



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

MINUTES OF COMMISSION MEETING

February 24, 1982

Third Floor Hearing Room  
1111 - 18th Street, N.W.  
Washington, D.C.

The February 24, 1982, meeting of the U.S. Consumer Product Safety Commission was convened in open session by Chairman Nancy Harvey Steorts. Commissioners David Pittle, Edith Sloan, Stuart Statler, and Sam Zagoria were present.

Agenda Matters. The Commission considered the following decision matter:

Prednisone: Exemption Petition PP81-8

On May 29, 1981, Mayrand Pharmaceuticals, Inc. requested an exemption from child-resistant packaging requirements for its prednisone product, an anti-inflammatory steroid drug in packaging consisting of 21 individually packaged 5 mg prednisone tablets.

Based on its consideration of currently available information showing the low toxicity of prednisone and the lack of adverse human experience data associated with accidental ingestion of the drug, the Commission decided by a vote of 4-0, with Commissioner Sloan abstaining, that prednisone tablets, when dispensed in packages containing no more than 105 mg of the drug, do not pose a risk of serious personal illness or serious injury to children. Accordingly, the Commission granted the petition and approved a Federal Register notice proposing an exemption from child-resistant packaging for prednisone tablets, on a generic basis, when dispensed in packages containing no more than 105 mg of the drug.

The staff then briefed the Commission on planning for outreach and communications programs for FY 1982. The discussion focused on the concept of outreach involving the public and private sectors in all aspects of the agency's product safety activities; on the responsibilities of the Office of Public Affairs, Office of Outreach Coordination, and the Regional Offices in outreach efforts; and on specific outreach project proposals based on CPSC priorities. The Commission will consider the specific project proposals and resource requirements at its FY 1982 mid-year review scheduled for February 25, 1982.

Meeting then in closed session, the Commission voted unanimously, 5-0, to issue a two-count administrative complaint against Sears, Roebuck & Co. and Roper Corporation, seeking notice and remedial action for certain Roto-spader roto-tillers alleged to be a substantial product hazard, and seeking a civil penalty of \$500,000 against each firm for failure to inform the Commission pursuant to section 15(b) of the Consumer Product Safety Act (CPSA). The attached press release concerning this matter was approved for issuance.

The Commission deferred until February 25, 1982, a briefing on the status of Section 15, CPSA, matters that was previously scheduled for this meeting.

February 24, 1982

For the Commission:



---

Sadye E. Dunn  
Secretary

Attachment: Press Release

# NEWS from CPSC

## U.S. Consumer Product Safety Commission

FOR IMMEDIATE RELEASE:  
February 24, 1982

COMMISSION SEEKS CORRECTIVE ACTION AND COMBINED \$1 MILLION  
CIVIL PENALTY FROM SEARS ROEBUCK & CO. & ROPER CORP.  
FOR HAZARDOUS ROTO-TILLERS

WASHINGTON, D.C. (Feb. 24) -- The Consumer Product Safety Commission today issued an administrative complaint against Sears, Roebuck & Co., the nation's largest retailer, and Roper Corporation, Kankakee, Illinois. The complaint charges that Roper manufactured, and Sears sold over 220,000 Roto-spader roto-tillers that constitute a substantial product hazard and could cause serious injury to their users.

According to the Commission's complaint, at least eight serious injuries have occurred when Sears Roto-spaders, which are sold for use by consumers to till gardens, became locked in reverse and the machines' tines mutilated the legs of the user. Several of these incidents allegedly resulted in severe lacerations, fractures and/or amputation of the consumers' legs.

The complaint also alleges that both firms knew of the potential hazard as early as 1975, but failed to take action to protect the public or to notify the Commission of the problem as required by law. The complaint seeks a broad program to notify the public of the risk of injury and to repair or replace the machines and seeks a combined civil penalty of \$1 million against the firms.

--more--

The roto-tillers were sold for between \$300 and \$500. Each weighs up to 200 pounds and is driven by an eight-, seven-, six-, five- or four-horsepower engine. They are equipped with a handlebar lever which, when raised, engages the clutch to drive the tines, the tines till the earth and also drive the machine. The clutch lever includes a locking device which can be engaged by the operator while the machine is in forward or reverse gears. When this locking device is engaged, the machine will operate continuously until it is disengaged and the lever is released.

The complaint charges that by 1979 both Sears and Roper had been notified of at least four injuries of this type and changed the design of the machine so it could not be locked in reverse. Neither firm, however, reported the potential hazard to the Commission as required by Section 15(b) of the Consumer Product Safety Act. Nor did they take action to warn the public of the potential hazard in machines already sold.

The Commission complaint alleges that since that time at least five grievous injuries have occurred and more are likely to in the absence of adequate efforts to notify the public of the hazard and to repair or replace the machines. The complaint asks that Sears & Roper be ordered to engage in widespread advertising and other efforts to reach affected consumers.

Approximately 220,000 Sears Roto-spaders with model numbers beginning "917" distributed between 1963 and 1979 are alleged to

be hazardous. Nearly 3,000 roto-tillers sold by Roper through independent dealers with the model designations D 84351 R0, D 84351 R1, D 84361 R1, D 54252 R 1, D 54252 R0, D44152 R0, and D 44152 R1 are also involved.

The charges in the complaint will be heard before an administrative law judge.

If consumers have any further questions, they should contact the CPSC Hotline 800/638-8326, for Maryland residents, call 800/492-8363. Alaska, Hawaii, Puerto Rico and the Virgin Islands call 800/638-8333.

# # # #