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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE
Recalls and Compliance Division
Email jdemarco@cpsc.gov

James DeMarco
Compliance Officer
Tel 301-504-0608, Ext 1353
Fax 301-504-0359

Certified Mail/FAX 212-391-5200

Aaron Locker
Locker, Greenberg & Brainin
420 5th Avenue
New York, NY 10018

MFR/PRVLR NOTIFIED
No Comments made
Comments attached
Excisions/Revisions
Firm has not requested
further notice

Re: CPSC RP990127
Daisy Manufacturing Co.
Model 990 Air Rifle

Dear Mr. Locker:

The staff of the Office of Compliance, U.S. Consumer Product Safety Commission, has completed its review of the information concerning an alleged problem with the safety mechanism on the Daisy 990 airgun, which you reported under section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). While the staff believes it was appropriate for you to report to the Commission, based upon the information currently available, the staff does not believe the problem you have identified necessitates action by the Commission under Section 15 of the CPSA.

The firm's obligation to inform the Commission of defects associated with this product which could create a substantial product hazard as defined in 15 U.S.C. § 2064(a) is a continuing obligation. If the firm receives any information affecting the scope, prevalence, or seriousness of the subject defect or hazard, or information regarding other potential defects or hazards, it must report this information to the Office of Compliance immediately.

This determination by the staff is based upon the information presently available to us. The staff will assess any new information concerning this product to determine if action should be taken to protect the public. Should the staff decide to investigate further, we will notify the firm.



Page 2
RP990127

If you have any questions, please contact me at (301) 504-0608, extension 1353. To respond to this letter using the U.S. Postal Service, please address your correspondence to: Office of Compliance, U.S. Consumer Product Safety Commission, Washington, D.C. 20207-0001. For other delivery services, please address the material to Office of Compliance, U.S. Consumer Product Safety Commission, Room 613, 4330 East West Highway, Bethesda, MD 20814-4408. The Office of Compliance telefax number is (301) 504-0359.

Sincerely,

James DeMarco
Compliance Officer
Recalls and Compliance Division

cc: Consumer Product Safety Commission
Western Regional Center
1708 Arvada Drive
Richardson, TX 75081-2132

A handwritten mark, possibly a signature or initials, consisting of a large, stylized '2' or similar character.

Filename: CLOSE
Directory: G:\users\CE\JXD\WP51\FILES\RP990127
Template: C:\Program Files\Microsoft
Office\Templates\Normal.dot
Title: Certified Mail/Overnight Mail/Telecopy
Subject:
Author: Li Wang
Keywords:
Comments:
Creation Date: 06/17/99 10:04 AM
Change Number: 1
Last Saved On: 06/17/99 10:04 AM
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Total Editing Time: 3 Minutes
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3



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE
Recalls and Compliance Division
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MAR 31 1999

James DeMarco
Compliance Officer
Tel: 301-504-0608, Ext. 13
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Certified Mail

Aaron Locker
Locker, Greenberg & Brainin, PC
One Penn Plaza
New York, NY 10012

Re: CPSC RP990127
Daisy Manufacturing Co.
Model 990 Airgun

Dear Mr. Locker:

Thank you for your telephone report to Mr. Carlos Perez on February 9, 1999 under section 15(b) of the Consumer Product Safety Act, as amended (CPSA), 15 U.S.C. § 2064(b). On March 23, you indicated that you decided to file a Full Report with the Commission regarding the above product, which was involved in a recent death of a child.

Enclosed for your information are the Consumer Product Safety Act and the Commission's regulation, "Substantial Product Hazard Reports," 16 C.F.R. Part 1115. These documents explain the Commission's authority and policy regarding products that may present substantial product hazards and also explain the firm's rights and obligations under the Act.

One of the responsibilities of the Compliance staff is to determine preliminarily whether a defect is present in a product and, if so, whether that defect rises to the level of a substantial product hazard as defined by section 15(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(a).

4

Information Requested

For the staff to assess accurately the potential safety hazard, if any, with the reported product, please provide the "Full Report" information specified by 16 C.F.R. §1115.13(d) (1-14). **In your response, please reference each question number (1-14).**

In addition to providing the information requested above, please also submit the following information:

- 15(a) Regarding question 6, include **copies** of all consumers or dealer complaints, including electronic records, warranty claims, and reports of injury related to the reported product. Include copies of all court complaints and related documents for lawsuits involving the product and the resolution of those lawsuits.

If copies of consumer complaints and other documents requested above are unavailable, indicate the reason they are unavailable and provide a summary containing the names, addresses and telephone numbers of the consumers or of the plaintiffs' attorneys.

- 15(b) Copies of all test reports, analyses, evaluations, and premarket tests related to the reported product and problem.
- 15(c) Copies of all engineering drawings, engineering change notices and material specifications related to the reported problem.
- 15(d) Please provide UPC codes for all models involved.
- 15(e) Provide 2 samples of each model involved, including the retail packaging and all instructions. If there is a correction for the reported problem, also provide samples of the correction with instructions to be given to consumers. If there is a cost associated with these samples, notify us prior to sending the samples.

Information Disclosure

Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the release of information submitted under section 15(b) of the CPSA unless a remedial action plan has been accepted in writing, a complaint has been issued, or a firm consents to such release.

If the firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, as amended, 15 U.S.C. § 2055(a)(3). The Commission may not disclose to the public trade secret information or proprietary commercial or financial data. If the firm does not request confidential treatment at the time of its submission, or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and the Freedom of Information Act, 5 U.S.C. §552(b)(4).



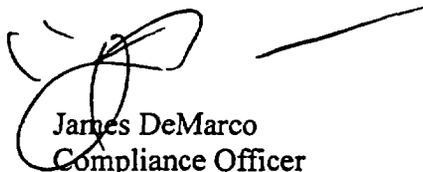
Continuing Obligation

The firm has a continuing obligation to supplement or correct its "Full Report." If, after filing the "Full Report," the firm receives or learns of information concerning other incidents or injuries, or information that affects the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Office immediately.

The Office of Compliance requests that the firm respond **within ten working days of your receipt of this letter**. Please reference the CPSC file number in your response. If you seek assistance or if you have any questions, you may contact me at (301) 504-0608, extension 1353. To respond to this letter using the U.S. Postal Service, please address your correspondence to: Office of Compliance, U.S. Consumer Product Safety Commission, Washington, D.C. 20207-0001. For other delivery services, please address the material to Office of Compliance, U.S. Consumer Product Safety Commission, Room 613, 4330 East West Highway, Bethesda, MD 20814-4408. The Office of Compliance telefax number is (301) 504-0359.

Thank you for your cooperation in reporting under section 15 of the Consumer Product Safety Act. •

Sincerely,



James DeMarco
Compliance Officer
Recalls and Compliance Division

Enclosures:

Consumer Product Safety Act
16 C.F.R. Part 1101, Information Disclosure
Part 1115, Substantial Product Hazard Reports
Part 1116, Section 37 Reports
Corrective Actions Handbook

cc: Consumer Product Safety Commission
Western Regional Center
1708 Arvada Drive
Richardson, TX 75081-2132



Standard Consumer Safety Specification for Non-Powder Guns¹

This standard is issued under the fixed designation F 589; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

INTRODUCTION

This consumer safety specification is intended to address the primary causes of injuries involving non-powder guns and projectiles. Information concerning these injuries was obtained from data collected by the Consumer Product Safety Commission, hereinafter referred to as the Commission, consumer sounding boards, and the manufacturers' knowledge of the product and experience with consumer injuries.

A detailed analysis of the 101 in-depth investigations conducted by the Commission reveals that in 92 % of the accidents, the product operated as it was intended. Most injuries were caused by carelessness or intentional shooting. Some injuries resulted from children who were too young to realize the inherent hazards of non-powder guns, who had their parents' approval but were unsupervised. Meetings with consumer sounding boards indicated a need for the consumer to understand the power of the various non-powder guns and the seriousness of non-powder gun injuries.

To perform as intended, a non-powder gun requires a level of power which, if misused, can cause serious injury. This consumer safety specification is intended to reduce the hazards associated with non-powder gun use. This specification cannot control careless use or eliminate all hazards of misuse, but does provide for warnings of specific hazards and instructions for proper handling, use, and storage. Terminology is standardized in this specification, so that conforming products will be identified in the same manner, and critical dimensions are standardized to assure safe interchangeability of projectiles and propellants in all conforming non-powder guns. Product performance hazards are identified and requirements are established to minimize these hazards.

This consumer safety specification is written within the current state-of-the-art of non-powder gun technology. The intent is to revise this consumer safety specification whenever substantive information becomes available which justifies revising existing requirements or adding new requirements.

1. Scope

1.1 This consumer safety specification covers non-powder guns, commonly referred to as BB guns, air guns, and pellet guns, which propel a projectile by means of energy released by compressed air, compressed gas, mechanical spring action, or a combination thereof, and is to be used in conjunction with Specification F 590.

1.2 Special-purpose match precision and adult guns, as classified in 6.1 and 6.2, are exempt from the performance requirements for trigger mechanisms (see 8.3), safety mechanisms (see 8.4), and drop tests (see 8.5).

1.3 Special-purpose training guns, as classified in 6.3, are exempt from the performance requirements for the safety mechanism (see 8.4).

1.4 *Limitations*—This consumer safety specification does not cover the following categories of gun products: custom-made non-powder guns (see 3.1.2.6); or replica guns

(see 3.1.2.15); tranquilizer dart guns; toy products such as rubber-band guns, cork guns, pop guns, rubber-tip dart guns or pea and bean shooters; other recreational-type guns — as blow guns, spear guns, catapult guns (also identified as sling shots), bows, crossbows, or carbide guns; nonrecreational guns such as those used by law enforcement, scientific or military agencies; nor industrial and consumer tools such as paint-ball guns, staple guns, or conduit guns.

1.5 The values stated in inch-pound units are to be regarded as the standard; the SI units in parentheses are provided for information only.

1.6 The following precautionary caveat pertains only to the test method portion, Section 9, of this specification: *This standard does not purport to address all of the safety problems, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

¹ This specification is under the jurisdiction of ASTM Committee F-15 on Consumer Products and is the direct responsibility of Subcommittee F15.06 on Safety Standards for Nonpowder Gun Products.

Current edition approved Oct. 15, 1992. Published December 1992. Originally published as F 589 - 78. Last previous edition F 589 - 85.

2. Referenced Document

2.1 *ASTM Standard:*

minimum force until it encounters a resistance. The second stage requires an increased force to cause disengagement and firing of gun.

3.1.2.33 *valve*—a device used to release CO₂ or air from a storage chamber into the barrel during a firing cycle.

4. Significance and Use

4.1 This consumer safety specification establishes performance requirements and test methods intended to provide a reasonable degree of safety in the normal use of non-powder guns and projectiles.

4.2 This consumer safety specification attempts to address the misuse of non-powder guns and specifies the minimum warnings and instructions that are to be provided in literature and on labels and packages.

5. Conformance

5.1 Non-powder guns shall not, either by label or other means, indicate conformance with this consumer safety specification unless they conform with the applicable requirements contained herein.

5.2 Any statement or symbol on the gun, package, or literature that is used to indicate that a special-purpose non-powder gun conforms with this consumer safety specification shall, where applicable, also specify the exemptions that are specifically provided for herein.

6. Classification of Special-Purpose Non-Powder Guns (See Table 1)

6.1 Match Precision Guns

6.1.1 *Rifle*—To be classified as a match-precision rifle, a non-powder gun shall be capable of firing a five-shot group such that the centers of all five shots fall within a 0.30-in. (7.6-mm) circle. The target shall be fired at a distance of 32.8 ft (10 m). These results can be obtained by shooting offhand or by using a bench rest or mechanical rest and may be evidenced by serial-numbered factory test target, fired in accordance with this specification.

6.1.2 *Hand Gun*—To be classified as a match-precision hand gun, a non-powder gun shall be capable of firing a five-shot group such that the centers of all five shots fall within a 0.40-in. (10.2-mm) circle. The target shall be fired at a distance of 32.8 ft (10 m). These results can be obtained by shooting offhand or by using a bench rest or mechanical rest and may be evidenced by serial-numbered test targets, fired in accordance with this specification.

6.2 Adult Guns

6.2.1 *Rifle*—To be classified as an adult rifle, a non-powder gun shall meet the following criteria:

- 6.2.1.1 Is a single-shot gun,
- 6.2.1.2 Is capable of attaining a muzzle velocity of 550 ft/s (167.6 m/s) when firing projectiles 0.177 cal (4.5 mm) or smaller or 400 ft/s (121.9 m/s) when firing projectiles larger than 0.177 cal,
- 6.2.1.3 Has a rifled barrel,
- 6.2.1.4 Has a minimum overall length of 36 in. (916 mm),
- 6.2.1.5 Has a minimum weight of 5.3 lb (2.4 kg),
- 6.2.1.6 Has a rear sight adjustable for windage and elevation or has a receiver designed to mount an adjustable rear sight,

6.2.1.7 Has a hooded front sight or is designed for telescopic sight use, and

6.2.1.8 Has an adjustable or two-stage trigger.

6.2.2 *Hand Gun*—To be classified as an adult hand gun, non-powder gun shall meet the following criteria:

6.2.2.1 Is capable of attaining a muzzle velocity of 320 (97.6 m/s) when firing projectiles 0.177 cal (4.5 mm) or smaller or 280 ft/s (85.3 m/s) when firing a projectile larger than 0.177 cal,

6.2.2.2 Has a rifled barrel,

6.2.2.3 Has a minimum overall barrel length of 6 in. (152 mm),

6.2.2.4 Has a minimum weight of 1.75 lb (0.8 kg),

6.2.2.5 Has a rear sight adjustable for windage and elevation,

6.2.2.6 Has a front sight, and

6.2.2.7 Has an adjustable or two-stage trigger.

6.3 *Training Guns*—Training guns are special-purpose guns intended for use in organized educational shooting programs. Training guns are distributed through restricted programs under which they are made available only to schools and organizations for use in their non-powder gun training programs.

7. General Requirements

7.1 *Literature*—Literature shall be provided with each non-powder gun and shall include, as applicable, the instructions and cautionary statements specified in Section 10.7.

7.1.1 *Muzzle Velocity*—The muzzle velocity of the projectile of the non-powder gun shall be included in the muzzle velocity statement (see 10.4.1.4) and shall be determined in accordance with 9.7.

7.1.2 *Maximum Distance*—The maximum distance shall be included in the distance statement (see 10.4.1.4) and shall be determined in accordance with 9.8.

7.2 *Packaging*—Packaging shall be labeled in a prominent and conspicuous manner in accordance with the provisions of Section 10.

7.3 *Finish*—The exposed metal and plastic edges of non-powder guns shall be smooth and free of sharp edges and burrs. The exposed surface of all wood parts shall be smooth and free of splinters.

7.4 Shipping

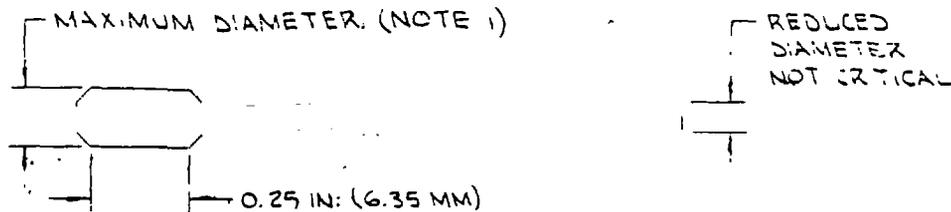
7.4.1 Each non-powder gun shall be shipped in an unloaded, uncharged, and uncocked condition.

7.4.2 All non-powder guns with adjustable triggers shall have their triggers adjusted to fire at more than 2 lb (0.9 kg) and less than 16 lb (7.3 kg) at the time of shipment by manufacturer.

7.5 All non-powder guns with an exposed mechanical trigger shall have a trigger guard equal to or greater in width than the trigger.

8. Performance Requirements

8.1 *Gun Function*—The cocking or pumping mechanism of a non-powder gun shall not cause a gun to discharge unintentionally while the gun is being cocked in accordance with the manufacturer's instructions. The feed mechanism of a non-powder gun shall not cause unintentional discharge of a projectile when a gun is used in accordance with manufacturer's instructions. Tests shall be conducted



NOTE 1—See Table 2 for value of minimum bore diameter and select diameter of projectile to be used
 NOTE 2—Overall length sufficient to allow the measurement of the full bore length being gaged.

FIG. 1 Barrel Performance Test Gage

new, non-powder gun, selected in accordance with the manufacturer's usual quality assurance practices.

9.2.4 Procedure:

9.2.4.1 Conduct the test at room temperature (60 to 80°F (16 to 27°C)).

9.2.4.2 Pass the barrel bore test gage through the muzzle and the full length of the bore of the gun. The test gage should pass freely through the bore. Remove the gage from the muzzle end.

NOTE 2—Guns designed to discharge lead projectiles only are exempt from the bore gage requirement and may be tested in accordance with 9.2.4.3.

9.2.4.3 Load the gun with projectiles (and CO₂ cylinder if required). Operate the gun and discharge projectiles in accordance with the manufacturer's operating instructions for the gun. Discharge a minimum of five projectiles which have the maximum shot start force. If the gun is capable of variable power (such as a pneumatic or CO₂ gun), the minimum power setting recommended by the manufacturer shall be used for this test.

9.2.4.4 The gun passes if the barrel bore test gage passed freely through the bore and all projectiles were discharged from the barrel when fired in the intended manner. Guns intended to shoot only lead projectiles (see Note 2) pass the test if all projectiles were discharged from the barrel when fired in the intended manner.

9.3 Trigger Pull Test:

9.3.1 Significance—This method determines if the force required to pull the trigger to fire a non-powder gun is within the 2 to 16-lbf (8.9 to 71.2-N) range.

9.3.2 Apparatus:

9.3.2.1 A trigger weight system having a 2 ± 0.05 -lb (0.9 \pm 0.23 kg) weight and a 16 ± 0.20 -lb (7.3 \pm 0.09 kg) weight. The weight system shall be arranged so that the weights can be picked up by the trigger of the gun with the gun in a vertical position, muzzle up. (A spring gage, capable of measuring the trigger force, can be used instead of the weight system.)

9.3.2.2 Manufacturer's operating instructions for the non-powder gun.

9.3.3 Test Specimen—The test specimen shall consist of a new non-powder gun, selected, in accordance with the manufacturer's usual quality assurance practices.

9.3.4 Procedure:

9.3.4.1 Conduct the test at room temperature (60 to 80°F (16 to 27°C)).

9.3.4.2 Conduct all tests without projectiles in the gun.

9.3.4.3 Cock or pump the gun.

9.3.4.4 Position the gun so that it can vertically lift the

weight system with the weight suspended from the center face of the trigger.

9.3.4.5 Lift the gun slowly to lift the weight system by trigger of the gun with the 2-lb (0.9 kg) weight in place. Gun should not fire.

9.3.4.6 Lift the gun slowly to lift the weight system by trigger of the gun with the 16-lb (7.3 kg) weight in place. Gun should fire.

9.3.4.7 Recock the gun and repeat 9.3.4.5 and 9.3.4.6 times.

9.3.4.8 If the gun is capable of variable power (CO₂ pneumatic systems), conduct the test at both the minimum and maximum powers recommended for use by the manufacturer. Test guns having single and double-action trigger in both modes.

9.3.4.9 The gun passes if it lifts a 2-lb (0.9 kg) weight without firing and fires during the application of the 16-lb (7.3 kg) weight.

9.4 Safety Mechanism Test:

9.4.1 Significance—This method determines if the trigger safety device will withstand a 30-lb (13.6 kg) applied weight without failure, causing the gun to fire.

9.4.2 Apparatus—A trigger weight system having a 30 ± 0.05 -lb (13.6 \pm 0.02 kg) weight. Arrange the weight system that the weights can be picked up by the trigger of the gun with the gun in a vertical position, muzzle up. (A spring gage, capable of measuring the trigger force, can be used instead of the weight system.)

9.4.3 Test Specimen—The test specimen shall consist of a new non-powder gun, selected in accordance with the manufacturer's usual quality assurance practices.

9.4.4 Procedure:

9.4.4.1 Conduct the test at room temperature (60 to 80°F (16 to 27°C)).

9.4.4.2 Conduct all tests without projectiles in the gun.

9.4.4.3 Position the gun so that it can vertically lift the weight system with the weight suspended from the center face of the trigger. Cock the gun and place the safety in the "safe" or "on" position.

9.4.4.4 Slowly lift the gun to lift the weight system by trigger of the gun and, with the 30-lb (13.6 kg) weight in place, hold for a minimum of 30 s. Remove the weight.

9.4.4.5 Put safety in "off" or "fire" position. The gun must not fire as the safety is disengaged.

9.4.4.6 Test the gun for proper trigger and safety action.

9.4.4.7 The gun passes the test if it withstands the weight applied without causing the gun to fire during the application.

9.6.4.8 The gun passes the test if it operated properly after the test or failed to fire altogether and no part separated from the gun (cracks are acceptable). The CO₂ cylinder used in the 160°F (71°C) test originally must have held a minimum of 7.5 g of CO₂ for the 8-g type cylinder and 11.0 g of CO₂ for the 12-g type cylinder for the test to be acceptable.

9.7 Velocity Test:

9.7.1 *Significance*—This method provides a procedure for determining the velocity of a projectile discharged from non-powder guns.

9.7.2 Apparatus:

9.7.2.1 *Manufacturer's Operating Instructions*, for the non-powder gun,

9.7.2.2 *Suitable Linear Measure*, for 9 ft (1.5 m) and 3 ft (0.9 m),

9.7.2.3 *Sensing Devices* (two), and a counter with a range of 0.025 to 0.005 s with an accuracy of ± 0.0001 s, and

9.7.2.4 *Suitable Firing Range*, with backstop.

9.7.3 *Test Specimen*—The test specimen shall consist of a new non-powder gun and projectiles and propellants conforming to Specification F 590 which are recommended by the manufacturer for use in the gun. The guns, projectiles, and propellants are to be selected in accordance with the manufacturer's usual quality assurance practices.

9.7.4 Procedure:

9.7.4.1 Conduct the test at room temperature (60 to 80°F (16 to 27°C)).

9.7.4.2 Conduct the test with each type of projectile the gun is designed to use. Weigh the projectiles and record the average weight. Set the gun at its maximum recommended adjustable power setting. For spring-piston guns, a new gun shall be fired 100 times before measuring velocity.

9.7.4.3 Position the two sensing devices at the center-to-center distance of 5 ± 0.05 ft (1.52 \pm 0.02 m). Place a suitable backstop in line with and to the rear of the second sensing device. Connect the sensory devices to trigger the counter "on" when the projectile passes the first sensor and "off" when the projectile passes the second sensor.

9.7.4.4 With the distance of the muzzle of the gun to the first screen at 3 ft (0.9 m), discharge a projectile through both screens at the backstop. Fire ten shots with each gun. Record the time measurements for each shot.

9.7.4.5 Using the smallest observed time, compute the maximum velocity, V , as follows:

$$V = \frac{d}{t}$$

where:

V = velocity, ft/s (or m/s),
 d = distance, 5 ft (or 1.52 m), and
 t = time, s.

9.8 Distance Test:

9.8.1 *Significance*—This method provides a procedure for determining the distance that projectiles will travel when discharged from non-powder guns.

9.8.2 Apparatus:

9.8.2.1 *Manufacturer's Operating Instructions*, for non-powder guns,

9.8.2.2 *Device*, to measure the angle of a gun's boreline with the horizon,

9.8.2.3 *Linear Measure*, to determine the horizontal dis-

tance of flight of the projectile,

9.8.2.4 *Anemometer*, to measure the wind velocity,

9.8.3 *Test Specimen*—The test specimens shall conform to Specification F 590, selected in accordance with the manufacturer's usual quality assurance practices.

9.8.4 Procedure:

9.8.4.1 Conduct the test at a temperature range of 80°F (16 to 27°C).

NOTE 5—If the test is conducted outdoors, it should be conducted when the wind velocity is less than 10 mph (16 km/h),

9.8.4.2 Conduct the test with the gun set at the maximum power setting. If the gun is a pneumatic gun, put the maximum number of pumps recommended by the manufacturer.

9.8.4.3 Position the gun so that the bore is at an angle that will provide the maximum range (Note 6) and the muzzle is 1.5 m from the ground. Discharge five shots. Record the distance of each shot, measuring the distance of the projectile impacts the level surface to the nearest 1 yard (or metres).

9.8.4.4 Record the maximum observed distance of flight. The distance can be obtained from tables based on muzzle velocity and projectile weight and caliber, if the tables are in agreement with results developed in accordance with the instructions of this test.

NOTE 6—The angle that provides the maximum range will vary with each gun but is between 30 and 45 deg with the horizontal plane.

10. Instructions, Labeling, and Marking

10.1 General:

10.1.1 *Packaging* and instructions for non-powder guns shall state the minimum recommended age of use clearly in a positive manner. For guns covered by 10.2.1.1, the minimum labeled age shall be 10 years; and for guns covered by 10.2.1.2, the minimum labeled age shall be 16 years.

10.1.2 *Safety disclaimers* shall not be used which diminish the effectiveness of the warnings provided for in the instructions, labeling, and marking requirements.

10.2 *Packaging*—The packaging for non-powder guns shall contain one of the four cautionary statements in 10.2.1 through 10.2.4. The appropriate statement shall be selected by the manufacturer based on the criteria provided. The statement shall be placed conspicuously on the main or front panel of the package and set distinctly apart from other wording or designs in a manner that is likely to be visible at the time of sale. Prominence of the statement shall be achieved by placement within the borders of a rectangle and by use of a suitable contrasting background. The statement shall be in upper-case boldface letters of a size bearing a reasonable relationship to the other type on the main panel; but no less than 10-point type for rifles and 8-point type for pistols. The letters in the signal "WARNING" shall be least 50% larger than the letters of the other words in the warning statement. The signal shall be preceded by a safety alert symbol. It is composed of an equilateral triangle surrounding an exclamation point. The base of the safety alert symbol shall be on the horizontal line as the base of the letters of the signal.

Shot	BB cal (4.5 mm) 0.22 cal (5.5 mm)
Pellets or Darts	0.177 cal (4.5 mm) 0.22 cal (5.5 mm) 0.20 cal (5.0 mm)

10.3.2 Each non-powder gun shall be permanently and conspicuously marked to identify the manufacturer, distributor, or retailer.

10.3.3 Each non-powder gun shall be marked with a model number or name that will allow proper identification of the gun by the user.

10.3.4 Each non-powder gun shall be marked to show the "safe" and "fire" position of the safety. On crossbolt-type devices, the marking shall be "push to fire" or an indicator on the cross bolt which exposes both a red color and a groove when the gun is in the "fire" position. On lever-type devices, the words "fire" and "safe" or the letters "F" or "S" shall be prominently printed to indicate the appropriate position, or a red mark shall be visible when the gun is in "fire" position and covered when in "safe" position.

10.3.5 Each non-powder gun shall be permanently marked with the following cautionary statement as a minimum:

WARNING: Before using read Owner's Manual available free from (Company name).

10.4 Literature Accompanying Non-Powder Guns:

10.4.1 The instructions and warnings communicating to the user the information included in this section shall be provided as a leaflet or brochure packed with the gun, or attached to the gun.

10.4.1.1 A warning statement shall be placed conspicuously in the literature or tag attached to the gun. Prominence of the statement shall be achieved by placement within the borders of a rectangle and by use of a suitable contrasting background. The statement shall be in upper-case letters of a size bearing a reasonable relationship to the other type on the literature or tag, but no less than 8-point type. The word "WARNING" shall be at least 50% larger than the other words in the literature or tag. The statement shall be the same as that required for the package of special-purpose or general-purpose guns as identified in 10.2.

10.4.1.2 Additional instructions shall properly instruct the user how to do the following:

- (a) Handle and operate the gun safely.
- (b) Select safe and proper targets.
- (c) Care for and maintain the gun properly.
- (d) Store the gun unloaded in a safe and proper manner.
- (e) Always check to see that the gun is unloaded when removed from storage or received from another person.

10.4.1.3 Information shall be provided which identifies the type and caliber of the projectile or projectiles intended for use in the gun. Warnings that the use of incorrect projectiles may not be safe and that pellets, steel shot (BB's), and lead shot should not be reused, shall be included.

10.4.1.4 Instructions shall include a statement or pictorial drawing indicating the muzzle velocity (see 9.7) and the maximum distance (see 9.8) for each projectile that the gun is intended to use.

10.4.1.5 Instructions for routine inspection and maintenance shall be provided along with warnings that modification of the gun mechanism may cause a gun to malfunction

and that tampering with a gun may make it unsafe that any change in the performance, such as lowered force and shortened trigger travel, indicates possible and that such guns should be inspected, replaced, or repaired; that repairs should only be made by a personnal. Instructions shall include a warning to check a gun that has been dropped to ensure that its function has been affected.

10.4.1.6 Information shall be included to indicate authorized repair shops and the manufacturer, distributor, retailer who will provide the user with literature for information on service.

10.4.1.7 New guns requiring final assembly shall be accompanied by instructions for final assembly. Such purpose tools required for such assembly of the gun shall be packaged with the gun.

10.4.1.8 Any pinch points shall be identified and instructions provided to assure safe operation and handling.

10.4.1.9 Instructions shall caution the user that backstops are subject to wear with usage and to warn that the surface of a backstop will eventually fail. The caution shall be worded in a manner similar to the following:

CAUTION—Your backstop should be inspected for wear and after each use. Discontinue use if the backstop surface shows signs of failure. Since backstop surfaces eventually fail, always use the backstop in a location that will be safe should the backstop fail. Discontinue the use of a backstop if the projectile ricochets.

10.4.1.10 Instructions for general purpose non-powder guns shall include a recommended age of user as specified in 10.1.1.

10.4.2 A non-powder gun intended for special-purpose limited use under controlled and supervised conditions, as training or competition match shooting (this shall include those produced, packaged, and marked in accordance with 10.2.4), shall provide a warning in its literature indicating that this is a special class of non-powder gun and not for general use; that it is to be used for training and shooting under supervision. If it does not have a safety mechanism on the gun as defined in 3.1.2.19, it shall so indicate.

10.4.3 Non-powder guns that are intended for adult use only (this shall include those products packaged and marketed in accordance with 10.2.2 and 10.2.3) shall provide a warning in the literature indicating that they are recommended for adult use only.

10.4.4 Non-powder guns that are special-purpose guns defined in Section 6 shall clearly identify in the literature those requirements that are exempt from this specification.

10.4.5 All general purpose non-powder guns not intended solely for use by adults shall provide information addressed to the parent. The message shall provide information to the parent describing the responsibility necessary in the use of the product and suggestions on where additional information may be available for instruction in shooting.

10.4.6 Non-powder guns that have adjustable triggers which are adjustable below 2 lb (0.9 kg) must include in the instructions a statement warning the user that the trigger force is capable of adjustment below the 2-lb level and that when adjusted below 2 lb, the gun could fire when dropped.

10.4.7 CO₂ Instructions:

10.4.7.1 The literature shall clearly identify the propellant



Committee F-15 ON CONSUMER PRODUCTS

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(703-532-1234) FAX 703-532-0306

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FAX 302-999-4358

Staff Manager ROSE D TOMASELLO (215-299-5487)

**ASTM F15.06 Sub-Committee
Non-Powder Gun Products Meeting
at ASTM Headquarters
1916 Race Street
Philadelphia, PA 19103
July 18, 1995**

RECEIVED
SEP 22 1995
A.S.T.M.

Chairman, James Jereckos, called the meeting to order at 9:10 a.m.

Mr. Jereckos asked each person present to introduce themselves and note their affiliations.

Mary Groom was appointed Secretary of the F15.06 Sub-Committee.

Mr. Jereckos indicated that he would like this meeting to serve two functions. First, to create an agenda for discussions to be held at future meetings of any lingering issues or new concerns. The second is to address the CPSC/ASTM issue regarding high velocity airguns.

Mr. Jereckos explained to the Committee that he was contacted by ASTM in August of 1994, was asked to review the latest existing hazard relating to high velocity airguns and to review F15.06 for possible revision or for a new provision standard for high velocity airguns.

Mr. Jereckos stated that in early October 1994, Crosman, Daisy and Marksman had been contacted by the CPSC requesting data relating to non-powder gun incidents. Their analysis was released in late December 1994.

Mr. Jereckos handed out copies of the CPSC report entitled "Injuries and Deaths Involving Non-Powder Guns," dated November 1994. Time was given to the Committee to review the report.

Mr. Jereckos stated that he would like to bring everyone up to speed on the changes made to the 1992 CPSC report on airguns.

Mr. Rutherford commented that back in 1981 a similar analysis was done and does not look like much has changed over the fourteen years. The only change he could see relates to high power airguns. All deaths seen by the CPSC have occurred with high power guns.

Mr. Rutherford again stated that the analysis done in 1981 and the analysis done in 1994 is pretty much the same picture.

Mr. Rutherford explained that while doing data collection on gun shot wounds, it then opened up to airgun injuries. He also stated that the CPSC feels they are undercounting emergency room injuries.

Mr. Dworzan asked Mr. Rutherford what the CPSC considers high power guns. Mr. Rutherford responded that he believes the dividing point is 350 f.p.s. and greater.

Mr. Little passed out a sheet containing Neiss data regarding the estimated number of injuries treated in hospital emergency rooms from 1979 through 1983. (Attached)

Mr. Little stated that it was his belief that the 1992 Standards did not receive 90% of votes. Therefore, the Standards should not have passed. He will check with Rose Tomasello regarding this.

Mr. Rutherford commented on Mr. Little's handouts. His reading is that even though the 1991, 1992 and 1993 figures are higher on the whole there is not a lot of change in frequency. His sense is they are undercounting the injuries.

Mr. Rutherford stated that he will try to update the eye injury counts for each year with actual numbers.

Mr. Little stated that he cannot see what the Standards have done to decrease injuries.

Mr. Little passed out copies of an ASTM document dated 11/21/77 "Rationale for the Proposed Consumer Safety Specification for Non-Powder Guns," along with several pages of deposition testimony of Mr. Daniel, ex-president of Daisy, in which he states that the average buyer probably does not understand the difference in muzzle velocity in terms of potential hazard. (Attached)

Mr. Jereckos stated that many strides have been made by the industry to improve the safety of our products.



Mr. Barbetta then referred to the Execution Summary and questioned if this wasn't a training issue.

Mr. Rutherford asked if there was some way to communicate to our consumers that there are three different categories of products, firearms, low-power airguns, and high-power airguns that can be just as dangerous as a firearm.

Mr. Jereckos explained that the warnings are printed in big bold print and for any airgun exceeding a muzzle velocity of 350 f.p.s. the warning states that it can cause serious injury or death. The warnings provided for airguns with a muzzle velocity below 350 f.p.s. states that it can cause serious injury, particularly to the eye.

Mr. Rutherford stated that while warnings are not completely useless, they are not that effective.

Mr. Barbetta referred to page 8, Hazard Patterns, of the CPSC report and questioned if parents really understood that this is a lethal weapon.

Mr. Little asked if Daisy provided warranty cards in with their products.

Mr. Scott responded that they have not put warranty cards in with their products for about 15 years.

Mr. Little stated that it was Daisy's experience that parents bought these airguns for children under the recommended age, therefore, they stopped packing warranty cards with the product.

Mr. Little told the Committee that 15 students were provided with either a Crosman or Daisy airgun, owner's manual, and a questionnaire to be filled out after reading the owner's manual. All 15 students failed the exam.

Mr. Little commented that we put verbiage in the owner's manual to wear eye protection, why not put the eye protection in with the gun since eye protection is not sold in the same department as airguns are sold.

Mr. Barbetta asked how do you train people to act safely?

Mr. Dworzan stated that as an industry we are very concerned about our consumers safety, but for us to try to modify human behavior is impossible.



input.

Mr. Little stated that if the manufacturers would separate the high velocity guns maybe we would be doing something.

Mr. Little also stated that if the manufacturers really cared about deaths caused from these products, we would use the signal word "Danger". Adults would understand "Danger".

Dr. Jeffers commented that with regard to training programs - he asks parents and children if they were aware of the dangers of BB guns. With his experience, training programs and manuals are not effective. (High velocity guns) do the most damage. In all injuries he has been associated with there has been no adult supervision.

The Committee discussed items to be placed on agenda for further discussion:

1. Trigger pull weight;
2. Editorial change - Section 10.3.1.1;
3. Z535.4 ANSI Standard;
4. Penetration issues;
5. Separate standard for multi-pump airguns. ✓

11:55 a.m. - Break for lunch.

1:00 p.m. - Meeting reconvened.

Mr. Jereckos commented that Section 10.3.1.1 needs correction. The caliber shall be marked in inch units not inch lb. units.

Mr. Jereckos stated that irrespective of what signal word we decide to use, it is his opinion that the F589 Standards should reference ANSI Standards. He asked for the Committee's opinion.

Mr. Dworzan and Mr. Scott agreed.

Mr. Jereckos will write a revision to the Standard in which the Z535.4 ANSI Standard is referenced and will present to the Committee.

Mr. Little stated that the ANSI Standard refers to adults. It is not read by or slanted towards children.

received after running the manual through such a program to the next meeting for the Committees' evaluation.

Mr. Dworzan explained that Marksman brings in several Boy Scouts, asks them to read an owner's manual, and then the boys are given a quiz on the manual.

Mr. Jereckos indicated that more input is needed from the Committee and would like to see more members attend the meetings. He also indicated that he will personally call the other members of the Committee and also some retailers and encourage them to come to the meetings.

Ms. Lincoln suggested that a letter be sent to Committee members asking if they would like to see any other items added to the agenda.

Mr. Little requested that future meetings start at 9:30 a.m. rather than 9:00 a.m. The Committee was in agreement.

A motion was made, seconded and passed that the meeting be adjourned.

Meeting adjourned at 1:32 p.m.

14



100 Barr Harbor Drive ■ West Conshohocken, PA 19428-2959
 Telephone: 610-832-9500 ■ Fax: 610-832-9555 ■ e-mail service@astm.org ■ Website: www.astm.org

Committee F15 on CONSUMER PRODUCTS

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MEETING NOTICE

April 30, 1999

TO: Members of Subcommittee F15.06 on Non-Powder Gun Products
 FROM: Kathie Morgan *Kathie*
 RE: June 3, 1999 Meeting

The next meeting of Subcommittee F15.06 is scheduled for **Thursday, June 3rd** from 10:00am - 4:00pm at ASTM Headquarters in West Conshohocken, PA. In preparation for this meeting, enclosed are the following

- A meeting agenda with attachments
- Driving directions to ASTM Headquarters
- Area hotels should it be necessary to secure overnight accommodations - please mention that you are attending an ASTM meeting to receive the ASTM rate
- A pre-registration form for the meeting

If you have any questions regarding the June meeting, please feel free to contact me at 610-832-9721. Thank you.

5/11/99
Called - I am Jane J. [unclear]
Discussed w/ Alan
publicly (5/10/99). May be prudent to
attend since last ASTM I was
@. This one will decide "new" vs
std. outcome (Final). Pls let
me know your decision
T.S.

TRAVEL VOUCHER

1. DEPARTMENT OR ESTABLISHMENT, BUREAU DIVISION OR OFFICE

2. TYPE OF TRAVEL
X TEMPORARY DUTY
PERMANENT CHANGE OF STATION

3. VOUCHER NO.
4. SCHEDULE NO.

COPY

(Read the Privacy Act Statement on the back)

5. a NAME (Last, first, middle initials)

R (P DeMARCO, James

A A c MAILING ADDRESS (Include ZIP Code)

V Y 4330 East West Hwy., Rm. 613

E E Bethesda, MD 20814

L E) e. PRESENT DUTY STATION

E Bethesda, MD

8. TRAVEL ADVANCE

a Outstanding 0.00

b Amount to be applied 0.00

c Amount due Government (Attached Check Cash)

d Balance outstanding 0.00

12. GOVERNMENT TRANSPORTATION

I hereby assign to the United States any right I may have against any parties in connection with reimbursable transportation charges described below, purchased under cash payment procedures (FPMR 101-7)

REQUESTS, OR TRANSPORTATION TICKETS, IF PURCHASED WITH CASH

(List by number below and attach passenger coupon; if cash is used show claim on reverse side)

Table with columns: AGENT'S VALUATION OF TICKET, ISSUING CARRIER, MODE, CLASS OF SERVICE AND ACCOMMODATIONS, DATE ISSUED, FROM, TO, POINTS OF TRAVEL. Includes handwritten entry for Washington, DC to W Conshohocken, PA & return.

Travelled via POV

13. I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me. When applicable, per diem claimed is based on the average cost of lodging incurred during the period covered by this voucher

TRAVELER James DeMarco DATE 11/10/98 AMOUNT CLAIMED \$ 124.24

Note: Falsification of an item in an expense account works a forfeiture of claim (28 U.S.C. 2514) and may result in a fine of not more than \$10,000 or imprisonment for not more than 5 years or both (18 U.S.C. 297, i d 1001)

14 This voucher is approved. Long distance telephone calls, if any, are certified as necessary in the interest of the Government. (NOTE If long distance telephone calls are included, the approving official must have been authorized in writing by the head of the department or agency to so certify (31 U S C 680a))

17 FOR FINANCE OFFICE USE ONLY COMPUTATION

APPROVING Alan H. Schoem, Director DATE 11/13/98
OFFICIAL SIGN HERE-

a DIFFERENCES, IF ANY (Explain and show amount) \$

15. LAST PRECEDING VOUCHER PAID UNDER SAME TRAVEL AUTHORIZATION

a VOUCHER NO b D.O SYMBOL c MONTH & YEAR b TOTAL VERIFIED CORRECT FOR CHARGE TO APPROPRIATION Certifier's Initials Date \$ 0.00

16. THIS VOUCHER IS CERTIFIED CORRECT AND PROPER FOR PAYMENT AUTHORIZED

CERTIFYING OFFICIAL DATE c APPLIED TO TRAVEL ADVANCE (Appropriation symbol) \$ 0.00

18. ACCOUNTING CLASSIFICATION 99 1 792 32412 21.27

d NET TO TRAVELER \$ 0.00

J. DeMarco

TO FINANCE 11/16/98-22

Handwritten signature of Alan H. Schoem

Handwritten date 11/13/98

Handwritten signature



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

JUL 19 1999

OFFICE OF COMPLIANCE
Recalls and Compliance Division
Email: jdemarco@cpsc.gov

James DeMarco
Compliance Officer
Tel: 301-504-0608, Ext. 135
Fax: 301-504-0351

Certified Mail/FAX 212-391-5200

Aaron Locker
Locker, Greenberg & Brainin
420 5th Avenue
New York, NY 10018

Re: CPSC RP990127
Daisy Manufacturing Co.
Model 990 Air Rifle

Dear Mr. Locker:

The staff of the Office of Compliance, U.S. Consumer Product Safety Commission, has completed its review of the information concerning an alleged problem with the safety mechanism on the Daisy 990 airgun, which you reported under section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). While the staff believes it was appropriate for you to report to the Commission, based upon the information currently available, the staff does not believe the problem you have identified necessitates action by the Commission under Section 15 of the CPSA.

The firm's obligation to inform the Commission of defects associated with this product which could create a substantial product hazard as defined in 15 U.S.C. § 2064(a) is a continuing obligation. If the firm receives any information affecting the scope, prevalence, or seriousness of the subject defect or hazard, or information regarding other potential defects or hazards, it must report this information to the Office of Compliance immediately.

This determination by the staff is based upon the information presently available to us. The staff will assess any new information concerning this product to determine if action should be taken to protect the public. Should the staff decide to investigate further, we will notify the firm.

19

If you have any questions, please contact me at (301) 504-0608, extension 1353. To respond to this letter using the U.S. Postal Service, please address your correspondence to: Office of Compliance, U.S. Consumer Product Safety Commission, Washington, D.C. 20207-0001. For other delivery services, please address the material to Office of Compliance, U.S. Consumer Product Safety Commission, Room 613, 4330 East West Highway, Bethesda, MD 20814-4408. The Office of Compliance telefax number is (301) 504-0359.

Sincerely,

A handwritten signature in black ink, appearing to read 'James DeMarco', with a horizontal line extending to the right.

James DeMarco
Compliance Officer
Recalls and Compliance Division

cc: Consumer Product Safety Commission
Western Regional Center
1708 Arvada Drive
Richardson, TX 75081-2132

A handwritten number '20' in black ink, located in the bottom right corner of the page.

MODE = MEMORY TRANSMISSION START=JUL-19 11:43 END=JUL-19 12:05

FILE NO. = 107

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
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-CFSC COMPLIANCE -

***** -301 504 0359 - ***** - 301 504 0359- *****



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

OFFICE OF COMPLIANCE

RECALLS AND COMPLIANCE DIVISION

TEL: 301-504-0608

FAX: 301-504-0359

DATE: JUL 19 1999 PAGES TRANSMITTED 2 + cover

TO: Annem Locken

TITLE:

OFFICE:

FAX #: 212/391-5200

FROM: S. DeMarco

REMARKS:

- Confirmation copy to follow by U.S. Mail
- Fax Transmission Only

NOTE: If all pages are not received, or if you have problems with this transmittal, please contact the person listed above.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Author: Robert T. Garrett at CPSC-LSEL

Date: 5/19/99 4:46 PM

Normal

Receipt Requested

TO: Andrew G. Ulsamer, James A. DeMarco at CPSC-HQ2

Subject: Re: PSA docs, files, drawings etc

----- Message Contents

Jay,

I assume you are referring to files sent to LS by compliance for use by the TO during execution of a PSA. If so, the TO should arrange to have them returned to the CO. Samples would be sent to the warehouse via the Sample custodian unless the CO indicates some other destination. If the files are from LS resources, they are retained here for future use.

Bob Garrett

FYI, Andy is on leave until 5/31/99 and retires on 6/1/99. Jim Bradley is acting AED until 5/24/99 when David Walden assumes the position.

Reply Separator

Subject: PSA docs, files, drawings etc

Author: Andrew G. Ulsamer at CPSC-LSEL

Date: 5/19/99 4:13 PM

Andy

What is your policy on files, samples, docs, drawings, faxes, etc. used by a TO on a PSA once the PSA is completed? Are they returned to COs?

Handwritten signature or initials, possibly 'rj', in the bottom right corner of the page.

Author: James E. Bradley at CPSC-HQ2

Date: 5/19/99 9:05 AM

Normal

TO: James A. DeMarco

Subject: Re: PSA requests - docs, files, drawings etc.

----- Message Contents

Jay: As I have always understood it, your recollections is correct...jb

Reply Separator

Subject: PSA requests - docs, files, drawings etc.

Author: James A. DeMarco at CPSC-HQ2

Date: 5/18/99 8:06 AM

Jim,

What's your recollection of what is to be done with files, samples, docs, drawings, faxes, etc. TOs use doing a PSA, once the PSA is completed? Return all to CO?

~3

Author: James A. DeMarco at CPSC-HQ2
Date: 5/18/99 1:25 PM
Normal
TO: Diane R. Porter at CPSC-LSEL
Subject: Re: PSA docs, drawings, samples, files
----- Message Contents

thanks alot

Reply Separator

Subject: PSA docs, drawings, samples, files
Author: Diane R. Porter at CPSC-LSEL
Date: 5/18/99 1:21 PM

Jay,

Docs, records, files, faxes, drawings, etc. are all returned to the CO upon completion of the PSA. The samples are usually returned to the wharehouse unless otherwise noted on the psa reqest.

Diane

Forward Header

Subject: PSA docs, drawings, samples, files
Author: James A. DeMarco at CPSC-HQ2
Date: 5/18/99 8:20 AM

Diane

What is your understanding regarding docs, records, files, samples, faxes, drawings, etc. which TOs have while doing PSAs, upon completion of the PSA? Are they all returned to COs? Thanks

PSA ACTION (FOR PSA
COORDINATOR USE ONLY)

****FOR OFFICIAL USE ONLY****

PRODUCT SAFETY ASSESSMENT (PSA) TECHNICAL EVALUATION REQUEST

PSA Number : 0723.99
Date Processed : 5/18/99
Date Requested : 6/18/99
Due Date: : 6/18/99

Field Off : FOWR
Case # : RP990127

Org. Code : CRC
Priority : e

Submitted by : James DeMarco, (301)504-0608 Ext: 1353
Submitted : 5-18-99
Requested Completion Date : 6-18-99

PRODUCT INFORMATION:

Manufacturer : Daisy Manufacturing Co.

Item : airgun - air rifle

Name, model, etc. : 990

Item number :

Disposition: Return to Requester Store at Warehouse Other :

Number of samples : 3 separate IDIs in file

ACTION REQUESTED: TOM CATON - Please evaluate file, IDIs and samples for possible defects. Where incidents involving _____ Comments:
airgun product defect or parts failure related to consumer use or misuse related.

Assigned to
Organization: ME
Technical Off. :

Request Summary:

ASSESSMENT: Dates: From : To : Sort by Mfg.: Yes No

IPI NEISS Comments NEISS Estimates Death NFIRS

HAZARD CODE : 32203

HAZARD CODE : 32203

HAZARD CODE : 32203

Files: W/ CO

Files: W/ CO

Samples: w/ CO

Samples: w/ CO

(MSWordRev 2/99 rp/jb/bh)

FOR OFFICIAL USE ONLY

PSA ACTION (FOR PSA COORDINATOR USE ONLY)

PRODUCT SAFETY ASSESSMENT (PSA) TECHNICAL EVALUATION REQUEST

PSA Number : 0723-99
Date Processed : 5/18/99
Date Requested : 6/18/99
Due Date : 6/18/99

Field Off : FOWR
Case # : RP990127
Org. Code : CRC
Priority : e

Requested by : James DeMarco, (301)504-0608 Ext: 1353
Date Submitted : 5-18-99
Requested Completion Date : 6-18-99

PRODUCT INFORMATION:

Manufacturer : Daisy Manufacturing Co.

Product : airgun - air rifle

Brand name, model, etc. : 990

Sample number :

Sample Disposition: Return to Requester Store at Warehouse Other :

IDI Number : 3 separate IDIs in file

EVALUATION REQUESTED: TOM CATON - Please evaluate file, IDIs and samples for possible defects. Where incidents involving this airgun product defect or parts failure related or consumer use or misuse related. Comments:

ASSESSMENT: Dates: From : To : Sort by Mfg.: Yes No

IDI IPI NEISS Comments NEISS Estimates Death NFIRS

HAZARD : premature firing w/ safety on HAZARD CODE : 32203

LOCATIONS OF Samples: w/ CO

Files: W/ CO

(MSWordRev 2/99 rp/jb/bh)

Assigned to
City : Rogers State : AR Organization: ME
NEISS Code : 1237
Technical Off. :
Request Summary:

****FOR OFFICIAL USE ONLY****

PRODUCT SAFETY ASSESSMENT (PSA) TECHNICAL EVALUATION REQUEST

PSA Number : Date Processed :
Org. Code :CRC Field Off :FOWR Date Requested :
Priority :e Case # :RP990127 Due Date :

Submitted : 5-18-99
Completion Date : 6-18-99

PRODUCT INFORMATION:

Manufacturer :Daisy Manufacturing Co. Assigned to
City :Rogers State :AR Organization:
NEISS Code :1237 Technical Off. :

Item name, model, etc. : 990
Item number :

Disposition: [X] Return to Requester [] Store at Warehouse [] Other :

Quantity : 3 separate IDIs in file

NOTIFICATION REQUESTED: TOM CATON - Please evaluate file, IDIs and samples for possible defects. Where incidents involving Comments:
gun product defect or parts failure related or consumer use or misuse related.

ASSESSMENT: Dates: From : To : Sort by Mfg.: [] Yes [] No

[] IPI [] NEISS Comments [] NEISS Estimates [] Death [] NFIRS

HAZARD : premature firing w/ safety on HAZARD CODE :32203

SALES : Samples: w/ CO Files: W/ CO

Handwritten signature or initials

PSA ACTION (FOR PSA
COORDINATOR USE ONLY)

****FOR OFFICIAL USE ONLY****

PRODUCT SAFETY ASSESSMENT (PSA) TECHNICAL EVALUATION REQUEST

PSA Number :
Date Processed :
Date Requested :
Due Date :

Field Off : FOWR
Case # : RP990127
Org. Code : CRC
Priority : e

Requested by : James DeMarco, (301)504-0608 Ext: 1353
Submitted : 5-18-99
Requested Completion Date : 6-18-99

PRODUCT INFORMATION:

Manufacturer : Daisy Manufacturing Co.

Item : airgun - air rifle

Part name, model, etc. : 990

Part number :

Disposition: Return to Requester Store at Warehouse Other :

Quantity : 3 separate IDs in file

TECHNICAL EVALUATION REQUESTED: TOM CATON - Please evaluate file, IDs and samples for possible defects. Where incidents involving Comments:
airgun product defect or parts failure related or consumer use or misuse related.

ASSESSMENT: Dates: From : To : Sort by Mfg.: Yes No

IPI NEISS Comments NEISS Estimates Death NFIRS

HAZARD : premature firing w/ safety on HAZARD CODE : 32203

TESTS OF Samples: w/ CO

Files: W/ CO

(MSWordRev 2/99 rp/jb/bh)

PSA ACTION (FOR PSA COORDINATOR USE ONLY)

****FOR OFFICIAL USE ONLY****

PRODUCT SAFETY ASSESSMENT (PSA) TECHNICAL EVALUATION REQUEST

Requested by : James DeMarco, (301)504-0608 Ext: 1353
 Submitted : 5-18-99
 Date Completed : 6-18-99
 PSA Number :
 Date Processed :
 Date Requested :
 Due Date :
 Org. Code : CRC
 Field Off : FOWR
 Priority : e
 Case # : RP990127

PRODUCT INFORMATION:

Manufacturer : Daisy Manufacturing Co.
 Part : airgun - air rifle
 Name, model, etc. : 990
 Part Number :
 Assigned to :
 Organization :
 Technical Off. :
 Request Summary:

Disposition: Return to Requester Store at Warehouse Other :

Number : 3 separate IDs in file

EVALUATION REQUESTED: TOM CATON - Please evaluate file, IDs and samples for possible defects. Where incidents involving gun product defect or parts failure related or consumer use or misuse related. Comments:

ASSESSMENT: Dates: From : To : Sort by Mfg.: Yes No

IPI NEISS Comments NEISS Estimates Death NFIRS

RD : premature firing w/ safety on HAZARD CODE : 32203

CTIONS OF Samples: w/ CO

Files: W/ CO

(MSWordRev 2/99 rp/jb/bh)

****FOR OFFICIAL USE ONLY****

PRODUCT SAFETY ASSESSMENT (PSA) TECHNICAL EVALUATION REQUEST

PSA Number : Date Processed :
Date Requested :
Due Date :
Field Off : FOWR
Case # : RP990127
Org. Code : CRC
Priority : e
City : Rogers
State : AR
Assigned to
Organization:
Technical Off. :
Request Summary:

Submitted : 5-18-99
Completed Date : 6-18-99
Submitted by : James DeMarco, (301)504-0608 Ext: 1353
Manufacturer : Daisy Manufacturing Co.
Item : airgun - air rifle
Name, model, etc. : 990
Item number :

Disposition: Return to Requester Store at Warehouse Other :
Number : 3 separate IDs in file

SAFETY ACTION REQUESTED: TOM CATON - Please evaluate file, IDs and samples for possible defects. Where incidents involving Comments:
gun product defect or parts failure related or consumer use or misuse related.

ASSESSMENT: Dates: From : To : Sort by Mfg.: Yes No
 IPI NEISS Comments NEISS Estimates Death NFIRS
RD : premature firing w/ safety on HAZARD CODE : 32203

ACTIONS OF Samples: w/ CO Files: W/ CO

30



100 Barr Harbor Drive ■ West Conshohocken, PA 19428-2959
 Telephone: 610-832-9500 ■ Fax 610-832-9555 ■ e-mail service@astm.org ■ Website www.astm.org

Committee F15 on CONSUMER PRODUCTS

Chairman JOHN A. BLAIR, Du Pont Co, Chestnut Run Plaza, PO Box 80713, Wilmington, DE 19883-0713, (302) 999-3293, FAX: 302-999-2011
First Vice Chairman ANNE GRAHAM, 9 Cornwall, Rehoboth Beach, DE 19971, (302) 227-7877, FAX: 302-227-7877
Second Vice Chairman MARYELLEN R. FISE, Consumer Federation of America, 1203 Captains Ct, Towson, MD 21286, (410) 296-4290, FAX: 410-296-4291, EMail: merf@home.com
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Staff Manager (Juvenile Products) KATHARINE E. MORGAN, (610) 832-9721, EMail: kmorgan@astm.org
Staff Manager (Non-Juvenile Products) ROBYN ZELNO, (610) 832-9717, EMail: rzelno@astm.org

MEETING NOTICE

April 30, 1999

TO: Members of Subcommittee F15 06 on Non-Powder Gun Products
 FROM: Kathie Morgan *Kathie*
 RE: June 3, 1999 Meeting

The next meeting of Subcommittee F15 06 is scheduled for Thursday, June 3rd from 10:00am - 4:00pm at ASTM Headquarters in West Conshohocken, PA. In preparation for this meeting, enclosed are the following

- A meeting agenda with attachments
- Driving directions to ASTM Headquarters
- Area hotels should it be necessary to secure overnight accommodations - please mention that you are attending an ASTM meeting to receive the ASTM rate
- A pre-registration form for the meeting.

If you have any questions regarding the June meeting, please feel free to contact me at 610-832-9721. Thank you.

5/11/99
~~Cathy - I am Jane J. [unclear] [unclear]~~
 Discussed w/ Alan
 Buckley (5/10/99). May be prudent to
 attend since last ASTM I was
 @. This one will decide "new" Vol
 Std. outcome (Final). Pls let
 me know your decision. *Th*

ASTM Pre-Registration Form

Meeting of F15 06 on Non-Powder Gun Products, June 3, 1999
ASTM Headquarters, W Conshohocken, PA

Yes, I will be in attendance at the June 3rd Meeting

NAME: J. DeMarco
ORGANIZATION: US CPSC
TELEPHONE: 301 504 0608 X1353
FAX: 301 504 1359
E-MAIL: Jdemarco@cpsc.gov

Please return by May 20th, 1999 to Kathie Morgan
ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959,
610-832-9666 (fax), kmorgan@astm.org

1
32

Subcommittee F15.06 on Non-Powder Gun Products
June 3, 1999, 10:00am - 4:00 pm, W. Conshohocken, PA

Meeting Agenda

- | | | |
|---|---|--------------|
| 1 | Call to order | Bill Dworzan |
| 2 | Attendee introduction | All |
| 3 | Approval of minutes of the last meeting | Bill Dworzan |
| 4 | Discussion of F0590 Ballot Results | All |
| | <ul style="list-style-type: none">• Vote Tally 92 affirmative, 2 negative, 192 abstention• Refer to ballot summary of negative votes and comments - see Attachment A | |
| 5 | Discussion of F0589 Ballot Results | All |
| | <ul style="list-style-type: none">• Vote Tally 87 affirmative, 3 negative, 196 abstention• Refer to ballot summary of negative votes and comments - see Attachment B | |
| 6 | Old Business | |
| 7 | New Business | |
| 8 | Adjournment | |

NOTE
{

(Note The subcommittee will break from 12N-1pm for lunch)

27

Attachment B - F15 (99-02) Ballot Results for Revision of F589

% Return 77% (F15 06), 73% (F15 Main Committee)

**Tally: 87 affirmative, 3 negative, 196 abstention (F15 Main)
14 affirmative, 2 negative, 7 abstention (F15 06)**

Negative Votes

**I Robert Ehrlich - see Attachment A
Robert E Little
Stanton O Berg**

Comments

**John A. Murdoch
Robert D Stiehler - See Attachment A**

34

January 11, 1999

ASTM - STANDARDS COORDINATION

R. E Little Negative Votes on F15 (99-02) Ballot, Items 1 and 2

The F15 (99-02) ballot on Items 1 and 2 is fraudulent. There was no F15.06 subcommittee letter ballot before sending these items to the main committee for ballot. Moreover there was no quorum at the October 29, 1998 F15.06 subcommittee meeting at which the decision was reached to proceed to a F15 main committee letter ballot. Thus the October 29, 1998 F15.06 subcommittee actions regarding my proposed revisions of these items is invalid -- as are the revisions of F-589 on the present F15 main committee ballot.

Despite the fact that both the ASTM headquarter staff liaison person for F15.06 and the F15 main committee chairman refused to give me the subcommittee membership list, it is obvious that no quorum existed at the October 29, 1999 F15 06 subcommittee meeting. They have denied me access to the F15.06 and F15 membership lists because they assert the right to "screen" my proposed correspondence with F15.06 and F15 members regarding my proposed revisions of F-589 and/or F-590 before deciding whether to permit its discrimination. This denial also prevents me from counting the number of subcommittee members and examining their respective subcommittee voting rights and classifications versus their affiliations. Clearly this is not the behavior of a profession society with integrity. But unfortunately it is consistent with its past behavior.

To show that there no quorum existed at the the October 29, 1999 F15.06 subcommittee meeting, I assert the following: First, 8 or 9 of the 12 people attending the meeting are clearly affiliated with companies that belong to the Non-Powder Gun Producers Association (NPGPA): Crosman, Daisy, Beeman, Marksman (and perhaps SIR Industries, Inc). But at least 4 of these 9 do not have a subcommittee F15.06 vote according to ASTM by-laws. Moreover, if Mr. Jereckos has resigned from subcommittee F15.06 in addition to resigning as its chairman, then Crosman must designate someone to exercise their voting rights, and this change must be approved by the F15 Executive Subcommittee prior to the first F15.06 meeting at which this voting right is exercised. Second, the CPSC representative does not have a vote. Third, even the F15 chairman likely does not have a subcommittee vote. He was not a member of subcommittee F15.06 (to my knowledge) before this membership list became pseudo-secret. Thus, there are at most 7 legitimate votes, and likely only 5. Since producers cannot be in the majority of the subcommittee, it is mathematically impossible to have a F15.06 quorum with 5 to 7 legitimate subcommittee votes. (Note also the F15.06 minutes for the October 29, 1999 meeting discretely do not enumerate the number of negative and affirmative votes regarding my proposed revisions -- likely because this enumeration would have clearly indicated the lack of a quorum. I have a complete set of F15.06 meeting, except for one meeting at which it was decide to publish the so-called safety specification without resolving the negative subcommittee votes. These minutes, if taken, were evidently

1
27

misplaced or destroyed. All other votes at task group and subcommittee meetings are enumerated by the number of ayes, nays and abstentions.)

These so-called safety specifications resulted from collusion between the USCPSC, ASTM, and NPGPA that led to the formation of the F15.06 task group. Examination of the F15.06 task group and subcommittee minutes indicates clearly that spirit and/or letter of the ASTM by-laws were violated and/or ignored during the development of these so-called safety standards, and during each of their subsequent revisions. Unfortunately this devious activity continues to this day. In fact, this is *second* fraudulent attempt in the last year to sneak the re-approval of these so-called safety standards on a F15 main committee ballot.

My objective in wishing to write to all F15.06 subcommittee members and all F15 main committee members is to see that they are aware of the *black humor* of (i) the consensus position of the NPGPA members of F15.06 who assert that a typical consumer (purchaser) better understands the power of a nonpowder gun when it is stated that the muzzle velocity is (say) 540 feet per second, versus when it is stated that a BB fired from this gun can penetrate up to (say) 4.7 inches into simulated human flesh, and (ii) the vice-president of Daisy who originally drafted the muzzle velocity specification in F-589 and then subsequently testified under oath in a deposition that he knew that consumers (purchasers) probably do not understand muzzle velocity. All F15 main committee members should also be aware of the excessive hazard associated with gravity-feed systems on multiple-pump guns, the safety goggles issue, the age-grading issue, the automatic safety issue, etc. The disgusting actions and positions the NPGPA members of F15.06 should not be hidden from F15 main committee members (or the public) by the ASTM staff liaison person or the F15 main committee chairman.

I demand a F15.06 letter ballot on my proposed revisions of F-589 (which *was not* included in the F15.06 minutes mailed to me, and likely were not mailed to anyone else) I also demand the right to write to both F15.06 subcommittee members and F15 main committee members so that I can support my proposed revisions with relevant information and discussion.



DRAFT - FOR OFFICIAL USE ONLY - DRAFT

<p>US CONSUMER PRODUCT SAFETY COMMISSION</p> <p>PRODUCT SAFETY ASSESSMENT REPORT</p> <p>DRAFT - FOR OFFICIAL USE ONLY - DRAFT</p>	PSA No.	0723 99
	Case No.	RP990127
	Requested By	J. A. DeMarco, CRC
	Regional Office	FOWR
	Sample No.	
	CPSC Seal	
	IDI No.	960405CWE6001 960424CWE5020 980908HCN0414
Product:	Model 990 Air Rifle	Firm: Daisy Manufacturing Co.
Request:	Evaluate file, IDI's, and samples for possible defects. Were incidents involving this airgun product defect or parts failure related or consumer use or misuse.	
Potential Hazard:	Premature firing with safety on	
Prepared by	Thomas E. Caton, ESME	Reviewed by (Name and Title)
Extension	1305	
Date	June 25, 1999	Date

ES received two new Daisy Model 990 Power Line Dual Power Multi-Pump Pneumatic or CO₂ Powered Air Rifles (Exhibits 1 and 2). Their manual says that ten air pumps or the alternative CO₂ cylinder in this gun will result in a muzzle velocity of 650 feet per second with 0.177 caliber BBs or 630 feet per second with 0.177 caliber pellets can be generated. The manual says that although this rifle ". . . is not a firearm, it is a gun and should be treated with care and respect." Furthermore, the user should not depend entirely on the mechanical safeties by avoiding situations that might lead to accidents by assuring the gun is always pointed in a safe direction.

The Model 990 Power Line gun can be loaded with multiple BBs by filling the magazine through a loading hole/door with up to one hundred BBs. Gravity feeds the BBs to the magnetic tip in the loading port. The gun can also be loaded with a single BB or pellet by pulling the bolt back and placing a BB or a pellet onto the magnetic tip. Closing the bolt, by pushing the bolt handle fully forward, will chamber the BB or pellet. The manual says that the barrel can become obstructed if both a BB and pellet are used simultaneously. A BB or a pellet can be unloaded by shooting it out or by opening loading port and shaking it out. If it is stuck, it may be pushed out with a cleaning rod inserted in the muzzle, inverting the gun, and shaking it out.

IDI 960405CWE6001 says that a 10 year old boy died as a result of being struck by a pellet from a Daisy Power Line model 990 air rifle fired by his friend. The friend said he

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checked the gun and decided the gun was loaded. As a joke, the friend said he then placed the gun approximately 2 feet away to the head of the victim and fired.

IDI 960424CWE5020 says that a 15 year old boy lost the sight of his right eye and suffered brain damage after being shot by a BB from a friend's Daisy Power Line Model 900 air rifle. The shooter was reportedly about 26 feet away from the victim when the gun discharged. It was claimed that the air gun accidentally discharged. The CPSC investigator was unable to examine the gun and did not conduct a follow-up. The Contra Costa County Sheriff's Office's reports said the shooter did not recall if his finger was on the trigger when the gun went off. The sheriff's criminalistics laboratory report said that the gun's trigger pull was 4 pounds. The acceptable trigger pull by ASTM F589, Standard Consumer Safety Specification for Non-Powdered Guns, is more than 2 pounds and less than 16 pounds.

IDI 980908HCN0414 says that a 13 year old male was fatally wounded to his head when a Daisy Power Line model 990 air rifle he was carrying accidentally discharged. The CPSC investigator did not view the gun except for photographs. The Alabama Uniform Incident/Offense Report said that the victim had his finger on the trigger.

LSE Evaluation

LSE staff evaluated two Daisy Model 990 Powerline Dual Power Air Rifles to trigger pull, safety mechanism, and drop tests of ASTM Voluntary Standard F589-92. LSE reported that the two air rifles tests passed the three tests.

ES Evaluation

ES examined Exhibit 2 to determine if a BB might not be noticed in the gun and if the gun would fire with the trigger safety mechanism on. One 0.177 caliber BB loaded through the loading hole. The gun could be manipulated so that a slight rattle could be heard from the BB moving in the magazine. It was possible to open the loading port and with the gun in a level position for a BB to be positioned in the magazine so it was not visible. However, tilting the gun up allowed the gravity to feed the BB into the loading port as intended. Thus, these manipulations of the non-incident Exhibit 2 demonstrate that a BB in the gun may not be observed but still get into the firing position mode. The instructions warn to "always assume and handle the gun as if it were loaded and ready to fire."

The operation manual say that a 0.177 pellet is loaded: "with the bolt pulled back and the BBs removed from the magazine . . . advance the bolt forward until the magnetic tip is visible even with the rear edge of the pellet loading port; lower the muzzle and load the pellet, solid end forward . . . Push bolt handle fully forward and the pellet is chambered in the firing position." After chambering a 0.177 pellet into Exhibit 2, it was observed that a chambered pellet cannot be seen in an open loading port even with the bolt fully pulled back. Dropping the gun butt down, with the bolt open, vertically against the floor did not dislodge a chambered pellet or make the pellet visible. Such a chambered pellet is capable of being fired. This shows the necessity to follow the numerous warnings in the operators manual to always point the gun in a safe direction and always assume the gun were loaded and ready to fire.

OPINION



DRAFT - 1 OR OFFICIAL USE ONLY - DRAFT

- (1) the provided information and examination of the gun does not suggest that the gun has a defect that allows it to be fired with the safety on;
- (2) a chambered pellet is not visible after reopening the bolt after chambering a pellet
- (3) a chambered pellet does not dislodge or become visible with the bolt open while dropping the gun vertically butt end down on the floor;
- (4) the gravity feed will make a BB visible with the bolt open;
- (5) the IDI's suggest consumer misuse.

25



100 Barr Harbor Drive ■ West Conshohocken, PA 19428-2959
Telephone. 610-832-9500 ■ Fax. 610-832-9555 ■ e-mail: service@astm.org ■ Website. www.astm.org

Committee F15 on CONSUMER PRODUCTS

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First Vice Chairman: ANNE GRAHAM, 9 Cornwall, Rehoboth Beach, DE 19971, (302) 227-7877, FAX: 302-227-7877
Second Vice Chairman: MARYELLEN R. FISE, Consumer Federation of America, 1203 Captains Ct, Towson, MD 21286, (410) 296-4290, FAX: 410-296-4291, EMail: merf@home.com
Third Vice Chairman: ELAINE H. BESSON, EHB Consulting Ltd, 4512 32nd Rd N, Arlington, VA 22207, (703) 533-8408, FAX: 703-536-3749, EMail: e.h.besson@worldnet.att
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Staff Manager (Non-Juvenile Products): ROBYN ZELNO, (610) 832-9717, EMail: rzelno@astm.org

MEETING NOTICE

April 30, 1999

TO: Members of Subcommittee F15 06 on Non-Powder Gun Products
FROM: Kathie Morgan *Kathie*
RE: **June 3, 1999 Meeting**

The next meeting of Subcommittee F15.06 is scheduled for **Thursday, June 3rd from 10:00am - 4:00pm** at ASTM Headquarters in West Conshohocken, PA. In preparation for this meeting, enclosed are the following:

- A meeting agenda with attachments
- Driving directions to ASTM Headquarters
- Area hotels should it be necessary to secure overnight accommodations - please mention that you are attending an ASTM meeting to receive the ASTM rate
- A pre-registration form for the meeting

If you have any questions regarding the June meeting, please feel free to contact me at 610-832-9721. Thank you.

40

ASTM Pre-Registration Form

Meeting of F15.06 on Non-Powder Gun Products, June 3, 1999
ASTM Headquarters, W Conshohocken, PA

_____ Yes, I will be in attendance at the June 3rd Meeting

NAME.

ORGANIZATION

TELEPHONE

FAX.

E-MAIL:

Please return by May 20th, 1999 to Kathie Morgan
ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959,
610-832-9666 (fax); kmorgan@astm.org

41

Attachment A - F15 (99-02) Ballot Results for Re-approval of F590

% Return: 73% (F15 Main Committee)

Tally. 92 affirmative, 2 negative, 192 abstention (F15 Main Committee)

Negative Votes

I. Robert Ehrlich
Robert E. Little

Comments

Harvey A. West
John A. Murdoch
Robert D. Stiehler

42

FULL REPORT PURSUANT TO 16 CFR 1115(d)
FOR
DAISY MANUFACTURING COMPANY
P.O. Box 220
Rogers, AR. 72756

43

FedEx USA Airbill

0215

Recipients Copy



1 From This portion can be removed for Recipient's records:
 Date: 5/14/99 FedEx Tracking Number: 813129460813
 Sender's Name: A. LECTER Phone: 202-791-5200
 Company: COVER OPERATIONS & DISTRIBUTION INC
 Address: 120 5TH AVE City: NEW YORK State: NY ZIP: 10013

2 Your Internal Billing Reference
 To: MR J. DICMARCO Phone: _____
 Recipient's Name: _____
 Company: US CONSUMER PRODUCT SAFETY COMMISSION

3 To
 Address: 4330 EAST FIRST HIGHWAY
 We cannot deliver to PO boxes or PO ZIP codes: ROOM 413
 City: BETHESDA State: MD ZIP: 20814-4908
 To HOLD at FedEx location, print FedEx address here: _____
 Day/Even/Overnight: _____
 Total Packages: 1 Total Weight: _____

4a Express Package Service
 FedEx Priority Overnight
 FedEx Standard Overnight
 FedEx Express Saver*
 FedEx 2Day®
 FedEx 1Day Freight®
 FedEx 2Day Freight®
 FedEx 3Day Freight®

4b Express Freight Service
 FedEx 1Day Freight®
 FedEx 2Day Freight®
 FedEx 3Day Freight®

5 Packaging
 FedEx Label®
 FedEx Pak®
 Other Pkg.
 * Declared value limit \$500

6 Special Handling
 Saturday Delivery
 Sunday Delivery
 HOLD Warehouse at FedEx Location
 HOLD Saturday at FedEx Location
 Fragile
 Perishable
 Hazardous
 High Value
 Restricted
 Other

7 Payment Bill to: Sender Recipient Third Party Credit Card Cash/Check
 Shipper's Declaration: Yes No
 Signature required: Yes No
 Shipper's Declaration: Yes No
 Driver's License: Yes No
 Cargo Aircraft Only: Yes No
 Other Recp: Yes No
 Acct No: _____
 Total Packages: _____ Total Weight: _____

8 Release Signature
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359

FULL REPORT PURSUANT TO 16 CFR 1115(d)

FOR

DAISY MANUFACTURING COMPANY

P.O. Box 220
Rogers, AR 72756

Statement of Information

(1) The name, address, and title of the person submitting the "full report" to the Commission.

Aaron Locker, Esq.
Locker Greenberg & Brainin, P.C.
420 Fifth Avenue, 26th Flr.
New York, N.Y. 10018

(2) The name and address of the manufacturer (or importer) of the product and the addresses of the manufacturing plants for that product.

Daisy Manufacturing Company
P.O Box 220
Rogers, AR. 72757

(3) An identification and description of the product(s). Give retail prices, model numbers, serial numbers, and date codes. Describe any identifying marks and their location on the product. Provide a picture or a sample of the product.

Daisy Powerline 990 .177 caliber dual powered spring and CO₂ BB Rifle. A picture of the item as it appears in the Company's brochure is attached hereto as **Exhibit A**. The suggested retail price is \$58.95.

(4) A description of the nature of the defect or failure to comply with an applicable consumer product safety rule. If technical drawings, test results, schematics, diagrams, blueprints, or other graphic depictions are available, attach copies.

None. The Company does not believe that this product is defective and is filing this report as a precaution to avoid a timeliness penalty. A copy of the technical drawing of the product is annexed hereto as **Exhibit B**.

(5) The nature of the injury or the possible injury associated with the product defect or failure to comply with an applicable consumer product safety rule.

From July 1996 through November 1998, the Company has received three (3) reports from the CPSC of serious injury resulting from use of the Powerline 990. One of the 1996 incidents (Case No. 960405CWE6001) and the 1998 incident (Case No. 980908HCN0414) resulted in death. The other 1996 incident (Case No. 9600424CWE5020) resulted in loss of sight and brain damage.

The Company does not believe this product is defective or creates a substantial hazard, nor does it present an unreasonable risk of injury or death. It is filing this report as a precaution.

(6) The manner in which and the date when the information about the defect or noncompliance (e.g., complaints, reported injuries, quality control testing) was obtained. If any complaints related to the safety of the product or any allegations or reports of injuries associated with the product have been received, copies of such complaints or reports (or a summary thereof) shall be attached. Give a chronological account of facts or events leading to the report under Section 15(b) of the CPSA, beginning with receipt of the first information which ultimately led to the report. Also included may be an analysis of these facts or events.

Daisy Manufacturing Company (hereinafter "the Company") manufactures and distributes products which are subject to stringent quality control and conform to all applicable safety standards - ASTM F589-92 *Standard Consumer Safety Specification for Non-Powder Guns* and ASTM F59092 *Standard Consumer Safety Specification for Non-Powder Gun Projectiles and Propellants*. The product which is the subject of this report was first distributed in February 1993. The Company has received three (3) reports from the U.S. Consumer Product Safety Commission involving the Powerline 990.

On or about July 31, 1996, the Company received the first two reports. In the first incident, dated May 24, 1996 (Case No. 960405CWE6001), a 10-year old boy was killed when he was shot at close range by a friend who believed the gun was out of ammunition and pointed the gun at him as a joke. The second incident, dated June 11, 1996 (Case No. 9600424CWE5020) involved a fifteen-year-old boy who was accidentally shot and wounded by another boy while hunting birds. The third incident (Case No. 980908HCN0414), which involved a fatality, was received by the Company on November 27, 1998. In this incident, a 13-year-old accidentally shot himself in the left temple.

The Daisy/Powerline 990 is equipped with a crossbolt trigger block. In each of these instances, the Company believes the rifle was in a shooting mode and the safety and trigger block was in the "off" position.

See copies of correspondence from the CPSC containing the epidemiologic investigation reports for the three incidents attached hereto as **Exhibit C**.

(7) The total number of products and units involved.

The total number of units involved is 347,069.

(8) The dates when products and units were manufactured, imported, distributed, and sold at retail.

The product was sold by the Company from February 1993 through May 1999. A breakdown of sales per year is as follows:

1993	-	61,941
1994	-	71,102
1995	-	48,279
1996	-	57,941
1997	-	49,586
1998	-	56,766
1999	-	1,454

(9) The number of products and units in each of the following: in the possession of the manufacturer or importer, in the possession of private labelers, in the possession of distributors, in the possession of retailers, and in the possession of consumers.

The Company estimates that approximately 338,587 products were sold to retailers. It is unable to determine how many are in the possession of consumers and retailers at this time. At present, the Company has 8,482 products in its inventory.

(10) An explanation of any changes (e.g., designs, adjustments, additional parts, quality control, testing) that have been or will be effected to correct the defect or failure to comply and of the steps that have been or will be taken to prevent similar occurrences in the future together with the timetable for implementing such changes and steps.

A schedule of production changes implemented for the product from the date of its first production through March 1999 is annexed hereto as **Exhibit D**.

(11) Information that has been or will be given to purchasers, including consumers, about the defect or non-compliance with a description of how this information has been or will be communicated. This shall include copies or drafts of any letters, press releases, warning labels, or other written information that has been or will be given to purchasers, including consumers.

None.

(12) The details of and schedule for any contemplated refund, replacement, or repair actions, including plans for disposing of returned products (e.g., repair, destroy, return to foreign manufacturer).

None.

(13) A detailed explanation and description of the marketing and distribution of the product from the manufacturer (including importer) to the consumer (e.g., use of sales representatives, independent contracts, and/or jobbers; installation of the product, if any, and by whom).

The products were distributed nationally through retailers and distributors.

(14) Upon request, the names and addresses of all distributors, retailers, and purchasers, including consumers.

See Exhibit E attached hereto.

(15) Such further information necessary or appropriate to the functions of the Commission as is requested by the staff.

N/A.

This report contains confidential and proprietary information and is submitted pursuant to the provisions of Section 6(b) of the Consumer Product Safety Act. The report is further submitted under a claim of exemption from disclosure which applies to reports submitted pursuant to Section 15 of the CPSA. No release of any material contained herein is authorized by anyone unless pursuant to the express provisions of the Consumer Product Safety Act or the regulations issued pursuant thereto for reports filed under Section 15 of the Consumer Product Safety Act.

DAISY MANUFACTURING COMPANY

By: 
Aaron Locker

Dated: May 14, 1999

49

