



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814
COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A. FELDMAN
OPPOSING REVISED PROPOSED SETTLEMENT IN THE MATTER OF
TK ACCESS SOLUTIONS CORP. F/K/A THYSSENKRUPP ACCESS CORP.
CPSC DOCKET NO. 21-1**

SEPTEMBER 8, 2022

Today the Commission voted to approve a proposed settlement with TK Access Solutions Corp. (TKASC) to resolve charges that its residential elevators present a substantial product hazard. As the only sitting Commissioner to vote to approve the initial administrative complaint, this is a case I have followed closely since its inception. The Commission alleges that the TKASC residential elevators manufactured and distributed through 2012 were installed with a hazardous gap between the exterior elevator door and the interior door or gate. Sadly, children have become entrapped when these residential elevators were installed with excessive space between the doors, leading to death and serious injury.

Unlike other residential elevator recalls, the financial relief TKASC has agreed to provide is scheduled to sunset. When TKASC terminates this relief, consumers will be on their own to inspect existing elevators and to install the spacer remedy themselves. Given that the initial hazard arose from improper installation, the worst thing we can do is compound this risk through subsequent inspection and installation errors.

The Commission has conducted numerous other residential elevator recalls to address this hazard. In those cases, the recalling firms have agreed to provide relief indefinitely. These products are expensive machinery that are permanently installed in homes and should have a service life of decades during which the hazard could persist if not remedied by TKASC under the recall. That is why I offered instructions to the parties to continue settlement negotiations to eliminate the sunset provision and ensure the remedies available to consumers today would be available to consumers tomorrow, and beyond.

It is entirely foreseeable that a homeowner could fail to see the recall announcement or associated press reports. Instead, consumers may be alerted to the hazard by a home inspector or repair technician, for example when the home is being sold sometime in the distant future. In my view, the settlement agreement should protect consumers in these foreseeable situations. Instead, the Commission has opted to grant TKASC special treatment that is both inappropriate and dangerous.