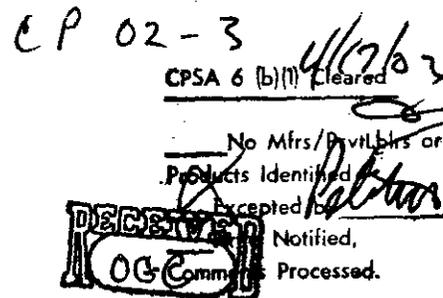


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March 20, 2002

MAR 25 2002

Stephen Lemberg, Esq.
Acting General Counsel
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Re: Hunting Tree Stands

Dear Mr. Lemberg:

Based on the information contained below, I hereby petition the Consumer Product Safety Commission to promulgate regulations that (1) establish a mandatory standard for hunting tree stands to address the risk of falling; and (2) ban waist belt restraints in tree stands, as they pose a serious threat to the safety of users.

I believe that hunting tree stands pose a serious risk of injury or fatality to users. Over the past year, I have researched injuries and fatalities associated with hunting tree stands by conducting a literature search at the National Institutes of Health Medical Library and also by conducting a FOIA request for incident data contained in the CPSC's data bases. I have also had the opportunity to use a manufactured hunting tree stand. Below is a summary of the findings from these research efforts.

A literature search at the National Institutes of Health produced two articles addressing injuries associated with falls from hunting tree stands. Both papers report that falls from tree stands are often associated with severe and permanent damage (Price and Mallonee, 1994; Crites, Moorman and Hardaker, 1998). Crites, et. al. (1998) reported that, "[s]pinal injuries resulting from falls out of tree stands are often associated with concomitant neurologic deficit, prolonged hospitalization, and long-term disability." In their retrospective of 27 patients who came to the Duke University Medical Center, 44% sustained significant neurological injury. Price and Mallonee (1994) studied injuries reported to the Oklahoma State Department of Health spinal cord injury surveillance data. They reported that, "[h]alf of the injuries resulted in neurological damage severe enough to result in permanent paralysis or death."

A FOIA request to the CPSC for incident data occurring from 1990 to November 30, 2000 revealed 19 deaths and hundreds of injuries reported through NEISS and contained in the Reported Incident file. Many of the injuries and fatalities resulted from falls when the tree stand suddenly and unexpectedly collapsed. Incident data report various causes for tree stand failure, including: stitching in a strap fraying and breaking; a weld breaking; the buckle on the strap that holds the tree stand to the tree breaking; the stand becoming unhooked; the stand losing its grip on the tree or sliding down the tree; and the metal arm bending, causing the stand to detach from the tree. Currently, there are variances in tree stand designs. For example, some stands have a straight, stamped blade, while others have "teeth" that grip the tree. A tree stand regulation is needed to ensure that stands are designed with optimal materials and instructions in order to reduce the likelihood of a fall.

Other reasons for tree stand failure may be related to the consumer, as proper set-up and use of a tree stand relies heavily on the consumer's (1) cognitive understanding of what needs to be done (e.g., ability to understand the directions); (2) behavior and capability in executing the tasks properly (e.g., having the physical strength to set the stand up in the tree); and (3) perception of whether or not they have succeeded. One's safety at the top of the tree stand essentially depends upon the correctness of the human-product interaction over the course of the many steps required to set it up and move it up the tree. In fact, there are numerous opportunities for human error due to the number of steps required to set up a tree stand. For example, the hunter might err in which tree he selects (i.e., type of bark, diameter, taper), the height and angle he initially sets the platform, or in which hole he inserts a retaining pin for a support arm. Additionally, some hunters fall from an intact tree stand as a result of fatigue or intoxication. Both of these human conditions are foreseeable and known to exist while hunting in tree stands.

To prevent fall-related injuries, tree stand manufacturers often provide and urge consumers to use a fall arrest device, such as a waist strap. The waist strap is affixed around the hunter's waist with a buckle. Hunters sometimes wear the waist belt so that the buckle is around their back. This prevents the buckle from interfering with their bow or when shooting. However, with the buckle around one's back, it is inaccessible to a hunter in the event that the platform suddenly falls, since it would be located between the hunter's shoulder blades.

Wearing a waist strap can prove to be a deadly "precaution", as there is a risk of fatality caused when it constricts around the chest and/or abdomen. In fact, in the event that the tree stand platform falls, the hunter may be at greater risk of fatality when wearing the waist belt than if he or she fell to the ground. CPSC's data bases reveal four fatalities, occurring in 1996, 1998, 1999, and 2000, which occurred when the hunter was wearing, and became asphyxiated by, a waist belt. Thus, the waist belt that is provided with some hunting tree stands presents a serious risk of death, and a false sense of security to consumers.

S. Lemberg, Esq.
Page Three

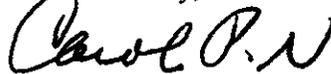
While the number of tree stand incidents may be low compared to other consumer products, please keep in mind that tree stands are used for a limited period of time each year, during hunting season, and by a limited segment of the population. Furthermore, the number of injuries associated with tree stands have increased over the years. It is likely that this increase mirrors increased sales of manufactured tree stands. According to CPSC data, the number of reported incidents has increased over time. In 1990, there were 6 reported incidents, 1 fatality and no NEISS reports. In 1999, the last year for which I have complete data, there were 4 reported injuries, 2 fatalities, and 53 NEISS reports.

Based on my evaluation of published research, incident data, and my own use of a climbing hunting tree stand, I believe that design criteria are needed for hunting tree stands. Without such a regulation, manufacturers can produce and sell tree stands which are unable to support intended users, or which exceed cognitive, physical, or perceptual abilities of users. Due to the heavy reliance on consumer ability, regulation is needed. In sum, a mandatory standard is needed to ensure that a climbing tree stand (1) possesses necessary structural integrity to support a user under foreseeable conditions of use and misuse; (2) provides adequate "safety gear," rather than "safety gear" that can cause fatality (i.e., waist strap); (3) provides meaningful instructions and warnings; and (4) is designed in a way that anticipates and minimizes human error potential. For example, tree stands should be designed to provide feedback to hunters, regarding the "correctness" of their assembly at each critical step, in order to facilitate proper set-up and use.

Thus, I hereby petition the Consumer Product Safety Commission to promulgate regulations that (1) establish a mandatory standard for hunting tree stands to address their design and construction as such factors directly affect the tree stand's integrity and its ability to remain in the tree; and (2) to ban waist belts in tree stands, as they pose a serious threat to the safety of users. Furthermore, the inclusion of waist belts with the tree stand implies that they are a safety mechanism to prevent injuries in the event that the stand collapses. To the contrary, the tree stand waist belt may pose a greater risk of injury or fatality than the fall itself.

I appreciate your consideration of my comments. Please feel free to contact me to discuss this matter.

Most sincerely,



Carol Pollack-Nelson, Ph.D.