



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

CPSC EXECUTIVE SESSION  
September 11, 1975

1750 K Street, N.W.  
9:30 a.m.

PRESIDING: Chairman Simpson

PRESENT: Commissioner Newman  
Commissioner Franklin  
Commissioner Kushner  
Commissioner Pittle

ITEM

Jas. D. Easton, Inc., d/b/a Easton Aluminum & James L. Easton.

DECISION

By letter dated August 29, 1975, Easton Aluminum proposed modifying its corrective action program by including a \$.50 charge to consumers for postage and handling in connection with the provision to them of replacement grips for their bats. The Commission rejects this modification and the corrective action program because of the charge involved. The Commission approves issuing a Notice of Enforcement against Easton.

VOTE

Concurring in the above decision:

Chairman Simpson

R. Simpson

Commissioner Newman

Newman

Commissioner Franklin

B. Franklin

Commissioner Pittle

R. David Pittle

Dissenting in the above decision:

Commissioner Kushner\*

Kushner

\*Opinion attached.

Submitted by:  
Commissioner Pittle



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Opinion of COMMISSIONER LAWRENCE M. KUSHNER  
concerning the rejection of certain Voluntary  
Corrective Action Plans for aluminum baseball  
bats posing a "possible substantial hazard"

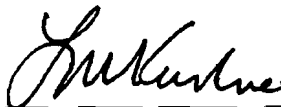
I have voted to accept Voluntary Corrective Action Plans concerning certain aluminum baseball bats as submitted by Eaton Corporation and the Aluminum Company of America (ALCOA). The Voluntary Corrective Action Plans of Pepsico (Wilson Sporting Goods Co.) and Hillerich and Bradsby Company are acceptable to me with the ALCOA "fix". In all four cases the plans provide an engineering fix that has been judged by the Commission's staff to satisfactorily correct the "possible substantial hazard" that has made them the subject of this Commission's action under Section 15 of the Consumer Product Safety Act. It is my understanding that all four companies are agreeable to a consumer notification program similar to that provided for in the Voluntary Corrective Action Plan of the Jas. D. Easton Co., Inc., that has been accepted by the Commission.

I believe that the single issue which separates me from the majority in the four aforementioned cases is that the plans provide for a charge to the consumer to obtain the fix. The majority has taken the position that, at least in these cases, there should be no charge to consumers taking advantage of a fix offered under a Voluntary Corrective Action Plan accepted by the Commission.

In my view, there are two reasons why in these instances a reasonable charge for the fix should be acceptable to the Commission:

1. the vast majority of the subject bats have been in use by consumers for at least 1-2 years providing satisfactory service, and
2. the fix substantially increases the useful lifetime of the bats thereby increasing their value.

In view of these facts, I think it is unfortunate that the Commission has voted to reject the plans and start the administrative process under Section 15(f) thereby running the risk of denying consumers for an extended period of time the safety of a fixed aluminum bat. Indeed, should the Section 15(f) hearing find that the hazard associated with the bats is less than "substantial", consumers could well be denied any fix at all, notwithstanding the fact that continued use of the bats would pose a safety problem sufficient for concern.



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Lawrence M. Kushner, Commissioner

Dated: September 3, 1975