



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

MINUTES OF COMMISSION MEETING
October 5, 2011

Chairman Inez M. Tenenbaum convened the October 5, 2011, meeting of the U. S. Consumer Product Safety Commission at 10:00 a.m. in open session. Commissioners Thomas H. Moore, Robert S. Adler and Anne M. Northup were also in attendance. Commissioner Nancy A. Nord was not present. Chairman Tenenbaum made welcoming remarks and recognized Commissioner Northup for personal introductions about her staff.

Decisional Matter – Table Saws Blade Contact Injuries: Advance Notice of Proposed Rulemaking
(Briefing packages dated September 14, 2011, OS No. 4537)

Chairman Tenenbaum summarized the issues for the decisional matter. The staff present for any questions were Caroleene Paul, Mechanical Engineer, Division of Mechanical Engineering, Directorate for Engineering Sciences (“ES”), Hyun Kim, General Attorney, Office of the General Counsel, and Timothy Smith, Engineering Psychologist, Division of Human Factors, ES. Chairman Tenenbaum called for any questions of the staff or discussion. Hearing none, Chairman Tenenbaum called for any motions. Commissioner Adler moved that the Commission approve publication of the staff draft advance notice of proposed rulemaking for performance requirements to address table saw blade contact injuries in the *Federal Register* (“FR”). Commissioner Moore seconded the motion. Chairman Tenenbaum called for any discussion. Hearing none, Chairmen Tenenbaum called for the vote on the motion. The Commission voted unanimously (5-0) to adopt the motion and approve the FR draft notice as drafted. Commissioner Nord voted by written ballot.

Chairman Tenenbaum called for any comments or statements. Commissioner Adler and Chairman Tenenbaum made closing statements. There being no further business on the agenda, Chairman Tenenbaum adjourned the meeting at 10:16 a.m.

Chairman Tenenbaum and Commissioner Adler issued the attached written statements about the matter.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Secretary

Attachment: Statement of Chairman Tenenbaum
Statement of Commissioner Adler



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CHAIRMAN INEZ M. TENENBAUM

October 5, 2011

**STATEMENT OF CHAIRMAN INEZ M. TENENBAUM ON THE COMMISSION
DECISION TO ISSUE AN ADVANCE NOTICE OF PROPOSED RULEMAKING
(ANPR) FOR PERFORMANCE REQUIREMENTS TO ADDRESS TABLE SAW
BLADE CONTACT INJURIES**

Today's unanimous vote by the Commission to approve an advance notice of proposed rulemaking (ANPR) on table saw blade contact injuries should send a clear signal to consumers and the industry that the Consumer Product Safety Commission is determined to be part of the solution to reduce the serious number of preventable table saw injuries that occur each year. The unanimity of this vote powerfully reaffirms the Commission's original attempt to address this issue in 2006, when the Commission granted a petition to initiate federal rulemaking to prevent table saw blade contact injuries. Unfortunately, the Commission's original rulemaking effort stalled because of a procedural hurdle created by an initial 2-1 vote on the matter and the subsequent departure of former Chairman Hal Stratton, who had voted in favor of initiating the rulemaking.

Last year, I called on the table saw industry to address this hazard through the voluntary standards process and work to prevent the needless injuries that occur each and every day. Despite my public urging for the power tool industry to make progress voluntarily on preventing these injuries, no meaningful revisions to the voluntary standard were made. Therefore, when the first opportunity arose this past June to reinstate federal rulemaking through the CPSC's FY 2011 Mid-Year Review vote, I joined my colleague Commissioner Robert Adler's amendment, directing staff to prepare a briefing package with an ANPR by September 2011, to address table saw blade contact injuries. Although the Commission was urged by some to allow the voluntary standards process continue without initiating a rulemaking, the frequency and severity of the blade contact injuries associated with table saws demanded action via the ANPR.

Based on the injury data obtained in the 2007 and 2008 CPSC special study, our staff's injury cost model projected that consumers suffered approximately 67,300 medically treated blade contact injuries annually in 2007 and 2008—with an associated injury cost of \$2.36 billion dollars in each of those two years. I want to emphasize that the injuries resulting from the use of table saws are, in many cases, particularly gruesome. While these injuries typically involve a laceration wound ranging from a minor scratch to a serious gash, we also know, based on the estimates from staff's special studies that far more serious injuries are occurring all too often. Very serious injuries, including fractures and avulsions, as well as

amputations, have changed the lives of tens of thousands of consumers and impacted their families forever.

When the Commission first considered this issue in 2006, the injury statistics and disturbing natures of these life-altering, yet preventable injuries were unacceptable. They are even more unacceptable now. As I have stated many times before—and as is now reflected in the agency's new strategic plan—one of the CPSC's primary goals is a commitment to prevention. In other words, we believe in being proactive rather than reactive. Today we are taking a very positive step forward in committing ourselves to looking actively into the best method of preventing these kinds of injuries. I look forward to our staff's evaluation of the feedback we receive on this issue and hearing their future proposals on how to move forward to ensure that these preventable injuries are, in fact, prevented.

I also want to thank the consumer advocates and victims of table saw injuries who took the time to meet with me and the other Commissioners about this issue late this past spring. I was moved by what I heard from the victims of these injuries, whose lives were changed forever, due to one split-second miscalculation while using a table saw. To these victims and to all of the other victims who have suffered life-altering injuries from table saws, I want you to know that your efforts to improve the safety of these tools have made a difference. Moreover, this agency, under my leadership, is firmly committed to exploring how to prevent these kinds of injuries from continuing to occur.



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**STATEMENT OF COMMISSIONER ROBERT S. ADLER
REGARDING THE
ADVANCE NOTICE OF PROPOSED RULEMAKING (ANPR)
FOR TABLE SAWS**

October 5, 2011

Today, I joined my fellow Commissioners in unanimously approving the Commission staff's recommendation to publish an Advance Notice of Proposed Rulemaking (ANPR) for table saws. This is the first step on the road to a possible mandatory performance standard. I did so with a sense that we have reached a critical point with this issue.

Shortly after I joined the Commission in 2009, I saw a demonstration of a braking mechanism for table saws, called SawStop, which would stop a saw blade instantaneously upon encountering someone's finger or hand. This led me to take a look at the injury data for table saws. The injuries associated with this product are horrific – deep lacerations to the arms and hands, broken bones and, worst of all, amputations to fingers and thumbs. Injuries like these often leave victims facing long, painful recoveries as well as significant financial hardship and employment challenges. I have met a number of these individuals, and, as far as I could tell, every one of them was an experienced woodworker who made a single small misstep or had a momentary lapse in attention – with ghastly consequences. To my mind, small errors like these should not produce tragic results on such a grand scale. In the case of table saws, roughly 36,000 blade contact injuries occur annually, with about 10 percent of them resulting in amputations.¹

Since 2003, the federal government has known that SawStop's flesh-sensing technology seems to virtually eliminate the amputations and severe lacerations that result from contact with a blade saw. Over the years, no one has stepped forward to challenge the efficacy of this technology. I realize that serious policy issues remain regarding how best to address table saw injuries, but I think that if someone had evidence that this new technology didn't work, we would have heard from that person.

¹ I note that a disproportionate number of the injured appear to be Americans 65 and older – a matter of great concern to me. I welcome any comments on specific steps that the agency might take to address safety issues with table saws for this increasingly vulnerable group of consumers.

I am also aware there are other competing technologies to SawStop that have yet to be brought to market. I know, for example, that the Power Tool Institute has developed flesh-sensing technology. Further, I have met with a gentleman named Dave Butler whose company, Whirlwind Tool Company, is seeking to patent a similar technology. I hope efforts on these and other fronts will continue. Although I find myself extremely impressed by the SawStop technology, I am not in favor of writing a standard that would result in mandating a patented technology if such a result is avoidable.

On this point, I note that when CPSC writes product safety standards, we do not mandate a particular technology. We write performance standards and leave it to manufacturers to decide how to meet them. Of course, simply writing a performance standard doesn't automatically guarantee that other technologies will find their way to the market, but I remain hopeful that they will.

My personal preference is that the table saw industry finds a way to adopt a voluntary standard that would substantially reduce or eliminate these 36,000 annual injuries. Flesh-sensing technology is definitely one solution that they should consider. Whether there are other approaches that are equally effective, I leave to them at the moment.

Our job is to work on behalf of consumers, keeping in mind that the cost of the safety must be reasonable. In making this point, I note that CPSC staff estimates the annual cost of table saw injuries in the billions of dollars. I also note the serious concerns in the industry about new technology adding considerably to the price of this product. This, of course, explains why the Commission wants to publish an ANPR: we need to gather more data on costs and benefits.

Our comment period closes in 60 days. I cannot stress how important it is for all interested parties to weigh in on the ANPR. Comments from the public inform and enlighten us as to whether moving forward with this mandatory rulemaking is necessary and, if so, exactly what direction it should take.

I know the Commission stands ready to work collaboratively with all parties on important safety improvements. Now that we have reached this critical moment it is in the interests of all stakeholders, especially consumers, that the table saw industry, including Mr. Gass and other inventors, and the Commission continue to work together to improve table saw safety.