

LOG OF MEETING

DATE: March 1, 2011

LOCATION: CPSC, 4330 East West Highway, Bethesda MD 20814

SUBJECT: Table Saw Safety

ATTENDEES: Stephen Gass and David Fanning, SawStop

OBSERVERS: Kenneth Stevanus and Blair Thompson, Occupational Safety and Health Administration; Mark Hickok, Techtronic Industries – NA; Mark Knedeisen, K&L Gates; James Wilson, Webster, Chamberlain & Bean; Susan Young, Power Tool Institute; Ted Gogoll, Stanley Black & Decker; Dan Lanier, Miles & Stockbridge; Ed Krenik, Bracewell & Guiliani; Daniel Rhodes, Makita U.S.A., Inc; Ernie Palazzolo and Richard S. Sullivan, Sullivan & Sullivan, LLP; Peter Domeny, Robert Bosch Tool Corporation; Pamela Gilbert, Cuneo, Gilbert & LaDuca, LLP; Sally Greenberg, National Consumers League; David Butler and Rob Calhoun, Whirlwind Tool Company; and Sean Oberle, Product Safety Letter.

CPSC ATTENDEES: Robert Adler, Commissioner; Jason Levine, Legal Counsel to Commissioner Adler; Jana Fong-Swamidoss, Legal Counsel to Commissioner Adler; Janell Mayo Duncan, Legal Counsel to the Chairman; Elliot Kaye, Legal Counsel to the Chairman; Mark Fellin, Press Secretary to Commissioner Northup; Bill Zamula and Gregory Rodgers, Division of Economic Analysis; Hyun Kim, Office of the General Counsel; Kevin Lee, and Arthur Lee, Division of Engineering Sciences; Jason Goldsmith, Division of Health Sciences; and Tim Smith, Division of Human Factors.

MEETING SUMMARY: The meeting began with a short presentation by Mr. Gass and Mr. Fanning regarding the history of their company, SawStop (SD3). The SawStop representatives discussed their existing patents and some patents they have that are in development. They addressed the issue of licensing their patented saw safety technology by explaining their position that an 8% wholesale royalty was a fair percentage to request in return for the

investment they had made in creating the technology and bringing it to market. The SawStop representatives said they believed that the end cost to a consumer for implementing their safety technology on consumer grade table saws would be approximately \$100. They noted that retrofitting current table saws with their technology was not an option.

Commissioner Adler then asked a number of questions of Mr. Gass and Mr. Fanning regarding both technological and business issues relating to the company and its products. The SawStop representatives explained that although their technology does not prevent “kickback,” it does eliminate the most common issues related to kickback. They also stated that they were believers in guards, including the new guards mandated by UL987-10, however, it was their experience that most users do not use the guards.

With respect to licensing, Mr. Gass said that it was his hope that all saws would someday be fitted with this safety technology, and he was hopeful the CPSC would mandate such an outcome.

Commissioner Adler opened the floor to questions to the SawStop representatives, and the attendees asked questions both with respect to the true cost of implementing the technology and whether Mr. Gass was willing to license the technology absent a government mandate. Some of the attendees expressed concern regarding Mr. Gass’ demands in exchange for a license, such as converting their entire inventory over to his technology – regardless of the cost to the consumer. They also noted that SawStop’s saws currently cost the consumer \$2000-\$4000 – well above the average price of a consumer level table saw.

Commissioner Adler thanked the SawStop representatives for traveling to make the presentation and for their forthrightness in answering questions from him, his staff, and the attendees. He stated that he highly doubted the Commission would ever mandate a specific technology when writing a performance standard, nor was he interested in doing so. While the injury rates from table saws were of great concern to

him, he stated he was personally opposed to granting any single individual or company a personal windfall via government regulation. He also stated that any Commission action would likely take the form of a performance standard that would explain what steps needed to be taken to make the product safer for consumers – and that hopefully there would be multiple paths to meet that standard.

LOG AUTHOR: Jason Levine

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