This week, the Commission approved a proposed settlement with Clawfoot Supply, LLC (Clawfoot) regarding the company’s failure to report a defect with its shower seat that posed a fall and laceration hazard.

I supported this proposed settlement, which includes among other things a $6 million civil penalty, because it is consistent with prior Commission civil penalties, is appropriately sized to the conduct at issue, and is defensible under CPSC’s civil penalty factors.

Unlike other recent Commission civil penalty settlements I have opposed, Clawfoot’s failure to report did not result in fatalities of which CPSC is aware and was not the conduct of a known recidivist company. Additionally, the number of products in commerce was modest, and the penalty amount is consistent with other recent Commission settlements with similar facts and circumstances (e.g., Cybex and Core).

While I voted to accept this proposed settlement, I remain disturbed at the Commission’s lack of coherence as it relates to civil penalty fine amounts and other terms and conditions. As I have stated before previously, CPSC needs a principled and effective civil penalty regime. I look forward to working with my colleagues to develop such a system.