



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

STATEMENT OF COMMISSIONER THOMAS H. MOORE
BEFORE THE NATIONAL ASSOCIATION OF STATE FIRE
MARSHALS

ORLANDO, FLORIDA

MARCH 30, 1996

I very much appreciate this opportunity to have this talk with your organization. Your organization of State Fire Marshals is one of the most important groups in this country dedicated to reducing the number of fires and fire fatalities and injuries. Your members--senior fire officials--have state-wide reach--the eyes and ears of governors and mayors and also local city/county/parish leaders--on fire prevention issues. And, fire prevention is a long-time major concern of my organization, the U.S. Consumer Product Safety Commission.

Over twenty years ago a wise, bi-partisan group of experts and a far-sighted President and Congress created the Consumer Product Safety Commission and gave it a broad range of powers and the flexibility to use those powers in creative ways to protect the American public from unreasonable risks of injury associated with consumer products. That would seem like a pretty unassailable mission; immune from the winds of change. But, these days, the winds blow stronger and nothing is immune. In the zeal to shrink the size of government, it is tempting to believe that old problems have been cured and that concerns about public safety imposed on business by government will continue to be paramount even if government supervision is removed.

But we know that without governmental pressure, virtue is rarely a saleable commodity. While we in the Commission try to stress to business that safety is good -- that safety sells, it is also true that it sells best when a competitor's tragic mistakes are held up to public view. In keeping with its obligations to protect public safety, the CPSC is usually holding that mirror. Needless to say, that does not make us popular with everyone.

While most manufacturers try to make safe products, no manufacturer is likely to, or is able to, initially anticipate every potential hazard when introducing a new product. And,



sometimes, even with a time-tested product, mistakes or changes are made in manufacturing that can have an unintended result. The natural tendency, for all of us, is to downplay mistakes, to try to gloss them over and hope any adverse consequences will just go away. If a company perceives that its national reputation, stock prices or borrowing ability is at stake, the desire to keep problems in-house may become even more intense.

The CPSC's unique combination of powers: participation in voluntary standards setting organizations, corrective action authority, public commendation for safety initiatives and, when necessary, mandatory regulatory and civil and criminal penalty authority, keeps the marketplace from reverting to its natural "bottom line is everything" tendency.

While there are forces that would like to weaken or eliminate certain of the Commission's powers, I don't believe that as a nation we have grown so callous in the 20+ years since the CPSC was created that we will use the very speculative charge of an over-regulated economy as an excuse to cease protecting our children, our parents and grandparents and ourselves from products that present an unreasonable risk of injury. On the contrary, I believe that the unfounded and unsubstantiated charges that have been lodged against CPSC and other agencies have actually increased the public's awareness of the extreme nature of the forces working to dismantle government processes designed to protect the public.

Moreover, in the case of fire-fighters, a weakening of governments's ability to reduce risks of injuries and deaths associated with structural fires increases the risks of injury and death of firefighters: fewer serious fires axiomatically means fewer risks to firefighters. According to U.S. Fire Administration data, in 1993 and 1994, we had a total of 94 firefighter fatalities at fire sites. Although the 52,875 firefighter injuries at fire sites in 1994 are down from earlier years, I think you'll agree that nearly 53,000 firefighter injuries are still too many by far!

Fortunately, CPSC doesn't work alone in fulfilling its safety mission. State officials, including state fire marshals, play a key role in alerting us to emerging hazards, helping us to disseminate information and encouraging us to take action in areas of growing concern to the states. Continuing to develop our federal-state relationship is one of my strong interests at the Commission. It is an area where prudent federal investment can pay manifold dividends in reducing unintentional injuries.

By working closely with our counterparts in the states, we can become aware of problems as they develop. There are times when a national response to a problem is the only sensible one. When it comes to safety, every citizen, no matter where they live, deserves the same minimum level of protection. That is the beauty of our federal system. Rather than the states struggling to form a national consensus through fifty separate legislative

or administrative initiatives, a federal approach can simplify and rationalize that process. I must mention that this federal approach benefits consumer product manufacturers and distributors: it encourages a level playing field of national product safety standards.

A key element of an effective federal approach to regulating product safety is the fire safety data that we receive through state fire officials. Such data is vital to the Commission's effort to maintain an effective ability to assess product safety hazards and to devise ways to reduce or eliminate them. The Commission staff has been working with the U. S. Fire Administration and the National Fire Protection Association to help find ways to speed the flow of information about fires to our agency so we can keep our priorities current.

I repeat, the input of state fire marshals in this flow of information is vital to our agency. You will shortly be receiving a letter from Carol Cave of our Office of Compliance, asking for information about your state fire marshal's record systems and whether they are maintained in a manner that would allow for identification of product involvement.

In addition to asking you to work with us in facilitating our data search, I would ask you to alert us to any trends you notice in fires, whether it be a new product, or an older product that is causing problems due to its age; to provide us with any product-related incident data, engineering reports and any other information you may collect in your fire investigations that you think will help us to pinpoint the cause of fires involving consumer products. The sooner we receive information, the faster we can act to take appropriate action against products that have the potential to cause additional fires.

It's been said that an expert is just an ordinary guy who is a long way from home. I don't pretend to be an expert in fire prevention but I have taken a special interest in this area since coming to the Commission.

Before I assumed my duties as the newest Commissioner at the Consumer Product Safety Commission, I had no idea of the many initiatives the CPSC has undertaken over the years which have contributed to the significant decline in residential fires in this country (down from 757,500 in 1980 to 470,000 in 1993). But half a million residential fires a year is still way too many. And one way or another, there is enough evidence to conclude that consumer products play a role in virtually all of them.

Some products are obvious in their potential for starting fires: matches, lighters, portable heaters, and wood stoves, to name just a few. There are, however, many products which a consumer would never dream of being a fire hazard (and which the manufacturers never considered to have that potential either). They come on the market periodically and create new challenges for the CPSC and the fire prevention and firefighting community.

Over the years the CPSC has recalled numerous consumer products because they presented a fire hazard. A few that come to mind are various models of lawn tractors, cellular phone batteries, portable flood lamps and even room air conditioners. Unfortunately our work can never stop. Each year the Commission investigates several hundred products that may present an unreasonable risk of injury to consumers. Not all of these are fire-related risks, of course, but a significant number of them are.

Some of you may have seen a recent television program where a product normally associated with safety and peace of mind--a baby monitor--was shown going up in flames. This product, like a number of electrical appliances on the market is made, in part, with thermoplastic materials. There are allegations that some types of thermoplastic burn too readily and, if an appliance on which it is used has an electrical failure, instead of the appliance merely ceasing to operate, the electrical failure can ignite the thermoplastic material causing it to burst into flame, resulting in a fire. The Commission staff has been observing the development of thermoplastics for some time. We are currently analyzing fire incident data to try to identify fires that appear to have been fueled, at least in part, by thermoplastic components. However, this type of causation is not easy to identify. Any information you may have that you would like to share with us, would, of course, be appreciated. The Commission staff is currently looking at thermoplastics and the types of appliance components made from them to see what, if anything, should be done to protect consumers, from this potential hazard.

Another project we are just finishing deals with home electrical system fires. I don't have to tell you that older, over-taxed, deteriorating electrical systems can cause fires. There are, on average, about 43,000 fires each year in this country related to the distribution of electricity in homes. These fires claim nearly 350 lives a year, injure 5 times that many and cost this nation about six hundred ninety million dollars each year in property damage. The numbers seem to be remaining fairly constant unlike other types of fires in which we are seeing a downward trend. About three years ago the CPSC decided to look at the issue of aging home electrical systems to see what could be done. After reviewing the various problems and available solutions, it became clear that there were affordable ways to rehabilitate the electrical systems of older homes.

In four cities around the country (Capitol Heights, Maryland; Redlands, California; Atlanta, Georgia; and St. Louis, Missouri) CPSC has rehabilitated the electrical system of an older house to show how to fix serious electrical hazards for a modest investment.

The Commission, in conjunction with the U.S. Fire Administration, the Federal National Mortgage Association and several insurance companies is producing two technical videos showing the electrical problems found in the California and the

Georgia homes and how they were corrected. The first video, of the California home, has just been completed. Because of our limited resources, the Commission will only be able to distribute 75 copies of the videos. A copy will, of course, be sent to the National Association of State Fire Marshals. The good news is that there are no restrictions on your organization, or any other, making copies of the video and we hope you will do that and give it wide dissemination.

Each of the four homes was inspected using the NFPA 73 Residential Electrical Maintenance Code for One-and Two-Family Dwellings, 1994 edition. We encourage communities to use this Code whenever possible when inspecting older homes as we believe that a significant portion of the residential fires attributed to home electrical systems would be eliminated if homes were brought into conformance with this Code. We realize, of course, the difficulties in achieving this goal, but we will be encouraging home inspectors who check homes for prospective purchasers to use the Code to assess the safety of the home's electrical system. And anything you can do to encourage the use of the Code in your state will have an enormous impact on reducing these types of fires.

It is my hope that this project will also help consumers to realize that making certain critical electrical repairs need not be prohibitively expensive. A disproportionate share of fires and fire fatalities occur in lower-income areas and it is likely many of these homes are older and in need of up-grading and repair. Many of these families may feel that electrical repairs are beyond their means.

I have a special interest in protecting the most vulnerable segments of our society and that includes lower-income families. Although one of the great success stories in fire safety has been getting smoke detectors in residences (in 1972, less than 5% of all homes had a detector; now about 90% of homes have at least one detector), three-fifths of all home fire deaths occur in homes that do not have any smoke detectors at all. It is not surprising that poverty is a major reason for the lack of working smoke detectors in homes. A recent NFPA study has shown that cities with higher percentages of persons living below the poverty level have higher rates of residential fires and higher rates of death from those fires. The six cities with the highest poverty and fire death rates are New Orleans, Louisiana; Cleveland, Ohio; Atlanta, Georgia; Newark, New Jersey; Buffalo, New York; and El Paso, Texas.

One strategy I am exploring at CPSC is to focus first on those six cities and with a coalition of state, local and private organizations, to get smoke detectors in those lower income neighborhoods where our earlier efforts have not penetrated. Given the Commission's budgetary constraints, such an effort will have to rely largely on non-federal resources. We will be looking for partners to help us in this endeavor. I welcome any help or suggestions your organization may have in

reaching these communities.

Getting smoke detectors into these homes is only part of the battle. We know from our National Smoke Detector Project that once detectors are installed, keeping them operational is the next big task. In roughly twenty percent of the homes that have smoke detectors, the detectors are not working. The most common cause of inoperability was the lack of a functioning power source (usually a non-working or missing battery). One technological breakthrough is that new ten-year batteries are now on the market. Data indicate that having a working smoke detector in a home increases the chance of survival by almost 50 percent. If we could properly install detectors with ten-year batteries in homes that do not currently have working detectors we could make a major inroad in reducing our nation's fire fatalities (not to mention injuries and property damage costs).

I referred earlier to protecting firefighters. It is reasonable to expect that more working smoke detectors in more homes will detect fires early enough before they spread and become greater risks to firefighters themselves.

Our smoke detector project also found a number of areas for improvement in the reliability and effectiveness of smoke detectors. In January of last year our staff made a series of recommendations to Underwriters Laboratories to upgrade the current detector standard. One recommendation is to have an optional alarm silencer which would allow consumers to temporarily disable the audible signal during nuisance alarms without having to disconnect the power source. Our studies have shown that in about one third of the instances where detectors were found without a power supply it was due to intentional disabling by the homeowner because of nuisance alarms.

Additional recommendations to UL include the standardization of mounting plates and electrical connectors in ac-powered units to facilitate the replacement of deteriorated detectors and recommending a more severe corrosion test that would more closely replicate the exposure to contaminants found in the household environment which can cause the alarm horn to fail to sound.

Considering another growing concern, the Commission is presently studying the testimony from our two-day hearing on CO detectors. The testimony of the National Association of State Fire Marshals was very informative and it gave the Commission a somewhat different perspective on the problem of unwarranted low-level alarms. In fact, the need for a silencing mechanism on carbon monoxide detectors may encourage manufacturers to incorporate this feature in smoke detectors as well. There has not been the hue and cry in the smoke detector area about nuisance alarms that there has been on CO detectors because consumers generally know when they have a false alarm with their smoke detector and no emergency response is sought. However, the problem of consumers disabling the detector to silence the alarm is equally serious in both forms of detectors.

The review of the carbon monoxide hearing testimony could result in recommendations by Commission staff to Underwriters Laboratories for changes to the standard. Just as our knowledge about smoke detectors and their long-term use has evolved, so will our knowledge about CO detectors.

Here's another product-related problem to think about. In December, 1994, the Commission directed the staff to work with industry to address the tragedy of deaths and injuries associated with the ignition of flammable vapors in the proximity of gas-fired water heaters. A typical scenario involves the spillage or usage of gasoline or other flammable liquid in the vicinity of a gas-fired water heater. The fumes from the flammable liquid are drawn into the heater and ignited, causing a flashback fire or explosion. Each year close to 2000 fires are caused by this deadly combination resulting in an estimated 316 injuries, 17 deaths and twenty-six million dollars in property damage. The industry has been working cooperatively with our staff to find a technical solution to this problem. At this point it looks encouraging that a test method can be developed against which a gas-fired water heater's resistance to flammable vapor ignition can be tested and that water heaters can be designed to dramatically reduce, if not eliminate completely, the likelihood of ignition of flammable vapors.

Other fire-related projects at the Commission include: a review of the mandatory standard for the flammability of mattresses and mattress pads to determine why the cigarette ignition fire death toll remains high; an analysis of cooking-related fire pre-ignition conditions and the methods, materials and devices that can be used to detect such conditions to reduce the risk of cooking-related fires associated with electric and gas ranges and cooktops.

As you know, this latter project is a subject on which your National Association of State Fire Marshals has been active. You have analyzed the human element in these fires and the public education aspect of reducing them.

And, since your petition to the Commission initiated the effort, you are certainly aware that CPSC staff is conducting a field study, product testing and other technical research to determine whether it is advisable to propose a standard to address ignition of upholstered furniture by small open-flame sources. No options have been ruled out at this point.

If the staff, however, were to recommend a mandatory rule, we would likely see that proposal early in 1997. One thing we all have to keep in mind as we evaluate the small open flame issue is that there is a fairly recent regulation requiring disposable and novelty lighters to be resistant to successful operation by children younger than five years of age. We project that once this standard is fully in place and the older non-child resistant disposable and novelty cigarette lighters are out of households, we will reduce the number of deaths from fires caused

by open flame ignition of various household products by at least one hundred. Over the last five years, deaths by open flame ignition of upholstered furniture have averaged 120 a year. We will be analyzing the data to see how the lighter regulation impacts that death rate.

You will remember that the Commission deferred the portion of your petition relating to cigarette ignition. The staff is evaluating this issue and is looking at the extent of industry conformance to the UFAC voluntary standard. A staff recommendation about how to proceed could come as early as the end of this year.

I think we can all be proud of the strides we have made in reducing the number of fires in this country. But the United States still has one of the highest fire rates among industrialized nations, so our work goes on. I look forward to working with the National Association of State Fire Marshals in the coming years and I want you to know my door is always open to you.