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Office of the Secretary
Consumer Product Safety Commission
Room 502
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Bethesda, Maryland 20814
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**Comments of Consumers Union of the U.S. Inc.
to the
Consumer Product Safety Commission
on
16 CFR Part 1407
“Portable Generators; Notice of Proposed Rulemaking; Proposed Labeling
Requirements; Request for Comments and Information”
Notice of Proposed Rulemaking**

Introduction

Consumers Union (CU), publisher of *Consumer Reports* Magazine, submits the following comments in response to the Consumer Product Safety Commission’s (“CPSC” or “Commission”) request for comments and information in the above Notice of Proposed Rulemaking (“NPR”).¹ CU commends the Commission for its attention to this important consumer safety issue. CU believes that the labeling provisions proposed in this NPR are a good first step in attempting to reduce the number of carbon monoxide (“CO”) poisoning deaths caused by consumers operating portable generators in garages or other enclosed areas. However, we believe that the steady increase in generator-related carbon monoxide poisoning clearly demonstrates that education and warnings alone are not enough to protect consumers.

¹ 71 Fed. Reg. 50003 (August 24, 2006).

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CU's Recommendations

CU believes that the most effective way to reduce injury and deaths from CO poisoning would be for all manufacturers to equip generators with a CO detector that will automatically shut down the unit if it detects dangerous levels of CO. Many generators on the market today have a similar automatic shut off system designed to cut off the equipment when it senses that the machine is low on oil. In addition, quality CO sensing devices are readily available and have already proven effective in preventing CO poisoning. Furthermore, the CPSC has itself demonstrated proof-of-concept of CO detection safety systems on portable generators in its own labs.² We applaud the Commission for its work in this area and urge the CPSC to proceed quickly to require CO detection and automatic shut-off safety features on all portable generators.

The effectiveness of a label, no matter how well designed, depends on the consumer's ability to read, comprehend, and follow its directions. In most situations in which a portable generator is used, consumers are operating them in the dark, possibly during a storm, while under pressure to act quickly to make the unit work. Such conditions are not conducive to reading a label or understanding its guidance.

We have some additional recommendations designed to improve the proposed labeling requirement, including:

- The main purpose of this label is to warn users that generators should only be used outdoors. That wording should be bold and included as the second line - **“FOR OUTDOOR USE ONLY.”** The first sentence should remain - **“Using a generator indoors WILL KILL YOU IN MINUTES.”**
- Under the two-way arrow in the pictogram on the right, the label should clearly state that the generator should be placed a minimum distance away from the enclosed space in order to prevent injury or death. Failing to recommend a specific minimum distance that a generator should be placed away from an enclosed area will leave it to the consumer's discretion as to the appropriate safe distance. The CDC has reported CO poisoning when generators were placed as far away as seven feet from a dwelling—a distance that many people would expect to be safe. If a consumer misjudges the appropriate distance, they could pay with their, or a member of their family's, life. We therefore recommend that “15 feet minimum” appear at the top of the arrow on the label to directly communicate safe placement.
- The pictorials are complicated, and unless they have been tested to verify that users can understand them, they should be simplified. For example, we suggest showing only one image of the generator being used in an enclosed space, with the line through it.

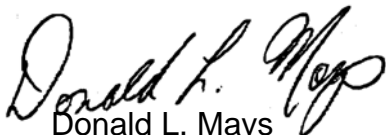
² ICPHSO tour of CPSC labs on, or about, May 10, 2006.

- It is important to position this label in a location on the generator where it is most likely to be seen and read, and away from other labels that would distract the user's attention. We believe that, in order to be noticed, the best location would be in close proximity to the "on/off" switch, the starter, or power outlets. It could be mounted on a flap that would need to be opened in order to run the generator -- this would require the operator to physically touch the warning label.
- The label could be "made active" (*i.e.*, made part of the process), by requiring the user to take an action that calls attention to the label, such as pushing a button near the safety device each time the generator is started. This feature could be modeled after similar ones that have been used on other dangerous products, such as lawn tractors. To prevent back-over accidents, many lawn tractors now have a momentary switch on the back of the unit that requires the user to face the rear of the mower and engage the switch before it will cut in reverse. For generators, a momentary switch could be incorporated into the label and require the user to press the switch (and read the label) each time the unit is started.

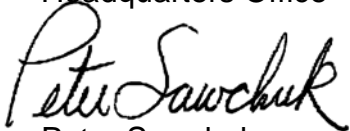
Conclusion

We appreciate the opportunity to share our views on this important proposed rule to increase the safe use of portable generators. We strongly urge the Commission to move quickly to implement effective requirements, including a mandatory CO sensor.

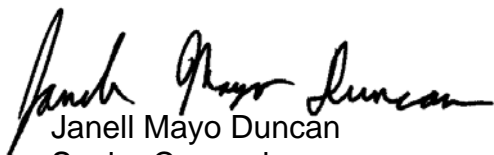
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