UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

OFFICE OF THE SECRETARY
FILED
98 MAR -3 P 5:10

In the Matter of	)	
CENTRAL SPRINKLER CORP., a Corporation, 451 North Cannon Avenue Lansdale, PA 19446	)	CPSC DOCKET NO. 98- 2
and	)	
CENTRAL SPRINKLER CO., a Corporation, 451 North Cannon Avenue Lansdale, PA 19446,	)	
Respondents	)	

COMPLAINT

Nature of Proceedings

1. This is an administrative proceeding pursuant to Section 15 of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064, for public notification and remedial action to protect the public from substantial risk of injury presented by a brand of automatic fire sprinklers. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 C.F.R. Part 1025.

Jurisdiction

2. This proceeding is instituted pursuant to the authority contained in sections 15(c), (d), and (f) of the CPSA, 15 U.S.C. §§ 2064(c), (d), and (f).

Parties

3. Complaint Counsel is the staff of the Legal Division of the Office of Compliance of the U.S. Consumer Product Safety Commission, an independent regulatory commission established by Section 4 of the CPSA. 15 U.S.C. § 2053.

4. Respondents Central Sprinkler Corporation and Central Sprinkler Company ("the Central entities") are Pennsylvania corporations with their principal place of business located at 451 North Cannon Avenue, Lansdale, Pennsylvania 19446.

5. The Central entities are "manufacturers" of consumer products distributed in commerce pursuant to 15 U.S.C. § 2052(a)(4).

The Consumer Product

6. The "Omega" series automatic fire sprinklers ("Omega" or "Omegas") is a line of automatic fire sprinklers manufactured by the Central entities and designed to suppress and/or extinguish fire. Omegas are installed in homes, apartment buildings, schools, nursing homes, and athletic facilities, among other places. Omegas are "consumer products" under 15 U.S.C. § 2052(a)(1). There are various Omega models, including, but not limited to: C-1; C-1A; C-1A PRO; C-1A PRO ID; EC-20; EC-20A; EC-20 AID; HEC-12; HEC-12 ID; HEC-12 PRO; HEC-12A PRO; HEC-12 RES; HEC-20; HEC-20 ID; R-1; R-1A; R-1M; AC; M; and Flow Control. Approximately ten million Omegas, which Respondents have produced and sold since approximately 1982, are in service in the United States.

Defect or Defects

7. Paragraphs 1 through 6 are incorporated as though set forth in full text.

8. Omegas are designed to perform in accordance with Underwriters Laboratories, Inc.'s

Standard for Safety UL 199 ("Standard for Automatic Sprinklers for Fire Protection Service"), and National Fire Protection Association ("NFPA") Standard 13, when exposed to certain temperatures.

9. At the Omega's triggering temperature, a fusible pellet is supposed to melt, causing a plunger to release, which in turn frees several ball bearings from a retaining groove. With the aid of two springs, the plunger housing is then supposed to release. When the Omega is connected to a sprinkler system, water is then supposed to be released in a particular spray pattern. The plunger housing is sealed with an o-ring.

10. Omegas do not and will not function in a significant percentage of instances. Because of this failure to operate, Omegas are defective pursuant to 15 U.S.C. § 2064(a)(2) and 16 C.F.R. § 1115.4.

Substantial Risk of Injury

11. Paragraphs 1 through 10 are incorporated as though set forth in full text.

12. When the Omega fails to activate when exposed to heat from a fire, the sprinkler fails to suppress or extinguish the fire.

13. Failure of the Omega to function exposes the public to bodily injury and/or death.

14. All of the approximately 10 million Omegas, manufactured from 1982 through the present and sold to, used or enjoyed by the public, could fail to function as the result of the defect referenced above. Omegas are likely to fail in fire situations, and members of the public may suffer bodily injury and/or death as a result.

15. The defect or defects in the Omegas create a substantial risk of injury to the public within the meaning of section 15(a)(2) of the CPSA, 15 U.S.C. § 2064(a)(2).

16. Omegas present a substantial product hazard as described in sections 15(a)(2), (c) and (d) of the CPSA, 15 U.S.C. §§ 2064(a)(2), (c) and (d), and action under these provisions is in the public interest.

Relief Sought

Wherefore, in the public interest, Complaint Counsel requests that the Commission:

A. Determine that Respondents' Omega presents a "substantial product hazard" within the meaning of section 15 of the CPSA, 15 U.S.C. § 2064.

B. Determine that public notification under section 15(c) of the CPSA, 15 U.S.C. § 2064(c), is required in order to adequately protect the public from the substantial product hazard presented by Omegas, and order Respondents to:

(1) Give prompt public notice of the defect in the Omegas, the severe risk of injury they pose to the public, and the available remedies to remove the risk of injury;

(2) Mail notice to each person who is or has been a manufacturer, distributor or retailer of the Omega;

(3) Mail notice to every person to whom Respondents know the Omega was delivered or sold; and

(4) Include in the notice required by (1), (2) and (3) above a complete description of the hazard presented, a warning to have Omegas replaced immediately, and clear instructions for having Omegas replaced by Respondents. The form and content of the notice will be specified by the Commission;

C. Determine that action under section 15(d) of the CPSA, 15 U.S.C. § 2064(d) is in the public interest and order Respondents to:

(1) Cease immediately manufacturing for sale, offering for sale, and distributing in commerce Omega series fire sprinklers;

(2) Cease requiring "performance" testing of Omegas by all building owners as any pre-condition to remedial action;

(3) Elect to repair all Omegas so they will perform properly; to replace all Omegas with a like or equivalent product which performs properly; or to refund to consumers the purchase price of the Omegas;

(4) Make no charge to consumers and to reimburse them for any foreseeable expenses incurred in availing themselves of any remedy provided under any order issued in this matter;

(5) Reimburse distributors and sprinkler contractors for expenses in connection with carrying out any Commission Order issued in this matter, including the costs of removal and replacement;

(6) Submit a plan satisfactory to the Commission, within ten (10) days of service of the final Order, directing that actions specified in paragraphs B(1) through B(4) and C(1) through C(5) above be taken in a timely manner;

(7) Keep records of all actions taken to comply with paragraphs C(1) through C(6), above; and supply these records to the Commission, at the Commission's request, for a period of three (3) years after entry of a Final Order issued by the Commission requiring notice and remedial action, for the purpose of monitoring compliance with the Final Order;

(8) Notify the Commission at least 60 days prior to any change in its business (such as incorporation, dissolution, assignment, sale, or petition for bankruptcy) that results in, or is intended to result in, the emergence of successor ownership, the creation or dissolution of

subsidiaries, going out of business, or any other change that might affect its financial or operational ability to comply with the final Order and the corrective action plan submitted and approved pursuant to the Order; and

(9) Take such other and further actions as the Commission deems necessary to protect the public health and safety and to comply with the CPSA.

Issued by Order of the Commission.

Alan H. Schoem
Assistant Executive Director
U.S. Consumer Product Safety Commission
Office of Compliance
4330 East West Highway
Bethesda, Maryland 20814
301-504-0621

DATED: March 3, 1998

central.cpt