

# icphso update

News and information for members of the International Consumer Product Health and Safety Organization

Newsletter Editor, Ross Koeser

Third Issue 2003

## President's Message

It has truly been my pleasure to serve as ICPHSO President! Although I have been a member for years, as president I have learned to appreciate the dedication of the members and staff in helping the organization continue to become the leading organization for consumer products safety.

With only five months to the 2004 Symposium, the planning committee is finalizing the content for another outstanding conference. A few of the topics include: *Design and Marketing of Worldwide Products, Emerging Hazards, and Safety Issues in Advertising*. In addition, there is plenty of time for networking. You will receive your full registration information in the near future – be sure to sign up early!

As ICPHSO has continued to grow, the board has discussed how best to manage the organization. To that end, the board will hold a strategic planning session in early November. The goal of this session is to develop a plan for the future, which will include specific action steps to ensure long-term success.

ICPHSO is extremely lucky to have a staff that shares the vision of the organization. Ross, Virginia and Jane are the engine behind ICPHSO that helps drive our success.

I thank you for your continued support of ICPHSO, and for your support of the board and staff. With everyone's support, I feel strongly that the organization will continue to grow.

*Bob Waller, ICPHSO President  
President – JPMA*

## A PROPOSED NEW CANADA HEALTH PROTECTION ACT

On June 9, 2003, Anne McLellan, Canada's federal Minister of Health, launched consultations on a detailed proposal for new health protection legislation.

The proposed *Canada Health Protection Act* would replace the *Quarantine Act* (1872), the *Food and Drugs Act* (1953), most of the *Hazardous Products Act* (1969), and the *Radiation Emitting Devices Act* (1969). Other health protection laws, such as the *Tobacco Act* and the *Pest Control Products*, would work together with the new Act to produce a unified and stronger legislative framework for health protection.

"One of government's most important responsibilities is to ensure an effective and responsive health protection system is in place to protect citizens," said

Minister McLellan. Canadians have a right to expect that their food is safe to eat, that their drugs are effective and safe, that household products they use are safe, and that there are strong measures to protect them from new and re-emerging communicable diseases.

The consultations will give Canadians and others the opportunity to discuss the legislative proposal before the new Bill is drafted. "This important initiative", Minister McLellan said, "goes to the core of Health Canada's responsibilities. I invite everyone to take part in this review."

Issues under discussion include:

? **FUNDAMENTAL VALUES:** Primacy of health and safety; openness; and accountability.

? **GUIDING PRINCIPLES FOR RISK DECISION-MAKING:** Assessment of risk based solely on science and objective observation; weighing risk against potential advantages for Canadians; concept of precaution; informed choice by consumer; considering health determinants; and linkages between human health and a healthy environment.

? **GENERAL SAFETY REQUIREMENT:** a General Safety Requirement would make it illegal to sell a product that presents an undue risk for the public.

? **CATEGORIZATION OF PRODUCTS:** Ways to categorize products for regulatory purposes and proposed definitions of "food", "health products", "natural health products", and "cosmetics".

? **REVIEW OF NOVEL PRODUCTS:** Ways to improve the review processes for new drugs, genetically modified food and other novel products, including how to make the process more transparent.

? **ADVERTISING OF HEALTH PRODUCTS:** Options for regulating the advertising of health products to consumers and to health professionals.

? **HEALTH AND SAFETY RELATED ACTIVITIES:** Proposed federal powers to regulate activities arising from new technologies, such as gene therapy, in the absence of provincial legislation.

? **COMMUNICABLE DISEASES:** Updated federal authority to prevent the spread of communicable diseases, while protecting human rights.

? **PASSENGER CONVEYANCES:** Health and safety standards for passenger conveyances re: water, food, air quality and general sanitation.

? **HEALTH SURVEILLANCE AND RESEARCH:** Clarification of federal authority to conduct health surveillance and research activities, in cooperation with other governments and organizations.

- ? CONFIDENTIALITY: Proposals for balancing the protect the health of Canadians and the need to safeguard privacy and commercial confidentiality.
- ? REGULATORY AUTHORITY: Clarification and modernization of the regulation-making powers of the government.
- ? ENFORCEMENT: Proposed more efficient legal tools for regulatory compliance.
- ? EMERGENCY RESPONSE: Proposals to more flexibility address urgent situations; for example, by Ministerial emergency interim orders.

The detailed legislative proposal and background documentation are posted on Health Canada's web site at <http://renewal.hc-sc.gc.ca>

In order to participate in the consultation sessions that will be held across Canada in the Fall 2003, interested parties should register either directly on the web, or by calling 1-888-288-2098.

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## From The Editor's Desk

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Our Board of Directors are in the process of planning a meeting to develop a strategic plan that will guide the organization in our future endeavors.

Six years ago, Bob Adler, Professor of Legal Studies, U. of North Carolina, wrote a white paper entitled, ICPHSO: The Next Century. Dr. Adler stated, "Strategic Planning is an art, not a science. No one can truly predict the future. What we can do is review the past and see whether there are logical patterns that have developed that can be molded in constructive ways for the future."

That will be the Board's job. With 10 years of history behind us we need to gaze into that crystal ball and chart a path for the future, always remembering the organization's resources and capacity to implement worthy goals.

Dr. Adler gave us four (4) activities which he considered his top priorities. They were:

1. Improve the quality of ICPHSO's Annual Symposium
2. Expand the marketing of ICPHSO's Annual Symposium
3. Improve ICPHSO's financial condition
4. Explore possibilities of expanded ICPHSO Training Seminars for Product Safety Professionals.

Let's look at these priorities 6 years later:

1. The evaluations of ICPHSO's Annual Symposium have gone from fair/good to good/excellent. And we keep getting better!
2. Our marketing continues to improve not only in the number of invitations mailed (doubled), but because of our good reputation, the word is out - - - ICPHSO is a must attend meeting. Attendance has increased from 135 to over 300.
3. ICPHSO has gone from no money in the bank to almost \$100,000 and we continue to thrive in the black.
4. Finally, in the past four years ICPHSO has managed 3 CPSC Compliance Workshops. All three

need to collect, use, and disclose health information to have been successful and provided funds to ICPHSO's budget and needed compliance information to the regulated industry.

It will be interesting to see where the Board, through this strategic planning exercise envisions ICPHSO in the next 10 years. The organization has a great start and the future looks bright. Stay tuned.

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## Letter To The Editor

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Hello Ross-

Over the past year I have developed a wonderful relationship with colleagues in the CPSC. It started with Iris Liskey, Bob Baxter, and Bridgette Cottral participating in our Iowa Child and Youth Injury Prevention Conference last September. At that conference we held a separate evening session targeted at an audience made up of childcare providers. With only modest marketing we packed the auditorium with folks eager to learn about injury prevention. As a result of that experience, we are once again, next month holding the same conference and including an evening session focused on injury prevention in child care settings. After the conference I was subsequently invited to tour the CPSC testing lab in Gaithersburg and for the first time I participated in the State / Local Caucus at the ICPHSO meeting this February in Orlando.

Using a newspaper clipping service that we subscribe to I am now regularly submitting consumer product-related injury articles to the CPSC. We also just began a new five year research study of different types of smoke detectors (photoelectric, ionization) and batteries (carbon zinc, lithium). We are installing 2,400 detectors in homes in rural Iowa county and will be following them for five years. Art Lee, a CPSC engineer, has been extremely helpful to me on this study. It will make for an excellent ICPHSO newsletter article in a future issue.

Best wishes,

John Lundell, MA  
 The University of Iowa, Injury Prevention Research Center  
 John-Lundell@iowa.edu

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## Member News

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**THANK YOU SO MUCH!!!**

This personal testimony was passed on to *icphso update* from Steven L. Yagelski, Manager, Corporate Quality, The Ohio Art Company and member of ICPHSO.

My name is J. Septimo Cacioppo (Joe). I am a 33 year-old police officer from NJ, retired as a result of injuries received in the line of duty. I currently live in Stuart, Florida with my Fiancée and our three kids.

My daughter Jacqueline (5yr) was playing in the living

room when she stepped on our (and I say our because I still play with it, as much as she does) Etch a sketch. The insides shattered all over the place. Due to your thoughtful engineering, my 60 pound daughter did not cut her foot, for the sealed unit safely contained all the fragments of glass and powder.

Thank you SO much for thinking of my daughter's safety, and the safety of hundreds of thousands of other children over the years (including me)

Now, instead of hauling heiney to the ER and worrying about my bleeding daughter, all I have to do is buy another Etch a Sketch. (Payday is next Friday...)

### **THIS TIME THEY WERE OF AGE**

Dick and Pat Moll renewed their wedding vows the same way they made them 50 years ago -- after a car trip to Bloomington and without family by their sides.

On June 26, 1953, Dick, 17, and Pat, 16, drove from Chicago to Bloomington to get married. They lied about their ages, following a "blueprint" given them by another couple who did the same thing. They were married by a justice of the peace.

They returned home, just in time for Dick to give a high school graduation speech. They didn't tell anyone.

In 1955, the couple married in a Catholic church, and for 23 years, they celebrated that day as their anniversary.

When one of their six children married in 1978, Dick and Pat revealed the 25-year-old secret to their family.

On Wednesday, the couple relived their first wedding day with a trip from their home in Madison, Wis., to Bloomington. Mayor Judy Markowitz presided as they renewed their vows in a symbolic ceremony attended by city employees.

"We wanted to do this just for ourselves," Pat said. "Our children wanted to come, but we wanted to do it by ourselves. It's just wonderful."

The Molls didn't know if their 1953 marriage was legal until 17 years ago, when they stopped in Bloomington to check. Not only were they told that the marriage was legal, their original marriage certificate was still waiting for them.

When Dick first called city hall, people thought it was a joke. For the last month, however, Markowitz, the Molls and city employees have worked on the ceremony.

Markowitz wrote the ceremony after consulting with a priest about recommitment ceremonies.

Dick and Pat both read their own vows to each other.

City workers made a wedding cake, purchased flowers and tied white bows on chairs in the council chambers.

Several city employees attended the ceremony, and some of them even cried with the couple.

Markowitz believed she was the first mayor to perform such a ceremony at city hall.

On Wednesday, both wedding certificates were framed, with pictures of the couple on their wedding days.

"I guess I just wanted to see if we could get away with it," Dick said. "We both loved each other. It was hard to hide."

The Molls have six children, 13 grandchildren and two great-grandchildren. They are both retired, but Dick still

does some work as a product safety consultant and teaches at University of Wisconsin-Madison.

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## **News Of Interest**

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### **RAM CONTINUES CAREGIVER VIGILANCE SURVEY**

In order to better understand and quantify the behavior of child caregivers in the U.S., RAM child development specialists have produced a Caregiver Vigilance survey. The survey of 40 questions ranging from demographic information to how a respondent rates their child's characteristics was initially sent to 10,000 households in the summer of 2002. Those ICPHSO members who attended the Annual Meeting in February saw preliminary results from those responses. RAM has now completed a second mailing of 10,000 surveys to households with children in the US. At this writing, almost 800 responses have been received. RAM data analysts are continuing to enter the responses which will give us statistical information on caregivers, their children and how they interact with products. Initial findings from the survey include:

The child's personal characteristics are clearly given first consideration when a caregiver is purchasing a product. Pricing is the second consideration followed by labeling and packaging.

The following foods were rated "Most Likely to Give" to "Least Likely to Give" to children younger than 3: Cheerios, Popsicles, Apples, Hot Dogs, Pop Corn, Small Candy, Nuts.

The following items were rated "Most Likely to Give" to "Least Likely to Give" to children younger than 3: Stickers, Inflated Balloons, Pretend Tattoos, Deflated Balloons.

Overall, 49% of caregivers responded that their child was above average for his age, 48% responded that their child was average for his age, and 3% responded that their child was below average.

There appears to be very little correlation between educational level and emphasis placed on safety. The same generally holds true for income level, household type, primary caregiver, and region.

Parents with younger children are more conservative on a range of safety issues, including checking on their children when playing, removing premiums from products, and leaving their children with young babysitters.

This is just a sample of the data that was collected, RAM plans to publish all of the results in the near future. If you would like more information regarding the survey or one of RAM's unique Foreseeable Use posters which details the developmental strategies of children aged 3 months to 14 years, please contact Billy Nobles at 630.623.6063.

## AUSTRALIAN MINISTER BANS YO YO WATER BALLS

The Australian Parliamentary Secretary to the Treasurer, the Hon Ian Campbell, has announced that he has introduced an Australian *Trade Practices Act* ban on yo yo water balls.

"Yo yo water balls comprise a squeezable soft synthetic liquid filled ball attached to a stretchable synthetic cord that can stretch to many times its normal length. At the end of the cord is a plastic ring that can be placed on the finger. The product can be used like a conventional yo yo, bounced or swung around the head like a lasso", the Minister said.

"The product is available world wide and there have been numerous reports of injuries resulting from the product wrapping around the necks of children in its stretched state and then shrinking constricting the throat and causing breathing difficulties. Serious adverse reactions have also been reported from contact with or ingestion of the liquid inside the ball".

The Minister advised that sample testing of the forces generated by the synthetic cord at maximum stretch showed that the force exerted on a younger child's neck by the recoiling cord could be both frightening and potentially hazardous.

Sample testing of the liquid inside the balls showed varying levels of toluene (a component of petroleum), which is a highly undesirable for a child's toy which can be easily punctured.

The Minister warned consumers who might have already purchased the toy to take it away from children immediately and dispose of it in a secure rubbish bin.

*For further information please contact: Kerry Ashbolt  
Project Manager, Consumer Safety Unit, Australian Treasury  
Telephone: +61 2 6263 2747, e-mail: recalls@recalls.gov.au*

## NFPA'S RESEARCH FOUNDATION EXAMINES HOW QUICKLY SMOKE INCAPACITATES

*Study aims to assure escape from burning buildings*

A recent study by the Fire Protection Research Foundation of the NFPA (National Fire Protection Association) has advanced an international effort to make certain that people can escape a burning building before being overcome by smoke. The work is part of a revolution in fire safety in which codes and standards are beginning to address how much smoke will incapacitate people, rather than how much will kill them.

"For most of the history of fire science and fire safety, our efforts have focused on how much smoke would kill a person," explained Rick Mulhaupt, Research Foundation president. "Now, we're recognizing that many people die in fires - not because smoke killed them on the spot - but because smoke or heat prevented them from getting out of the building."

In 2002, the ISO (International Organization for Standardization), a network of the industrial-standards institutes of 147 countries, put forth a new standard calling for attention to the "sublethal" effects of smoke - when the heat, the thickness of smoke, and the toxic gases in smoke will block vision, make a person choke

or tear up, or render a person unconscious. Because of this new ISO standard, these effects of smoke are supposed to be taken into account when regulating the size and placement of exits and the types of materials allowed in buildings.

But to meet the standard, one needs to know more about the smoke produced by burning various materials. That is where the Research Foundation comes in. Working with the National Institute of Standards and Technology, the Research Foundation is laying the scientific groundwork needed to put the new standard into practice. The foundation recently completed the project's second phase of its International Study of the Sublethal Effects of Fire Smoke on Survivability and Health.

In the most recent phase of the study, the foundation's researchers performed three tests: They burned a sofa made of upholstered cushions on a steel frame, some particleboard bookcases, and some household cable. In each case, the materials were burned in a room with a long adjacent corridor.

The researchers measured the toxic gases emitted by each item, and how quickly the gases filled the room and moved down the corridor. They determined when and where in the room and in the hallway people would have to stop because of the smoke or the heat.

Fire-test laboratories and manufacturers are expected to use this data to develop smaller-scale tests that can be done in a laboratory, so they won't need to set a room on fire every time they test a product.

NFPA's Fire Protection Research Foundation is uniquely equipped to conduct such studies, and NFPA officials expect more lives to be saved because of the new fire-safety standards that will emerge from this work.

*For this and other NFPA Headlines, please visit  
<http://www.nfpa.org/PressRoom/index.asp>.*

## KIDS IN DANGER LAUNCHES NEW PROJECT AIMED AT ENGINEERING STUDENTS

Kids In Danger (KID) is a nonprofit organization dedicated to protecting children by improving children's product safety. KID's mission is to promote the development of safer products, educate the public and advocate for children.

To promote the development of safe products, KID has launched an innovative and far reaching program to increase the study of product safety and standards in undergraduate engineering and design programs. Teach Early Safety Testing's (TEST) goal is to integrate product safety design into the curriculum, using children's product safety as a framework. KID is working to develop curriculum materials, case studies and problem solving exercises, resource materials and possible design projects for every level of undergraduate education to promote the development of safer children's products.

Funded in part through a generous contribution from Underwriter's Laboratory, TEST is exploring initial projects with Purdue University, Rose-Hulman Institute

of Technology, University of Michigan and Illinois Institute of Technology.

Many ICPHSO members would have valuable resources and content to contribute to this effort. To learn more, visit [www.KidsInDanger.org](http://www.KidsInDanger.org) or contact Nancy A. Cowles, Executive Director at [nancy@kidsindanger.org](mailto:nancy@kidsindanger.org) or 312/595-0649.

### **PIER 1 KOMEN CANDLE KINDLES SENSE OF HOPE IN FIGHT AGAINST BREAST CANCER**

*Retailer to donate percentage of purchase price from sale of  
candle to Komen Foundation*

Lighting the way in the fight against breast cancer, Pier 1 Imports will offer its commemorative Komen Candle for the seventh consecutive year, starting in August through October 2003, which is National Breast Cancer Awareness Month. Pier 1 will donate 25 percent of the purchase price (less tax) from sales of the \$12.50 candle to the Susan G. Komen Breast Cancer Foundation to support innovative breast cancer research and community outreach programs.

This year's design features a pastel pink candle in a frosted glass jar with ribbon-shaped chrome lid. A pastel pink bead dangles from the inside loop of the lid. The label includes a pink enamel ribbon-shaped lapel pin. The signature Floral Blush-scented candle will be sold in U.S. Pier 1 stores and online at [www.pier1.com](http://www.pier1.com).

"Pier 1 has long been identified as a premier source for candles – and we are proud to be able to use our expertise for a greater good," said Marvin J. Girouard, Pier 1 chairman and chief executive officer. "All of us have been affected by breast cancer in some way. Through sales of the Komen Candle and our partnership with the Komen Foundation, we hope to make a difference in fighting this life-threatening disease."

Pier 1 has been a national partner with the Komen Foundation since 1991 and has sold the Komen Candle in its stores since 1997. Last year, Pier 1 donated \$176,000 to the Komen Foundation from the candle sales.

"A key to our success at the Komen Foundation is that we collaborate with a variety of companies and organizations to provide creative ways for people to make a difference in the fight against breast cancer," said Cindy Schneible, vice president of cause-related marketing and sponsorship for the Komen Foundation. "Pier 1's Komen Candle enables the Komen Foundation to reach more women with the life-saving message of early detection and to raise funds for breast cancer research, education, screening and treatment programs."

#### **About the Komen Foundation**

The Susan G. Komen Breast Cancer Foundation was established in 1982 by Nancy Brinker to honor the memory of her sister, Susan G. Komen, who died from breast cancer at the age of 36. Today, the Foundation is an international organization with a network of more than 75,000 volunteers working through local Affiliates. Together with its Affiliate Network, corporate partners and generous donors, the Komen Foundation has raised

nearly \$600 million for the fight against breast cancer. For more information about breast health or breast cancer, visit the Komen Foundation's award-winning website at [www.komen.org](http://www.komen.org) or call the Foundation's national toll-free breast care helpline at 1.800.I'm AWARE (1.800.462.9273).

### **STR USES STATE-OF-THE-ART COMPUTER PROGRAM FOR HAZARD ANALYSIS AND RISK ASSESSMENT**

STR has recently adapted a state-of-the-art computer program called Failure Mode and Effect Analysis (FMEA-Pro 6) to perform hazard analysis and risk assessment for consumer products. Risks associated with candles and hazard analysis of toys are two examples of how this program has been used to date.

FMEA-Pro 6 fully supports ISO/TS 169949, SAE ARP, SAE J1739, MIL-STD-1629, QS9000, advanced product quality planning (APQP), design, process, service, and machinery FMEAs. This program is currently used in the automotive industry, consumer electronics, aerospace, defense industry, and general manufacturing industries.

STR staff has modified FMEA-Pro 6 to fit our clients' needs and applications. A quantitative risk assessment model has been added to FMEA-Pro, which eliminates the subjectivity of existing qualitative risk models by taking into consideration the actual probabilities of incident occurrence. In addition, STR can add an economic risk model to FMEA-Pro 6 to assess the financial consequences of various potential hazards. Using this new feature, the client can have better appreciation of the cost of implementing specific safety measures required to eliminate (or mitigate) potential hazards compared to accepting the risk of "doing nothing" based on a low probability of incident occurrence.

Among the useful features of FMEA-Pro 6 are its graphics capability (e.g., bar, line, and Pareto charts), tracking, security, and reporting features. FMEA-Pro 6 generated reports can be formatted as MS Word documents, Adobe Acrobat, or HTML for Internet access.

*For more information regarding this subject contact  
[Herbert.Hewitt@strus.com](mailto:Herbert.Hewitt@strus.com)*

### **FEDERAL REGULATIONS ACCESSABLE ON INTERNET**

Regulations put forth by federal agencies are now accessible on the Internet at [www.regulations.gov](http://www.regulations.gov). This site allows access to federal documents that are open for comment and have been published in the *Federal Register*. Users can review regulations and submit their comments directly to the agency in question.

**MARK YOUR CALENDAR  
ICPHSO'S 11<sup>TH</sup> ANNUAL  
MEETING & TRAINING SYMPOSIUM  
MARCH 2 – 5, 2004**

**THE PRECAUTIONARY PRINCIPLE AND THE  
CONSUMER PRODUCT SAFETY ACT:  
MEANINGFUL SAFEGUARDS FOR PEOPLE AND  
THE ENVIRONMENT**

*By George A. Miller*

The Precautionary Principle. I have never seen such a simple and important idea become so controversial. If we could somehow agree on what it means, and how it should be used, can you imagine what the implications would be for the global economy? But until we share a common understanding of the Precautionary Principle, economists and policy makers will continue to debate how to make markets “truly global.”

Here is the single reference to the Precautionary Principle, from Article 174 of the Amsterdam Treaty, the 1997 document that establishes the framework for the European Union:

*“Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay.”*

Books have been written to interpret, clarify – and sometimes abuse – the meaning of this passage. But I have found a very useful and concise interpretation of the Precautionary Principle buried in the middle of a 1998 judgment by the European Court of Justice on the topic of Mad Cow Disease:

*“Where there is uncertainty as to the existence or extent of risks to human health, the institutions may take protective measures without having to wait until the reality and seriousness of those risks become fully apparent”* (European Court of Justice, judgment of 5 May 1998, Case C-180/96, Point 99).

I first learned about the Precautionary Principle from a chemical industry executive, who referred to it as “the last resort for politicians who want to ban products and can’t persuade scientists to cooperate.” But I first understood the importance of the Precautionary Principle when hearing representatives of the consumer electronics industry demand more proof that some of their products pose a fire hazard. We already had given them reports of fires, copies of lawsuits, product recall information and data from combustion tests. Our good friends at the Danish Electricity Council contributed investigations of more than 100 television set fires. Unfortunately, no amount of science will ever be enough to convince some people to do the right thing.

American industry regards the Precautionary Principle as extreme. But allow me to compare the Precautionary Principle to an American law that has been in effect since the 1970s.

The Consumer Product Safety Act gives the United States Consumer Product Safety Commission (CPSC) jurisdiction over 15,000 products, including all consumer electronics and information technology devices sold for use in the home, for use in schools, and for recreational purposes. Companies that manufacture, import, distribute or sell these products are covered by this law.

Portions of the Consumer Product Safety Act sound a good deal like the Precautionary Principle. In 1999, the CPSC published its “Recall Handbook,” to clarify what the law has to say about products that may be dangerous.

Compare the American law with the European Precautionary Principle, as interpreted by the European Court of Justice in 1998. Let us begin with the words, *“Where there is uncertainty as to the existence or extent of risks to human health ...”*

What does the American law say about uncertainty? According to the CPSC, any one of four factors could indicate the existence of a substantial product hazard requiring a recall or other action.

The first factor is the pattern of the product defect. The CPSC makes a couple of points here. Clearly, a substantial hazard exists if the defect is part of the design of the product and not just a defect in a few units. Outer housings using easily combustible material would be a matter of design, not accident, for example. In addition, a substantial hazard also exists if the setting in which a product is used is part of the pattern. Candles should not be on the same desk as a television set or computer printer, but these incompatible items are found side by side in thousands of college students’ rooms day and night. That is a pattern.

The second factor is the number of defective products distributed in commerce. Millions of consumer electronics items enter homes every year.

The third factor is severity of risk. Here is what the CPSC says: *“A risk is considered severe if the injury that ... might occur ... is serious and/or the injury is likely to occur.”*

The fourth factor is the likelihood of injury. Here is what the CPSC says: *“The likelihood is determined by considering the number of injuries that have occurred, **or that could occur**, the intended or reasonably foreseeable use or misuse of the product, and the population group (such as children, the elderly, or the disabled) exposed to the product.”* The CPSC added the bold-face type as emphasis, to indicate that the possibility of injury is enough to trigger a recall.

So far, I would say that the only real difference between the 30-year-old US Consumer Product Safety Act and the European Precautionary Principle is that Europe has used a lot fewer words to say the same thing. The CPSC goes on to provide even more guidance.

A Class A hazard *“exists when a risk of death or grievous injury is likely or very likely, or serious injury or illness is very likely.”* We are aware of a product – a single style and brand of bathrobe sold to adults – that is so flammable, it has been involved in at least three deaths and another dozen serious injuries, most involving elderly women. Any contact with a flame ignites this robe immediately. In this case, harm is very likely. It must be removed from the marketplace.

A Class B hazard *“exists when a risk of death or grievous injury or illness is not likely to occur but it is possible, or when a serious injury or illness is likely, or moderate injury or illness is very likely.”*

A Class C hazard "exists when a risk of serious injury or illness is not likely, but is possible, or when moderate injury or illness is not necessarily likely, but is possible."

Let us refer once again to the opening words of that European Court of Justice interpretation of the Precautionary Principle: "Where there is uncertainty as to the existence or extent of risks to human health...." Are the Precautionary Principle and US law so different?

The European Court of Justice concluded its interpretation of the Precautionary Principle by saying, "the institutions may take protective measures without having to wait until the reality and seriousness of those risks become fully apparent."

The CPSC says, "regardless of whether a product is classified as a Class A, B or C priority hazard, the common element is that each of these defects creates a substantial product hazard that requires corrective action to reduce that risk of injury." The corrective actions are spelled out in the law, and include consumer alerts, recalls, and redesign of the defective product.

The penalties can be severe for companies that fail to comply. Wal-Mart was fined \$750,000 by the CPSC for failing to report injuries from sports equipment that they sell. You might be wondering how that would happen in a business-friendly environment. There is no mystery here. The Commissioners and their staff are sworn to enforce the law, and they do. And our famous US court system does not look kindly on companies that conceal information about dangerous products.

But some companies do take chances. Let me share a recent example. An American company is being sued for a fire involving one of its inkjet printers. It destroyed a woman's home in California. Some time ago, the Swedish National Testing and Research Institute (known as SP) learned that inkjet printers could be ignited easily by a candle. The *Wall Street Journal*, European edition, ran an article on the test.

The results of the test were shared with that company. No one was hurt in this incident, but SP proved that the product could possibly harm people. The company did not recall the printer then and has yet to report the lawsuit to the US federal authorities. But the National Association of State Fire Marshals (NASFM) has reported it, because the CPSC needs to know and accepts product hazard information from all sources.

I really have no sympathy with industry's argument that the Precautionary Principle is extreme, when I witness corporate irresponsibility at this level. And those American companies that say the Precautionary Principle is extreme should read the laws of the United States. I hasten to point out that nowhere in either US or European law does it say that compliance with a standard allows a company to make and sell a hazardous product.

The European Precautionary Principle and the US Consumer Product Safety Act say the same thing: no one has the right to subject even one person to danger. Yet, we are repeatedly challenged to provide fire incident data to justify improved safety. Let me tell you about one young statistic.

In California, there is a 12-year-old boy without ears and hands, with just one eye, who has survived 75

surgical operations and who screams every day when his bandages are changed. He cannot have regular painkillers for fear of addiction. Every day he has to pretend he doesn't mind when strangers avert their eyes. He is a wonderful, courageous child. He is a burn survivor, and he will survive.

He was injured in a fire that occurred in about three seconds. It was a fire that was preventable, a fire that was not his fault in any way. His parents watched him burn and scream and fall into a coma. The cost of his health care is in excess of \$1 million a year, and he has a long way to go. A manufacturer made the decision not to protect the product from fire, in order to save 25 cents per unit. As a result of the lawsuits involving the case of my 12-year-old friend, that decision may push that manufacturer into bankruptcy. I believe it should.

As a regulatory official, I can tell you that I care a lot more about protecting children than I do about defending the right to open markets. But, if global standards are set to protect the children who may use products and not irresponsible companies that manufacture and sell those products, I will devote myself to open markets.

We can set global standards that facilitate trade while providing meaningful safeguards for people and for our environment. This may well best be accomplished by heeding the Precautionary Principle.

*George A. Miller is Chairman of the International Consortium for Fire Safety, Health and the Environment ([www.clean-and-safe.org](http://www.clean-and-safe.org)). He delivered these remarks at the Consortium's Symposium on Fire Safe Electronics (FIRESEL) in May 2003 in Borås, Sweden. Mr. Miller serves as Chief of Fire Code Enforcement for the State of New Jersey and is Immediate Past President of the National Association of State Fire Marshals in the US.*

## **SEPTEMBER IS BABY SAFETY MONTH**

*Consumer Product Safety Commission Joins the Juvenile Products Manufacturers Association Efforts*

Every September, JPMA sponsors Baby Safety Month to help educate parents and caregivers on a particular safety issue and the importance of the safe use and selection of juvenile products. The 2003 theme is: Being There Always & Forever: Water Safety.

Baby's water safety is an important issue for parents and caregivers. "Many parents and caregivers are not aware of the water hazards in and around their homes," said Bob Waller, JPMA president. "That is why this year JPMA is working toward making parents and caregivers more aware of the dangers that exist and what can be done to prevent such hazards."

The following points are what every parent and caregiver should know:

### **General Water Safety**

Maintain constant supervision. Watch children around any water environment (pools, streams, ponds, lakes, bath tubs, hot tubs, toilets, buckets, sinks, coolers and fish tanks), no matter what skills your child has acquired and no matter how shallow the water.

Don't rely on substitutes. The use of flotation devices and inflatable toys cannot replace parental/caregiver supervision.

Parents/caregivers should take a cardiopulmonary resuscitation (CPR) course. It can be a lifesaver when seconds count.

Never leave a container with even a small amount of liquid unattended. When finished using a container, empty it immediately. Do not leave empty containers outside in the yard or around the house, where they may accumulate water and attract young children.

#### Bath Safety

Before you begin, have all supplies within arm's reach and in front of you.

DO NOT leave a baby unattended for even a second. Baby bath seats and baby bathtubs are not a substitute for supervision.

If you need to leave the bathroom, take the baby with you. Do not rely on older children/siblings to watch the baby for you.

Never leave a child unattended while filling the bathtub and always empty bath water immediately after use. Babies can drown in as little as one inch of water.

Keep the toilet lid down to prevent access to the water. Consider using a toilet seat lock to prevent children from opening the lid.

#### Pool, Spa, and Hot Tub Safety

Consider enrolling children age four and over in a water safety course or learn to swim program. Courses for children UNDER the age of four are ONLY for enjoyment with a parent/caregiver.

Note: The American Academy of Pediatrics specifically does NOT recommend swimming lessons for kids UNDER the age of four.

Never leave a child unobserved around water. A parent/caregiver's eyes MUST be on the child at all times. An older child/sibling is no substitute for adult supervision.

Install a phone by the pool or keep a cordless phone nearby so you can call 9-1-1 in an emergency.

Know how to perform Cardiopulmonary Resuscitation (CPR).

Enclose the pool completely with a barrier. Fences should be at least four feet high and have self-latching, self-closing gates. Layers of protection are important, so also consider using door and pool alarms and pool safety covers.

Be sure to lock or remove ladders from above-ground pools. Remove all toys from pools to avoid children being tempted to retrieve them.

Always secure safety covers and barriers to prevent children from gaining access to spas or hot tubs when not in use.

If a child is missing, always look in the pool or spa first. Seconds count in preventing death or disability.

Hot tubs also can pose a drowning and overheating risk to very young children. Check with your pediatrician before allowing children to use a hot tub.

Every year JPMA rallies retailers across the nation to help support the safety education message through in-store Baby Safety Month promotions. JPMA provides retailers with a Baby Safety Month promotional kit that includes all of the necessary tools and information to hold successful educational seminars.

The Juvenile Products Manufacturers Association, Inc. is a national trade organization of more than 400 companies in the United States, Canada, and Mexico. These companies manufacture and/or import infant products such as cribs, car seats, strollers, bedding, and a wide range of accessories and decorative items.

For more information on Baby Safety Month or to order the Safe and Sound for Baby brochure, contact JPMA at 856.638-0420 or visit the Web site at [www.jpma.org](http://www.jpma.org).

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## Coming Events

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### THE UNIVERSITY OF WISCONSIN

#### MADISON

Fifteenth Annual Products Liability Conference  
November 6 – 7, 2003  
Madison, WI

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The Role of Warnings & Instructions  
Course #E669  
March 24-26, 2004

*Additional information can be obtained from the web at [www.epd.engr.wisc.edu](http://www.epd.engr.wisc.edu) or you may also contact Dick Moll at 608-263-4712 or Diane Lange at 800-462-0876.*

### THE UNIVERSITY OF IOWA INJURY PREVENTION RESEARCH CENTER

November 3 - 5, 2003

"Drawn To The Flames"  
International Conference on Youth Firesetting  
Intervention  
San Diego, CA  
More info: [www.sofires.com](http://www.sofires.com)

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November 15 - 19, 2003  
American Public Health Association Annual Meeting  
San Francisco, CA  
More info: [www.apha.org](http://www.apha.org)