



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
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**STATEMENT OF COMMISSIONER ROBERT S. ADLER  
REGARDING THE POWER TOOL INSTITUTE'S (PTI) REQUEST FOR  
AN ADDITIONAL EXTENSION OF TIME TO SUBMIT COMMENTS  
ON THE ADVANCE NOTICE OF PROPOSED RULEMAKING (ANPR)  
FOR TABLE SAW BLADE CONTACT INJURIES**

February 8, 2012

Today, I voted against granting a request by the Power Tool Institute (PTI) for an additional extension of time to comment on the Advance Notice of Proposed Rulemaking (ANPR) on table saw blade contact injuries. PTI's request stems from a series of pending Freedom of Information Act (FOIA) requests. As a general proposition, I am in favor of receiving comments from the public, including the regulated community, and I am particularly a supporter of providing as much process as is necessary to achieve the best product we can. However, I do not believe the rationale underlying this request merits an additional delay in a process that I hope will eventually result in the elimination of, or a dramatic reduction in, the risk of amputations and severe lacerations that result from contact with a blade saw.

On October 11, 2011, the Commission voted unanimously to publish an ANPR on table saw blade contact injuries, with a comment period that closed on December 12 — a standard 60 day comment period. On November 3, PTI requested a 60 day extension to that comment period. In its request, PTI stated that it had submitted a series of FOIA requests over the course of 2011, including some after the beginning of the ANPR comment period, and that it needed those requests fulfilled before it could fully comment on the ANPR.

On November 29, 2011, the Commission voted unanimously to grant a 60 day extension of the comment period on the table saw ANPR, but not as a result of PTI's pending FOIA requests. In fact, the Federal Register notice granting the extension explicitly stated:

*The Commission has produced all underlying reports regarding the Table Saw Study to PTI, including more than 800 pages of information. **While additional FOIA requests by PTI may be pending, the documents relevant to the Table Saw Study all have been produced, and PTI's other FOIA***

***requests seek documents on different products or issues that are not relevant to the ANPR. Thus, the production of additional documents in response to PTI's outstanding FOIA requests does not justify a further extension of the comment date.*** However, to ensure that the public has an adequate opportunity to comment with regard to the underlying reports regarding the Table Saw Study that have been produced to PTI, the Commission will be posting those reports in its FOIA Reading Room on the CPSC Web site and will make them a part of the administrative record. Through this notice, we are announcing a 60-day extension of the comment period to give all interested parties additional time to prepare their responses to the ANPR. Thus, the comment period for the ANPR is extended to February 10, 2012. (76 Fed. Reg. 75505 (Dec. 2, 2011)) (emphasis added).

No information has come to the Commission's attention that would change the view expressed in November – that the production of PTI's pending FOIA requests does not justify a further extension of the comment date. That said, I was pleased to read in PTI's letter that our staff continues to conduct its statutory duty under FOIA and is processing these requests and providing the information to the public.

As I noted in my statement after the October vote, we look forward to and depend on comments from all stakeholders on a topic as important as this one where our staff estimates the annual costs of injuries in the billions of dollars and the affected industry estimates the difficulties in solving the problem to be both complicated and potentially expensive. We seek the wisdom of crowds and this is why I was excited to learn that as of today there are over 1,000 comments on this rulemaking that have been uploaded to [www.regulations.gov](http://www.regulations.gov). My decision to vote to deny the request to further extend the comment period does not mean there can never be a justification for such an extension, only that the given one is not sufficient.

I believe the Commission remains ready to work collaboratively with all stakeholders, including consumers, the table saw industry, the standards development organizations, and inventors to improve table saw safety. I look forward to the next step in that process.