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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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April 10, 2007

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The Honorable Nancy A. Nord
Acting Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Nord:

Thank you for your prompt response to our March 5, 2007, request for information regarding kitchen range tipovers. The data and information you provided confirm that there are, in fact, very serious problems with the stability of free-standing kitchen ranges as sold and installed in the United States. Moreover, this has been a problem at least since 1980, and it has continued up to the present.

According to U.S. Consumer Product Safety Commission's (Commission) data, since 1980 at least 33 people have been reported killed by kitchen stoves tipping over on them.¹ Nearly 60 percent of those killed were small children. In addition to these deaths, at least another 51 people – again, mostly small children – were injured, most of them suffering severe burns, when stoves tipped over on them.

Nowhere in the course of this appalling history, however, is there any indication that the Commission has seen fit to take action to end these deaths and injuries. Evidently, the Commission staff made some inquiries into the subject in the mid-to-late 1980s, but in the end nothing was done.

In 1991, a national safety standard for free-standing kitchen ranges was adopted by the private sector (Underwriters Laboratories, UL 858), but the Commission's data show that the number of deaths and injuries did not abate. The UL standard requires that free-standing ranges should be designed so that they will not tip over if 250 pounds of pressure is applied to the open oven door. Ranges not passing this test must be fastened

¹ In a memorandum dated March 28, 2007, the Commission's staff notes that the incident data for range tipovers is incomplete for the years 2003-2006 and therefore the numbers of deaths and injuries for those years may be understated. See attached memorandum.

to the floor or wall to prevent tipovers. The Commission's data, however, show that deaths and injuries caused by range tipovers have continued unabated since the UL standard went into effect in 1991.

We request that the Commission take immediate action to address this issue. In that regard, we note that the Commission has the authority to issue and enforce mandatory standards for consumer products or to ban products if no feasible standard would adequately protect the public. The Commission may also order the recall of dangerous products or require their repair.

Please notify us no later than two weeks from the date of this letter as to what action the Commission has taken, or plans to take, with regard to this issue. In your response, please also address the following questions:

1. Since 1980 the Commission has issued numerous recalls for potentially dangerous products or taken other actions, despite the fact that many of these products had not yet caused any injuries. Yet, in the case of kitchen ranges, where numerous deaths and injuries have occurred, the Commission has not acted. Why has the Commission not acted upon this issue?
2. Given the large numbers of deaths and injuries associated with range tipovers, does the Commission believe that it has sufficient evidence on the dangers presented by the instability of certain free-standing ranges to take action to remedy this problem?
3. The data indicate that the UL Standard (UL 858) has had little effect on reducing the number of deaths and injuries caused by kitchen range tipovers. Do any free-standing kitchen ranges sold in the United States meet the UL 858 stability test (250 pounds pressure on the open over door) without being fastened to the floor or wall?
4. Evidently, the majority of free-standing ranges are sold with brackets or other devices for fastening the range to the floor or wall when it is installed. Does the Commission believe it has the authority to issue a regulation or order mandating installation of these fasteners, both prospectively and retroactively? If so, please explain the basis for that authority. If not, please explain why you believe it does not have that authority.
5. Does the Commission believe it has the authority to require manufacturers, retailers, and installers to ensure that free-standing ranges are installed with the proper fasteners? If so, please explain the basis for that authority. If not, please explain why you believe it does not have that authority.

The Honorable Nancy A. Nord
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Thank you in advance for your cooperation in this important matter. Should you have any questions regarding this request, please have your staff contact John Arlington, Senior Investigative Counsel with the Committee on Energy and Commerce, at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight
and Investigations

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

Memorandum

Date: March 28, 2007

TO : Jacqueline Elder
Assistant Executive Director, Hazard Identification and Reduction

THROUGH: Russell Roegner, PhD *T.R. For R.R.*
Associate Executive Director, Directorate for Epidemiology

FROM : Kathleen Stralka
Director, Hazard Analysis Division
John Topping *JCT*
Division of Hazard Analysis

SUBJECT : Incident reports involving free standing kitchen range tipovers

This memorandum presents summary statistics of incidents associated with tipovers of free standing kitchen ranges, also referred to as stoves or ovens. These summary statistics characterize the number of reports received by the U.S. Consumer Product Safety Commission (CPSC) staff from January 1, 1980 through December 31, 2006. Incident reports were extracted on March 13, 2007 from across all four CPSC epidemiology databases. These databases include: the National Electronic Injury Surveillance System (NEISS); In-depth Investigations (INDP); Injury and Potential Injury Incidents (IPII), which includes consumer letters, CPSC Hotline complaints, newspaper clippings, and medical examiner reports; and Death Certificates (DTHS). It should be noted that fatalities reporting is not considered complete for 2003 through 2006. Therefore, the number of fatalities may change.

This analysis was prepared by the CPSC staff, has not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

Summary of Reported Incidents Associated with Range Tipovers*

As of March 13, 2007, CPSC staff was aware of 143 reports of incidents associated with range tipovers occurring between January 1, 1980 and December 31, 2006. Contained in the 143 reports are accounts of 107 incidents. Also included in the 143 reports are in-depth field investigation reports that CPSC staff produced for 21 incidents and 15 records that report an incident in two of our epidemiology data sets.

Table 1 records the number of fatalities and age of decedents as determined from the reports. Across the 27 years being reviewed, CPSC staff has reports of 33 fatalities associated with range tipovers. There are no reported fatalities for 10 of the 27 years. The highest frequency of reports was received in 1993 when five fatalities were reported.

Table 1: Number of Reported Fatalities and Age of Decedents Associated with Range Tipovers

Year	Reported Fatalities	Cumulative Total	Age of Decedents
1980	2	2	18 months; 49 yrs
1981	2	4	3 yrs; 3 yrs
1982	1	5	71 yrs
1983	1	6	2 yrs
1984	3	9	51 yrs; 38 yrs; 39 yrs
1985	2	11	39 yrs; adult male
1986	0	11	-
1987	0	11	-
1988	1	12	15 months
1989	0	12	-
1990	3	15	60 yrs; 65 yrs; 79 yrs
1991	2	17	15 months; 18 months
1992	1	18	2 yrs
1993	5	23	20 months; 2 yrs; 2yrs; 60 yrs; 60 yrs
1994	0	23	-
1995	0	23	-
1996	0	23	-
1997	2	25	3 yrs; adult male
1998	0	25	-
1999	0	25	-
2000	0	25	-
2001	2	27	23 months; 5 yrs
2002	1	28	3 yrs
2003	2	30	2yrs; elderly woman
2004	0	30	-
2005	1	31	22 months
2006	2	33	18 months; 18 months

Source: CPSC Epidemiological Databases.

Italicized table entries denote the period for which reporting is incomplete.

All 33 fatalities were caused by the victim being trapped under the range that fell on them.

* This analysis was prepared by the CPSC staff, has not been reviewed or approved by, and may not necessarily reflect the views of, the Commission.

Nineteen of the 33 reported fatalities (58 percent) were children. Fourteen decedents (42 percent) were adults. Forty-seven percent of the children whose deaths were associated with range tipovers were younger than 2 years of age. The age of 11 of the adult decedents was reported. Of these 11, six or 55 percent were aged 60 years or more. Due to lags in reporting deaths, fatality frequencies are not considered complete for the period from 2003 through 2006.

Although Table 1 lists 10 years with no reported fatalities, there is only one year, 1995, from which CPSC staff has neither a reported fatality nor a reported injury. Table 2 presents the number of injuries reported, by year, along with the number of fatalities. In addition to the total number of incidents reported by year, Table 2 also indicates those years that CPSC staff received reports from consumers regarding the potential of injury being caused by unsecured ranges.

More than one individual suffered injuries in 15 of the 107 reported incidents. The majority of these incidents involved burns or scalding suffered by several children when the contents of pots on top of the ranges spilled onto them when the range tipped. The majority of injuries, regardless of age, were burns suffered from hot liquids spilled from the pots or pans that tipped when the range tilted.

Table 3 characterizes the frequency of reported incidents, fatalities, and reported injuries that occurred prior to 1991 and 1991 and after. Voluntary standards were revised in 1991.

Only 12 of the 107 reports across the 27 evaluated years indicate either the date the range was manufactured or purchased. Two of the 12 reported incidents occurred prior to 1991 and the remaining 10 occurred during the period from 1991 to 2006. Eight of the reported incidents were associated with ranges that were purchased or manufactured prior to 1991. All four of the reports associated with tipped over ranges that were manufactured or purchased after 1991 indicate that the range was not secured with brackets.

Table 2: The Frequency of Reported Fatalities, Injuries and Incidents By Year Associated with Range Tipovers

Year	Reported Fatalities	Reported Injuries	Reports of Potential Injury	Total Reported Incidents
1980	2	1	-	3
1981	2	5	-	7
1982	1	6	-	6
1983	1	2	-	2
1984	3	5	-	7
1985	2	8	-	9
1986	0	3	-	2
1987	0	2	-	2
1988	1	1	-	2
1989	0	5	-	3
1990	3	0	-	3
1991	2	3	-	5
1992	1	2	-	3
1993	5	3	-	8
1994	0	3	-	3
1995	0	0	-	0
1996	0	3	-	2
1997	2	4	1	6
1998	0	1	-	1
1999	0	1	-	1
2000	0	1	1	2
2001	2	3	-	5
2002	1	3	1	3
2003	2	2	-	4
2004	0	3	2	4
2005	1	5	-	5
2006	2	9	1	9
Total	33	84	6	107

Source: CPSC Epidemiological Databases.

Italicized table entries denote the period for which reporting is incomplete.

Table 3: The Frequency of Reported Fatalities, Injuries and Incidents Before and After Revision of the Voluntary Standards

Years	Reported Fatalities	Reported Injuries	Reported Incidents
1980-1990	15	38	46
1991-2006	18	46	61
Total	33	84	107

Source: CPSC Epidemiological Databases. Fatality reporting is not complete for 2003-2006.

During the 11 year period from 1991 through 2001, CPSC staff is aware of 36 incidents that resulted in 12 fatalities and 24 reported injuries. Summary statistics are provided for this 11 year period because summary statistics are provided for an 11 year period (1980 through 1990) preceding the revision to the voluntary standards.