



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Acting Chairman Ann Marie Buerkle
 Commissioner Robert S. Adler
 Commissioner Marietta S. Robinson
 Commissioner Elliot F. Kaye

ITEM:

Advance Notice of Proposed Rulemaking Regarding Clothing Storage Unit Tip Overs
(Briefing Package dated November 15, 2017, OS No. 4554)

DECISION:

The Commission voted unanimously (4-0) to approve publication in the *Federal Register*, as drafted, the advance notice of proposed rulemaking (ANPR) concerning the risk of injuries and death associated with clothing storage units tipping over. The ANPR seeks comments and initiates rulemaking under the Consumer Product Safety Act (15 U.S.C. §§ 2051-2089).

Acting Chairman Buerkle filed a statement regarding this matter which is attached.

For the Commission:


Alberta E. Mills *for*
Acting Secretary

* Ballot vote due November 21, 2017

Attachment: Statement of Acting Chairman Ann Marie Buerkle

Statement of Acting Chairman Ann Marie Buerkle on the Advanced Notice of Proposed Rulemaking on Furniture Tipovers

I voted in support of today's Advanced Notice of Proposed Rulemaking because I believe the Commission would benefit from input from all stakeholders on how to most appropriately address the serious safety hazard posed by furniture tipovers. I strongly encourage interested parties to submit comments in response to the information requested in the ANPR.

However, I have concerns with some of the conclusions set forth in the package. First, I am disappointed that the ANPR merely pays lip service to the role televisions play in causing tipovers. We know that the majority of fatalities and serious head injuries caused by a clothing storage unit tipping over also involve a television, and yet the briefing package recommends not addressing this hazard. I strongly disagree. Any serious attempt to further reduce the deaths and injuries associated with tipovers must address the safety hazard posed by televisions placed on furniture not intended for such use.

In addition, I disagree with the conclusion in the briefing package that the current ASTM F2057-17 standard does not adequately reduce the risk of clothing storage unit tipovers. The current version of the standard was only published shortly before the ANPR. But even under the 2014 version, there is little, if any, evidence that compliant clothing storage units have been involved in fatal tipover incidents. If anything, the downward trend in the number of tipover injuries and deaths since the 2014 version of the standard was implemented shows that these more recent safety measures are making a positive difference.

I remain concerned that pressing forward with rulemaking would only undermine the progress being achieved through the voluntary standards process. Our efforts to gather further information on the tipover issue should be focused on how to help manufacturers improve their designs and meet the current voluntary standard. I look forward to reviewing and considering the comments submitted by all interested stakeholders.