in use. There were 21 incident reports regarding a broken fork, including one death. ¹⁰⁷
Dynacraft	Magna Equator Mountain Bicycle	5/3/01 ¹⁰⁸	473	3	\$1.4 million	The bike's pedals can come off while in use. There were at least 31 incidents, with injuries including concussions, broken bones, sprains, abrasions, lacerations requiring sutures, and muscle strains. ¹⁰⁹
E&B Giftware	Money to Burn Torch Citronella candles	9/1/97 ¹¹⁰	849	N/A	\$100,000 ¹¹¹	The wrapper surrounding the candle traps a pool of hot wax which becomes super heated. The candles can release molten wax when the consumer bumps the candle or attempts to blow it out. There were 14 incidents of second or third degree burns, several involving permanent scarring. ¹¹²
Family Dollar	Electric Blankets	3/1/04 ¹¹³	245	N/A	\$100,000 ¹¹⁴	The electric blankets have a tendency to overheat and catch on fire. Family Dollar received 40 reports of malfunctioning blankets, causing fire, scorching, smoke damage, and nine injuries. ¹¹⁵
Fisher-Price	Little People Animal Sounds Farm	4/23/03 ¹¹⁶	184	40	\$975,000 ¹¹⁷	Two metal screws can come loose. There were four reports of a screw being found in a child's mouth, and one child inhaled a screw into his lung, requiring surgery. ¹¹⁸
Graco	Century Infant Seat/Carrier	10/13/00 ¹¹⁹	1,462	652	\$4 million ¹²⁰	The carrying handle can crack or break or the handle can fail to lock the carrier seat, resulting in over 2,700 reports of problems,

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
						and over 200 injuries including concussions, skull fractures, lacerations, broken bones, bruises, and scratches. ¹²¹
Graco	Century Stroller/Travel Systems	6/14/01 ¹²²	N/A	165	\$4 million	The stroller's locking mechanism allows the seat to detach or the stroller frame to collapse, allowing the baby to fall out of the stroller. Century received 681 reports of incidents and 250 injuries including three concussions, two skull fractures, one fractured elbow, and two chipped teeth. ¹²³
Graco	Graco High Chairs	2/21/01 ¹²⁴	1249	52	\$4 million	When the high chair is in use, the front supporting leg pieces can come apart, causing the entire high chair to fall forward to the ground. Graco received reports of 105 injuries, included a mild concussion, two broken noses and six cuts requiring stitches. ¹²⁵
Graco	Graco Carrier/Cradle Swings	12/19/97 ¹²⁶	1,097	N/A	\$4 million	The handles on the seats can unlock unexpectedly, allowing infants to fall. Graco received 45 reports incidents, including reports of four skull fractures and two concussions. ¹²⁷
Graco	Graco Infant Swings	4/13/00 ¹²⁸	2,954	N/A	\$4 million	If the restraining tray is not secured, it can pop off, and infants can slip down into the seat and strangle or fall from the swing. Of 209 incidents, 181 were reports of infants falling from the swing. In nine of the falls, infants suffered serious injuries

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
						including bone fractures and concussions. There have been six deaths. ¹²⁹
Graco	Graco Travel Lite Infant Swing	7/13/04 ¹³⁰	N/A	226	\$4 million	The swing's seatbelt can allow a child to fall forward or to the side, and the handle can drop down on the child. Graco received 100 reports of children falling forward or to the side, and 28 reports of the handle falling down on the infant. Injuries resulting from these incidents include bloody or swollen lips, red marks, bumps and bruises. ¹³¹
Graco	Graco Pack 'N' Play Portable Play Yards	9/24/03 ¹³²	N/A	N/A	\$4 million	When children are placed in these portable play yards when the changing table is still in place, they can crawl under and lift the table up. If this occurs, a child's head and neck can become trapped between the changing table and the play yard rail, causing a strangulation hazard. A 13-month-old girl died. ¹³³
Graco	Graco Metrolite Strollers	7/7/05 ¹³⁴	731	188	\$4 million	The strollers can unexpectedly collapse while in use. Graco has received reports of 223 stroller collapses causing 34 reported injuries including 18 bumps and bruises to the head or body. ¹³⁵
Graco	Graco Toddler Bed	3/22/05 ¹³⁶	2,923	81	\$4 million	A child's arm, leg or foot can become trapped between the slats in the guard rails or footboard. Graco has received reports of 77 entrapments. This resulted in 13 broken

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
						arms and legs. ¹³⁷
Graco	Graco Duo Strollers	7/7/05 ¹³⁸	2,192	188	\$4 million	The strollers can unexpectedly collapse while in use. Graco has received reports of 306 collapses causing 230 reported injuries, including a broken arm, and a cut to a child requiring 46 stitches. ¹³⁹
Groupe SEB (Krupps North America)	Automatic drip coffee-makers	7/11/01 ¹⁴⁰	1,370	41	\$500,000 ¹⁴¹	The coffeemakers contain loose electrical components that can overheat and ignite. There were 48 reports of smoking, melting, or fires, at least 12 of which involved property damage. ¹⁴²
Hamilton Beach/Proctor-Silex	Countertop Toasters	4/12/00 ¹⁴³	678	155	\$1.2 million ¹⁴⁴	The toasters' heating elements can remain on after the food in the toaster "popped up." There were 230 complaints and 3 incidents of property damage. ¹⁴⁵
Hamilton Beach/Proctor-Silex	Juice Extractors	11/15/01 ¹⁴⁶	3,203	38	\$1.2 million	The strainer basket and lid of the juice extractors can break apart, spraying pieces of metal or plastic. There were 59 complaints, including four consumers who required stitches and five consumers with eye injuries. ¹⁴⁷
Hamilton Beach/Proctor-Silex	Slow Cookers	7/17/03 ¹⁴⁸	766	528	\$1.2 million	The handles of the slow cookers handles can crack and break off when lifted. There were over 2,000 reports of broken or cracked handles, and two consumers required medical attention for their injuries. ¹⁴⁹
Hoover	Self-Propelled Upright	4/14/05 ¹⁵⁰	1,913	279	\$750,000 ¹⁵¹	A defective switch can catch fire. By the time a settlement was

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
	Vacuum Cleaners					reached, Hoover received notice of 260 incidents, including 141 fires. ¹⁵²
Johnson Health Tech / Horizon Fitness	Paragon, Quantum and Omega treadmills	4/23/02 ¹⁵³	348	99	\$500,000 ¹⁵⁴	The belt of the treadmill can suddenly accelerate to between 12.9 and 16.5 miles per hour and the safety stop key can fail. There were 180 reports of runaway treadmills, including 15 injuries. ¹⁵⁵
Lifetime Products	Portable basketball system	3/28/02 ¹⁵⁶	823	240	\$800,000 ¹⁵⁷	The portable basketball hoop can contain a protruding bolt. There were 23 reports of injury including one broken leg and several injuries requiring stitches. ¹⁵⁸
Murray	Riding Lawn Mowers	3/5/02 ¹⁵⁹	412	48	\$375,000 ¹⁶⁰	The lawnmowers' fuel tanks can crack and leak fuel and possibly ignite. Murray received over 900 reports of leaking fuel tanks and six reports of fire, one with consumer suffering minor burns. ¹⁶¹
Nautilus	Bowflex Power Pro Fitness Machine	1/29/04 ¹⁶²	1,075	N/A	\$950,000 ¹⁶³	The backboard bench can unexpectedly break, causing at least 25 back, neck, and shoulder injuries. Also, the "Lat Tower" can fall forward during use, resulting in at least 32 back, neck, shoulder, teeth, nose, and head injuries. ¹⁶⁴
Nexgrill	Gas Grills	6/1/06 ¹⁶⁵	N/A	N/A	\$300,000 ¹⁶⁶	The propane tube can detach from the burner, causing a fire. Nexgrill received notice of 20 fires, three injuries. ¹⁶⁷
Peg Perego	Children's Electric Cars	3/24/99 ¹⁶⁸	1,052	737	\$150,000 ¹⁶⁹	The electrical components in the cars can overheat and cause fires. Additionally, the foot pedals can get stuck in the "on"

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
						position, preventing the vehicles from stopping. There were 197 reports of smoking, melting or fires, resulting in two burn injuries and \$55,000 in property damage to three houses and garages. There were 20 incidents of the foot pedals getting stuck, resulting in one concussion and six minor injuries. ¹⁷⁰
Polaris	Scrambler, Sport, and Xplorer 400 ATV	8/9/00 ¹⁷¹	509	78	\$950,000 ¹⁷²	The throttle on ATVs can stick, preventing the ATVs from slowing down. There were 88 reports of stuck throttles, resulting in 19 crashes or other accidents. There were seven injuries. ¹⁷³
Polaris	Xpedition 325, Trail Boss 325, and Magnum 325 all terrain vehicles	4/15/03 ¹⁷⁴	673	776	\$950,000	The oil lines on the ATVs can become disconnected, blow off, loosen, or leak, spraying hot pressurized oil. There were at least 1,447 reports of disconnected oil lines, causing 42 fires, including 18 reports of 2 nd and 3 rd degree burns and scarring. ¹⁷⁵
Rose Art Industries	Soap Making Kits	3/14/02 ¹⁷⁶	1,475	28	\$300,000 ¹⁷⁷	The plastic cup used to heat the soap in a microwave oven can develop a hole in the bottom, causing the hot soap contained therein to leak from the cup, resulting in at least 10 children receiving up to second and third degree burns. ¹⁷⁸
RRK Holdings	Revolution, Rebel and Solaris spiral saws	2/26/02 ¹⁷⁹	327	126	\$100,000 ¹⁸⁰	The handle of the saw can detach while in use, causing the blade to fall. There were at least 235 reports of saws

Company	Product	Recall Date	Minimum Lag Between Manuf. Notice and CPSC Notice (in days)	Minimum Lag Between CPSC Notice and Recall (in days)	Fine	Summary
						detaching from the handle, 20 of which resulted in injuries to the consumer. ¹⁸¹
Sears, Roebuck and Co.	Riding lawn mowers	3/5/02 ¹⁸²	350	598	\$500,000 ¹⁸³	The lawnmowers' fuel tanks can crack and leak fuel and possibly ignite. There were 1,600 reports of leaking fuel tank. ¹⁸⁴
SMC Marketing	"SMC" brand oscillating floor fans	6/10/04 ¹⁸⁵	1651	4	\$500,000 ¹⁸⁶	The motion of the fan blades can damage the power cord, causing a short circuit or fire, resulting in at least 46 incidents of fire or smoke damage, and one injury. ¹⁸⁷
TAP Enterprises/ Cummins Industrial Tools	Mini 2-Gallon Pancake Compressors	4/11/06 ¹⁸⁸	258	285	\$100,000 ¹⁸⁹	The power cord can overheat and catch fire. One incident resulted in \$30,000 worth of property damage. ¹⁹⁰
Tiffany	Farm Teether Rattle	2/25/05 ¹⁹¹	184	240	\$262,500 ¹⁹²	A metal bar in the teether can break, releasing small beads and animal figures. An infant was found mouthing an animal figure. ¹⁹³
West Bend	10-Cup Automatic Coffee-makers	8/19/05 ¹⁹⁴	623	35	\$100,000 ¹⁹⁵	The carafe's handle can unexpectedly loosen or break. West Bend received 169 notices of broken handles, causing two consumers to receive burns or cuts. ¹⁹⁶

Endnotes

¹ Section 1115.14(e) of the Title 16 of the Code of Federal Regulations requires manufacturers to notify the CPSC “[i]mmediately, that is, within 24 hours, after a subject firm has obtained information which reasonably supports the conclusion that its consumer product fails to comply with an applicable consumer product safety rule or voluntary consumer product safety standard, contains a defect which could create a substantial risk of injury to the public, or creates an unreasonable risk of serious injury or death.” Section 1115.14(d) provides manufacturers up to 10 days to conduct a “reasonably expeditious” investigation to determine whether the reporting requirement of § 1115.14(e) applies, unless the manufacturer demonstrates that a longer investigation is reasonable.

² For this report, Public Citizen analyzed all CPSC reporting-violation settlements between January 1, 2002 and December 31, 2007, as published in the Federal Register. The CPSC’s own registry of fines (available at <http://www.cpsc.gov/cgi-bin/civfy.aspx>) shows an additional five settlements that were not entered in the Federal Register. These cases were not included in this report’s analysis of reporting lag times because details about hazard notification dates were not available. The combined value of the fines not reported in the Federal Register was \$3.4 million.

³ Press Release of U.S. Consumer Product Safety Commission, “CPSC, Graco Announce Recall of Infant Swings,” April 13, 2000. Available at www.cpsc.gov/CPSCPUB/PREREL/prhtml00/00098org.html.

⁴ U.S. Consumer Product Safety Commission, “In the Matter of Polaris Industries Inc.,” CPSC Docket No. 05-C0005, December 13, 2004.

⁵ *Ibid.*

⁶ Annys Shin, “Head of CPSC Opposes Measure: Nord Sides With Business on Plan To Aid Disclosures,” *Washington Post*, October 5, 2007.

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⁸ Press Release of Federal Communications Commission, “FCC Proposes Statutory Maximum Fine Of \$550,000 Against Viacom-Owned CBS Affiliates For Apparent Violation Of Indecency Rules During Broadcast Of Super Bowl Halftime Show,” September 22, 2004. Available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-252384A1.pdf.

⁹ Press Release of U.S. Consumer Product Safety Commission, “CPSC, Graco Announce Recall of Infant Swings,” April 13, 2000. Available at www.cpsc.gov/CPSCPUB/PREREL/prhtml00/00098org.html; and Press Release of Federal Communications Commission, “CPSC, Graco Children’s Products Announce New Safety Instructions to Prevent Injuries with Portable Play Yards with Raised Changing Tables,” September 24, 2003. Available at www.cpsc.gov/cpscpub/prerel/prhtml03/03189.html.

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¹⁵ U.S. Environmental Protection Agency, “In The Matter Of: E. I. Du Pont De Nemours And Company,” EPA Docket No. TSCA-HQ-2004-0016, December 21, 2005.

¹⁶ Press Release of the Federal Trade Commission, “FTC Launches Redress Program for ChoicePoint Identity Theft Victims,” December 6, 2006. Available at www.ftc.gov/opa/2006/12/choicepoint.shtm.

¹⁷ U.S. Consumer Product Safety Commission, “In the Matter of Graco Children’s Products Inc. A Corporation and Century Products, F/K/A Century Products Company,” CPSC Docket No. 05-C0006, March 14, 2005.

¹⁸ Press Release of U.S. Federal Election Commission, “Federal Home Loan Mortgage Corporation (“Freddie Mac”) Pays Largest Fine In FEC History,” April 18, 2006. Available at www.fec.gov/press/press2006/20060418mur.html.

¹⁹ U.S. Consumer Product Safety Commission, “In the Matter of Graco Children’s Products Inc. A Corporation and Century Products, F/K/A Century Products Company,” CPSC Docket No. 05-C0006, March 14, 2005.

²⁰ Press Release of U.S. Consumer Product Safety Commission, “CPSC, Graco Announce Recall of Infant Swings,” July 29, 2002. Available at www.cpsc.gov/cpscpub/prerel/prhtml00/00098.html.

²¹ U.S. Consumer Product Safety Commission, “In the Matter of Graco Children’s Products Inc. A Corporation and Century Products, F/K/A Century Products Company,” CPSC Docket No. 05-C0006, March 14, 2005.

²² The precision of the dates on which a manufacturer learned about a hazard and notified the CPSC varies. In some cases, exact dates are available; in others, the only known information is the year of reporting. Calculations of lag times in this report assume the shortest possible time between known dates. For example, if a record showed only that a manufacturer learned of a defect in 1994 and reported it to the CPSC in 2005, this report would count the time lag as just one day, from the last day of 1994 until the first day of 1995.

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²⁴ U.S. Consumer Product Safety Commission, In the Matter of Graco Children’s Products Inc. A Corporation and Century Products, F/K/A Century Products Company, CPSC Docket No. 05-C0006, March 14, 2005.

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²⁶ Press Release of U.S. Consumer Product Safety Commission, “CPSC, NHTSA and Century Announce Recall of Infant Car Seats/Carriers,” October 13, 2000. Available at www.cpsc.gov/CPSCPUB/PREREL/PRHTML01/01012org.html.

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²⁹ Press Release of U.S. Consumer Product Safety Commission, “CPSC, Dynacraft Industries Announce Recall of Mountain Bikes Sold at Target Stores,” September 26, 2000. Available at www.cpsc.gov/cpscpub/prerel/prhtml00/00187.html.

³⁰ Press Release of U.S. Consumer Product Safety Commission, “Dynacraft To Pay \$1.4 Million Penalty for Failing to Report Hazard with Mountain Bicycles,” November 19, 2004. Available at www.cpsc.gov/cpscpub/prerel/prhtml05/05053.html.

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³⁴ *Ibid.*

³⁵ Press Release of U.S. Consumer Product Safety Commission, “CPSC, Dynacraft Announce Recall of Boys' Mountain Bicycles Sold at Wal-Mart,” April. 24, 2001. Available at www.cpsc.gov/cpscpub/prerel/prhtml01/01132.html.

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³⁸ Press Release of U.S. Consumer Product Safety Commission, “CPSC, BY US International Co. Announce Recall of “NEXT” Ultra Shock Bicycles Sold at Wal-Mart,” June 20, 2002. Available at www.cpsc.gov/cpscpub/prerel/prhtml02/02183.html.

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⁴¹ Press Release of U.S. Consumer Product Safety Commission, “CPSC, Fisher-Price Announce Recall of Little People® Animal Sounds Farms,” April. 23, 2003. Available at www.cpsc.gov/cpscpub/prerel/prhtml03/03111.html.

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⁵⁹ Press Release of U.S. Consumer Product Safety Commission, “CPSC, Horizon Fitness Announce Recall of Treadmills,” April 23, 2004. Available at www.cpsc.gov/cpscpub/prerel/prhtml02/02145.html.

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