



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Ann Brown
Commissioner Mary Sheila Gall
Commissioner Thomas H. Moore

ITEM:

Petition CP 97-2 , Requesting the Development of a Safety Standard for Shopping Carts

DECISION:

The Commission voted 2-0-1 to deny Petition CP 97-2 submitted by John S. Morse, requesting that the Commission develop a standard for shopping cart stability and directed the staff to prepare a letter of denial to the petitioner. Voting to deny was Chairman Ann Brown and Commissioner Mary Sheila Gall. Commissioner Thomas H. Moore voted to defer action on the petition and filed a statement regarding this matter, copy attached.

For the Commission:

A handwritten signature in cursive script that reads "Sadye E. Dunn".

Sadye E. Dunn
Secretary

* Ballot due February 11, 1998



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**Statement of Commissioner Thomas H. Moore
on the Petition for Development of a Safety Standard
for Shopping Carts**

When considering petitions, the Commission bases its decisions to grant, deny or defer, on data that already exists or is easily obtainable. Thus, no special studies are done and, to the extent any in-depth investigations are included in the analysis, it is because they had already been done for some other purpose. I believe this is a sound policy but we must also recognize the limitations of that policy, some of which are evident in this case.

Several sets of data were referenced in the briefing package as supporting staff conclusions. One set is a group of 37 injury cases on which follow-up investigations had been done in the past. As the package notes: "Because these cases were selectively assigned from various sources, they are not statistically representative of the estimated 21,800 tipover injuries for that time period...". What is known about the accident scenarios in many of these cases is quite limited. Nine cases might be addressable by a standard. Understandably limited information in 10 of the 37 cases makes it difficult to draw conclusions from them.

Given that the cases are not statistically representative and that if any significant portion of the 10 cases on which we have insufficient information could be addressed by a standard, this would impact the addressability question substantially, I am not at all sure that definitive conclusions can be drawn from these 37 cases.

As to the "detailed analysis" which was done of tipover cases from 1995-1996, the limitations of necessarily terse initial emergency room descriptions again leave me wondering should we at this stage, without the benefit of extensive follow-up investigations, draw definitive conclusions about the extent of cart tipovers and the extent of resulting injuries? Given what staff found out from the few follow-up investigations that were done on tipover cases in that group, it is quite possible that there were additional tipovers: Is it reasonable to suspect that a number of the cases classified as falls may have been due to carts that started to tip over, thus propelling the child out

of the cart?

I think the staff's basic conclusion that most tipover injuries are not serious is correct. However, because of the limited data upon which they had to rely, I believe the conclusion, which virtually eliminates the possibility of serious injury from tipovers, may be overstated.

Also I am not clear as to what staff considers a serious injury in this setting. There was an indication at the public briefing that concussions are not considered serious, but our own annual performance plan (in which reducing head injuries by ten percent is one of the Commission's major goals) notes that concussions are "potentially [one of the] more serious head injuries." And there were some concussions in the group of 37 cases that staff looked at. Quite possibly there are more of them in addressable tipover cases.

The engineering report makes it clear that it is feasible and "a relatively straightforward matter" to address shopping cart stability. There is no evidence to contradict the petition that some shopping carts being manufactured are designed in such a way as to be more stable (at least in rear tipover situations) than certain other carts. Thus I believe it would be consistent with the CPSC mission of encouraging "product designs that minimize the potential for failure and human error" for the Commission to follow up on that lone sentence in the briefing package on page 12 which states: "It does appear reasonable, however, that shopping cart manufacturers should, on their own, take whatever steps appropriate to ensure that their current and future cart designs not allow for easy tipover."

I would follow up on that sentence by directing the staff to pursue the development of a voluntary standard with the industry. While the most recent contacts with industry show little enthusiasm for it, I suspect their enthusiasm is in direct proportion to how seriously they view Commission intervention. Twenty years ago when they sought to head off the Commission from pursuing a mandatory standard the industry indicated they would pursue a voluntary one. And one of the reasons the Commission decided not to grant the petition at that time was the industry's seeming willingness to develop a voluntary standard.

I would be inclined to defer action on this petition to explore the voluntary standards route more fully before denying this petition on such limited information. However, since neither a majority of the Commission nor the industry seems prepared at this time to pursue the voluntary standards route, I am left with encouraging the retailers who have to face the tearful children and distressed parents to make it their business to seek out the most stable carts when it comes time to replace their cart inventory. If the retailers make safety their business, the manufacturers of the least stable carts will be forced to change their designs in order to stay in business.