



## **Table Saw Oral Hearing**

**August 9, 2017**

**Consumer Product Safety Commission**

**Comments from Sally Greenberg, National Consumers League**

The National Consumers League appreciates the opportunity to address the Commission on this matter of great importance. NCL urges the CPSC to finalize the Notice of Proposed Rulemaking requiring all table saws in the US to employ affordable and available safety technology, a process that began in 2006 when the Commission first voted in favor of a petition requesting a performance standard for table saws. *In 2015, there were an estimated 33,400 table saw, emergency department-treated injuries. Table saws inflict 11 amputations each day, according to the CPSC's accident reporting system.* Josh Ward, who is here with us today, has experienced too much pain and agony for such a young man. His devastating table saw injury could have been prevented had CPSC adopted a mandatory safety standard in 2006. The technology that satisfies CPSC's proposed standard already exists. Active Injury Mitigation (AIM) is currently available in the U.S. on only one company's table saw models, those of SawStop. AIM prevents injury by stopping the table saw blade from spinning within milliseconds of contact by any body part. The technology is employed on tens of thousands of SawStop products in circulation and has demonstrated its effectiveness with nearly five thousand finger saves to date. This means five thousand people would have lost fingers, some of them multiple fingers, endured excruciating pain, lifelong disability and many operations to treat their injuries. They escaped this awful fate because they were using a table saw with safety technology built in. We think every consumer should be afforded those same protections.

CPSC has a mandate to adopt safety measures where a product poses an unreasonable risk of injury, existing industry voluntary standards do not adequately mitigate the risk of injury, and where there is an affordable and available solution. As our comments demonstrate, setting a mandatory standard for table saws meets each of these criteria. Thus, NCL applauds the Commission's April 27, 2017, vote to move forward with a Notice of Proposed Rulemaking (NPR) setting a safety standard on table saws. <sup>1</sup>

The National Consumers League, founded in 1899, is the nation's pioneering consumer organization and has been engaged with the issue of table saw safety since 2010 when we wrote to five CPSC Commissioners asking for a safety standard on table saws.<sup>2</sup> My first introduction to the issue came from a National Public Radio story that ran in December of 2004. At the time, I

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<sup>1</sup> <https://business.cpsc.gov/Newsroom/Video/commission-meeting-decisional-matter-safety-standard-addressing-blade-contact>

<sup>2</sup> [Link to NCL original letter](#)

was serving as Senior Product Safety Counsel at Consumers Union. NPR's Chris Arnold reported about a newly designed table saw that would all but eliminate the risk of injury.<sup>3</sup>

Arnold also spoke to the saw's inventor, Stephen Gass, a patent attorney by trade with a PhD in physics, who out of his own garage developed a technology that does just that. Gass's saw detects flesh and it triggers a brake mechanism with the remarkable power to stop a spinning blade fast enough to limit the damage to a mere papercut as opposed to a severed finger and a lifetime of disability. I naively thought that CPSC would rush to ensure that all table saws meet this new heightened standard of safety. . Six years later, in 2010, I heard Chris Arnold report basically the same story. By then I was serving as the Executive Director of the National Consumers League.

I was disappointed – naively once again - to learn that instead of a new safety standard being welcomed, it was greeted with animosity, mostly from the power tool industry that resisted – and continues to resist – incorporating affordable and available safety technology into its products. The industry has had one excuse after another for refusing to do something so obvious – making a very dangerous product almost 100% safe –that it is time to reject their shifting arguments once and for all. PTI claims that AIM technology will raise the cost of table saws – despite the overwhelming benefits vs. costs to society of doing so, estimated by the CPSC to range from \$635 million to \$2.3 billion annually. Medical expenses from table saw injuries cost upwards of \$1 billion annually. The overall economic impact to society of these injuries is approximately \$4.06 billion.<sup>4</sup>

The high degree of risk and the severity of injury – and a pattern of injury as the statistics cited above make crystal clear – mean that table saws are a consumer product that carries an unreasonable risk of injury to the user when there is a readily available and affordable safety technology to make it safe. The 1970 National Commission on Product Safety, a congressionally mandated study that reviewed the need for an agency like the CPSC, emphasized how American ingenuity and clever safety innovations are a hallmark of American business and welcomed them. Steve Gass' invention is a great example of that ideal.

The CPSC moved forward in October 2011 in a 5-0 vote, including both Democratic and Republican appointees, with an Advanced Notice of Proposed Rulemaking (ANPR) on table saw safety, which led to the Notice of Proposed Rulemaking voted on in April 27 of this year.

Why do we need a mandatory safety standard? Because the current standard, *UL 987 Stationary and Fixed Electric Tools*, has proven totally ineffective in preventing table saw injuries. And yet, efforts to incorporate effective safety features in recent editions of UL 987

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<sup>3</sup> <http://www.npr.org/series/137392806/striving-for-a-safer-table-saw>

<sup>4</sup> Tab C, Staff Briefing Package, at 2-3.

have been lobbied against by the power tool industry. In 2011, the Power Tool Institute (PTI), stated in comments to CPSC “their own survey” showed that voluntary standards “[are] adequately addressing table saw injuries.”<sup>5</sup> Well, this is patently wrong. The CPSC report states unequivocally that there was “no discernable change in the number of injuries or type of injuries related to table saw blade contact from 2004 to 2015.”<sup>6</sup> ,

By contrast, the efficacy and availability and affordability of AIM technology makes it feasible for all for all types of table saws, from the cheapest to the most costly. Every table saw is dangerous without AIM technology and capable of inflicting grave injuries. If PTI members didn’t want to license SawStop’s technology, they have had many years – over 16 – to develop an alternative. But they never brought an original design to market<sup>7</sup>. What they have done instead is attack SawStop’s technology, control the voluntary standards process at UL so that any effort to require adoption of AIM technology is defeated, and refuse to take any actions whatsoever to promote the production of a truly safe table saw. The members of this Commission should not reward that intransigence.

CPSC was created for the very purpose before us: to address unreasonable risks of injury with better and safer designs when there is an affordable and readily available solution. The table saw safety standard readily meets these criteria. Industry has shown it will not act on its own, so the CPSC must.

The NPR is exciting: it all but guarantees the elimination of risk associated with operating a table saw and is based on many years of careful research by dedicated CPSC experts. What other technology promises to all but eliminate 33,400 annual emergency room visits?

In sum, NCL believes that CPSC should - without delay - implement its proposed performance standard for table saws. A technologically viable safety system currently exists that satisfies the CPSC proposal. Others could certainly be developed. A safety standard, if adopted, would save thousands of consumers annually from the debilitating injuries so often associated with blade contact accidents. What is more, the financial benefits to society far outweigh the costs, meaning this proposal more than complies with the requirement that “expected benefits of

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<sup>5</sup> “Table Saw Blade Contact Injuries; Advance Notice of Proposed Rulemaking Comment of Power Tool Institute, Inc.,” PTI, March 16, 2012.

<sup>6</sup> “Notice of Proposed Rulemaking Performance Requirements to Address Table Saw Blade Contact Injuries,” CPSC Staff, January 2017, page 3.

<sup>7</sup> The power tool company, Bosch, attempted to introduce an AIM-equipped saw to market in 2015; however, an administrative law judge found that the Bosch saw, called REAXX, infringed upon two patents held by SawStop. This ruling has since been upheld, and suggests the Bosch saw does not introduce an original design to market. Bosch could, of course, license the SawStop technology to recommence sales of its saw.

the rule bear a reasonable relationship to its costs.”<sup>8</sup> Thank you for your time and the opportunity to appear before you.

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<sup>8</sup> Id. 2058(f)(3)(E)&(F).