

Tulsa Office:
EUGENE CARR (1922-1992)
PATRICK E. CARR¹
MICHAEL CARR^{1,2}
GUY A. THIESSEN^{1,2†}
A. LAURIE KOLLER^{1,2,4}
RAYMOND ALLRED^{1,5}
BRIAN R. HUDDLESTON, *Of Counsel*¹
BRYCE A. HILL, *Of Counsel*¹

CARR & CARR

ATTORNEYS AT LAW

OKLAHOMA CITY OFFICE

www.carrcarr.com

Oklahoma City Office:
¹TYE H. SMITH
¹BRENT D. BERRY
^{1,2}JOHN L. BRANUM
¹GREG SMART
¹STEPHEN A. DOTTER
¹SUSAN CARNS
¹GARY R. MORRIS, *Of Counsel*

1 - Licensed in Oklahoma
2 - Licensed in Arkansas
3 - Licensed in Kansas
4 - Licensed in Missouri
5 - Licensed in Texas
† A Professional Corporation

Petition PP 11-1

May 9, 2011

CERTIFIED MAIL

U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

RE: In the Matter of the Petition of Bettys Bumpas and Chris Bumpas
Our clients: Chris & Bettys Bumpas, and Jhonethyn Avery Bumpas, Deceased
Our File #: 37282

Dear Court Clerk:

Enclosed please find an original and three copies of the *Petition* regarding the above-referenced matter.

Upon receipt and review of the enclosed *Petition*, please file these and return the file-stamped copies to our Oklahoma City office in the enclosed self-addressed stamped envelope.

We appreciate your assistance with this matter. If you have any questions or concerns, please advise. Thank you in advance.

Very truly yours,
CARR & CARR, ATTORNEYS



John L. Branum
Attorney at Law
(405) 249-4215 Direct Line
(800) 418-8210 Fax
jbranum@carrcarrokc.com Email

Enclosures

OKLAHOMA CITY OFFICE ADDRESS: 1350 S.W. 89th Street, Oklahoma City, Oklahoma 73159
OKLAHOMA CITY OFFICE: Local: 405/691-1600 Toll Free: 800/296-6074 Fax: 405/691-2128
TULSA OFFICE TELEPHONE: Local: 918/747-1000 Toll Free: 800/777-4878 Fax: 918/747-7284

Received CPSC
2011 MAY 13 A 9:48
Office of the Secretary
FOI

UNITED STATES OF AMERICA
BEFORE THE Consumer Product Safety Commission

In the Matter of the Petition of Bettsy
Bumpas and Chris Bumpas, for the
Issuance of Regulation Requiring Special
Packaging for all "Torch Fuel" Substances

No. PP 11-1

PETITION

Received CPSC
2011 MAY 13 A 9:47
Office of the Secretary
FOI

Petitioner, Bettsy Bumpas, respectfully petitions, pursuant to 15 U.S.C. § 1474(a), as made applicable in this case by 15 U.S.C. § 1472, that the Consumer Product Safety Commission exercise its authority under 15 U.S.C. § 1472 to amend regulations determining that "torch fuel" requires special packaging in accordance with the standards prescribed by 16 C.F.R. § 1700.15. The recommended amendment is set forth at the conclusion of this Petition.

Introduction

Certain petroleum distillates, as packaged in the United States, look like juices. These include torch fuel and lamp oil that resemble apple juice and other juices. Torch fuel and lamp oil, as currently manufactured and packaged, pose a serious imminent risk to the public, especially young children. These substances need additional special packaging for the following reasons:

- I. It is common knowledge that most young children enjoy the taste of juice and are accustomed to drinking it on a regular basis.
- II. Some petroleum distillates, as currently packaged, such as torch fuel and lamp oil, resemble juice.

For example, the following photograph was taken of two bottles of Island Party Citronella Torch Fuel which is manufactured by HOC Industries and sold by Dollar General Stores; of same type and identical brand as the bottle that killed Petitioner's son.



The following is a picture of a Juicy Juice Bottle sold across America at various major retailers.



III. Manufacturing potentially deadly petroleum distillates such as torch fuel, *in clear plastic bottles*, causes needless danger.

The CPSC should act to prevent manufactures and others from packaging these fuels in clear containers. There are safer, feasible alternatives, such as opaque containers.

- IV. Many individuals have been hurt or killed due to the accidental ingestion of fuels that resemble juice, retailed in clear plastic bottles.

For example, the New Jersey Poison Information and Education System stated in June of 2008 that 4 people were hospitalized, 1 was critically ill, and 1 killed due to torch oil being mistaken for apple juice. (See attached Exhibit 1). From 2002 through 2009 the Annual Report of the American Association of Poison Control Centers' National Data System has chronicled the exposure of many young children to lamp oils, which includes torch fuels. Many of these exposures have caused serious injuries and deaths. Additional incidence information is available upon request.

- V. Jhonethyn Bumpas was killed due to the above described problem.

Jhonethyn Bumpas celebrated his second birthday party at the Chickasaw National Park near Sulphur, Oklahoma on June 9, 2009. See below photographs taken at the party.



At the campsite, Jhonethyn Bumpas saw the below pictured, partially empty bottle of Island Party Tiki Torch Fuel, thought the product was juice, and ingested it. As you can see below, the fuel looks like apple juice and the bottle is clear.



Jhonethyn Bumpas died within a few hours. The following photograph was taken of Jhonethyn shortly after his death at the hospital:

Location of Incident: Cold Springs CG, Site # 30



- VI. According to experts, in order to reduce the risk of accidental ingestion of fuels by children, it is necessary to “hide” the product from viewing. In other words, the CPSC can prevent future injuries and deaths by requiring manufacturers of petroleum distillates that resemble juice to package all the products in containers that make it impossible to see the product when in the container. Manufacturers should not be permitted to package these substances in clear plastic bottles.

The special packaging described herein is required to protect children from serious personal injury or serious illnesses resulting from ingesting the substance. Special packaging described above is technically feasible, practicable, and appropriate.

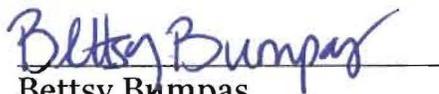
Petitioner proposes that the CPSC make a rule change that would require manufacturers of the above referenced substances to package the product in containers that make it impossible to see the fuel when packaged. This could be accomplished by packaging the fuel in a solid colored or opaque plastic child resistant container or a metal container.

The reasons such amendment should be made are as follows: This amendment would require the subject manufacturers to package the substances in containers which hide the fuel from view. This rule change will prevent the injury and death of children by preventing children from being deceived into believing that deadly fuel is juice.

Petitioner is further prepared to participate in the rulemaking herein sought by submission of written materials which are demonstrative of the harm which can be caused without such a rule in place. Further, Petitioner stands prepared to present oral views and arguments if a hearing is held.

Petitioner further requests that the Commission set such hearing or hearings as may be deemed appropriate and in the public interest, and that the Commission give notice thereof in the Federal Register and to petitioner personally by mailing a copy of such notice to petitioner.

Dated: 26th day of April, 2011.



Betsy Bumpas
c/o Carr & Carr Attorneys
1350 S.W. 89th Street
Oklahoma City, OK 73159
Phone: (405) 249-4215
Fax: (800) 418-8210



The New Jersey Poison Information & Education System
Serving New Jersey Since 1983

Designated regional poison center
for New Jersey by New Jersey
Department of Health and Senior
Services and the American
Association of Poison Control
Centers

Date: June 2008
Contact: Alicia Gambino, MA, CHES
973-972-9280

IMMEDIATE RELEASE

Please distribute to the public; your local radio, magazines and newspapers;
websites; etc.



4 Hospitalized, 1 Critically Ill, 1 Dead Torch Lamp Oil Mistaken for Apple Juice

(Newark, NJ)- Six New Jersey residents became ill recently after ingesting a small amount of torch oil which was mistaken for apple juice. One individual, an elderly woman, died two days after mistaking the lamp oil for apple juice. Earlier in the month an 8 year old girl was hospitalized in critical condition and was placed on a ventilator also after mistaking the torch oil for apple juice. The child survived her illness but will live the rest of her life with damaged lungs.

In four of the 6 cases of lamp oil ingestions reported to New Jersey's Poison Information and Education System occurred when the victim drank the oil, which looks like apple juice, thinking it was apple juice.

According to Bruce Ruck, PharmD. of NJPIES, "It is very important to recognize lamp oil bottles closely resemble juice containers. When accidentally taken by mouth, such lamp oils can enter the lungs causing pneumonia and death. Jugs containing lamp oils must be stored in a locked cabinet away from storage of food and drinks."

There are other poisonous products which look like and come in containers closely resembling juices. It is important for families to lock up all such potentially dangerous products, keep them far from food and educate the entire family on the dangers of these "look-a-likes." The NJPIES website contains a poster representation of other dangerous look a likes, it is found at WWW.NJPIES.ORG

If you suspect a poisoning, call the poison control center for immediate treatment advice as well as for prevention information. Call **1-800-222-1222**, trained medical professionals will provide you with the most up to date emergency treatment advice, and will answer any drug or poison information question you may have.

***Remember, Help Is Just A Phone Call Away!
Poison Emergency? Call 1-800-222-1222
Questions about Poisons? Call 1-800-222-1222
Questions about Poison Prevention? Call 1-800-222-1222
Hearing Impaired May Call 1-973-926-8008***

located at University of Medicine & Dentistry of New Jersey

