



February 1, 2024

Office of the Secretary  
Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

Submitted via *www.regulations.gov*

**Comments of Consumer Reports to the  
Consumer Product Safety Commission on the  
Safety Standard Addressing Blade-Contact Injuries on Table Saws  
Docket No. CPSC-2011-0074**

Consumer Reports (CR), the independent, nonprofit, nonpartisan organization<sup>1</sup> welcomes the opportunity to submit comments to the Consumer Product Safety Commission (CPSC) regarding the proposed safety standard addressing blade-contact injuries on table saws. CR has been advocating for the improvement of the safety of table saws for more than a decade. We commend the CPSC's decision to publish this supplemental notice of proposed rulemaking (SNPR), which builds off the agency's 2017 notice of proposed rulemaking (NPR), and incorporates valuable insights from the 2017 Special Study of table saw injuries commissioned by the agency. The proposed performance requirements would result in inherently safer table saws, and significantly reduce the tens of thousands of injuries that occur every year due to unreasonably hazardous products within the scope of the rule. We urge the CPSC to finalize its proposed rule as soon as is feasible.

**I. The Risk of Injury Posed by Unregulated Table Saws Is Staggering**

CPSC staff estimates that between 2004 and 2020, there were approximately 32,000 emergency department-treated blade-contact injuries associated with table saws annually.<sup>2</sup> In other words, on average, approximately 87 people required medical attention every day due to an

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<sup>1</sup> Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the U.S.

<sup>2</sup> CPSC, Supplemental notice of proposed rulemaking: "Safety Standard Addressing Blade-Contact Injuries on Table Saws" (Nov. 1, 2023) (Docket No. CPSC 2011-0074) (online at: [www.govinfo.gov/content/pkg/FR-2023-11-01/pdf/2023-23898.pdf](https://www.govinfo.gov/content/pkg/FR-2023-11-01/pdf/2023-23898.pdf)).

injury associated with a table saw. Based on the CPSC's Special Study of table saw injuries, in 2017, there were an estimated 26,501 blade-contact injuries initially treated in hospital emergency departments. A significant portion of these injuries were severe, with over 20% resulting in fractures, and over 10% resulting in amputations.<sup>3</sup>

The CPSC's Injury Cost Model (ICM) indicates that there were an additional 22,675 blade contact injuries treated in other medical settings during the same year. In total, there were an estimated 49,176 blade-contact injuries, with nearly 10% of those injuries requiring hospitalization at some point, in 2017 alone.<sup>4</sup> Concerningly, the high number of table saw injuries identified in 2017 is not an anomaly, but part of a much larger, and seemingly ongoing, trend in which injuries have remained relatively consistent for a number of years. As stated in the 2017 NPR briefing package, CPSC staff has concluded that there were no discernible changes in the number or types of blade-contact injuries associated with table saws annually from 2004 to 2015.<sup>5</sup> A trend analysis from 2004 to 2018 also showed no reduction in table saw injuries from 2010 to 2018.<sup>6</sup> Further, in every trend analysis that CPSC staff has considered, the latest of which identifies incidents from 2010 to 2021, there is no indication of a decline in table saw injuries.<sup>7</sup> These findings clearly and consistently demonstrate that table saws pose an unreasonable risk of injury to consumers.

## **II. Applicable Voluntary Standards to Mitigate Table Saw Injuries Have Failed**

Existing industry-wide safety measures have proven ineffective at reducing blade-contact table saw injuries. Despite the availability of active injury mitigation (AIM) technology in the U.S. market since 2004, and the fact that the applicable voluntary standard has required modular blade guards for new table saws since January 2010, CPSC staff has concluded that there has been no significant reduction in blade-contact injuries.<sup>8</sup> Efforts to incorporate more advanced and warranted safety features – namely, adding AIM system requirements – to an applicable voluntary standard were twice rejected by the power tool industry despite CPSC staff's stated support.<sup>9</sup> Despite strong evidence to the contrary, the power tool industry claimed the existing industry standards were sufficient. Since that time, incident data has remained relatively consistent, and year after year, tens of thousands of consumers continue to be needlessly injured by table saws. Power tool manufacturers have demonstrated their unwillingness to adopt necessary improvements to the standard in a timely manner. An effective and mandatory safety standard is long overdue, and we urge the CPSC to finalize its proposed rule expeditiously.

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<sup>3</sup> *Id.* at 74912.

<sup>4</sup> *Id.* at 74926.

<sup>5</sup> *Id.* at 74912.

<sup>6</sup> *Id.* at 74910.

<sup>7</sup> *Id.* at 74923.

<sup>8</sup> *Id.* at 74917.

<sup>9</sup> *Id.*

### **III. The Proposed Requirements Are Strong**

We agree with the CPSC's decision to require table saws to be equipped with AIM technology to limit the severity of injury as a result of contact with a spinning blade, and to establish a performance standard that would limit the depth of a cut to no more than 3.5 millimeters (mm) when the center access of the test probe approaches the spinning blade at a rate of one meter per second, and contacts the spinning blade at a maximum height setting. We find it reasonable that CPSC staff has decided to allow manufacturers the flexibility to use any test procedure of their choosing that will accurately determine compliance, leaving the industry to use their own innovative approaches to protect consumers.

### **IV. Changes from the 2017 Notice of Proposed Rulemaking Are Appropriate**

CR finds the proposed changes to the agency's 2017 NPR to be notable improvements. In particular, we support the agency's decision to revise the rule's anti-stockpiling provision to prohibit the manufacture or importation of noncompliant table saws at a rate greater than 115 percent the base period (reduced from 120 percent, per the 2017 NPR) which is the 12-month period immediately preceding the promulgation of final rule (changed from a base period of any 365 consecutive days chosen by the manufacturer or importer, per the 2017 NPR). Given the ongoing rate of injuries, there is no compelling justification for permitting companies to continue manufacturing and importing table saws at levels that will markedly increase the presence of less-safe table saws in the marketplace.

Regarding the additional proposed changes, revisions to the definitions of "table saw" better clarify the scope of the rule to more accurately reflect terms used by the power tool industry. The removal of the reference to "radial approach rate" in the description of how the test probe must be introduced to the saw blade, and the addition of descriptive language clarifying that the movement of the test probe must be parallel to the saw's table surface at a height of  $15 \pm 2$  mm above the table surface, are useful. Lastly, specifying that testing must be conducted while the spinning saw blade is at its maximum height setting is appropriate, given staff's determination that the greatest depth of cut occurred when a table saw blade is at its highest setting.

### **V. The Alternatives to the Proposed Rule Would Not Protect Consumers**

We find that none of the considered alternatives to the proposed rule would be sufficient to address the consistently high rate of injuries documented since 2004. Unfortunately, the power tool industry has resisted addressing the known hazards associated with blade contact hazards in a timely manner, despite urging from CPSC staff. Setting a later effective date, establishing exemptions for contractor and cabinet or industrial saws, relying on an educational campaign, or simply taking no action are all options that would run counter to the CPSC's mission to protect consumers from products that pose an unreasonable risk of injury. Rather, they would all leave consumers vulnerable to serious, and often permanent, harm.

## **VI. Societal Benefits, While Potentially Undervalued, Greatly Exceed Estimated Costs**

Using a three percent discount rate, the CPSC’s estimated benefits of the proposed rule far exceed estimated costs. Agency staff has estimated that the aggregate net benefits of the proposed rule range from approximately \$1.28 billion to \$2.32 billion per year.<sup>10</sup>

However, in his comments to the Commission regarding the Proposed Draft Guidance for Estimating Value per Statistical Life, Professor Adam Finkel of the University of Michigan encouraged the CPSC to follow the most recent Office of Information and Regulatory Affairs (OIRA) guidance in the draft revisions to Circular A-4, which directs agencies to “consider a rate of 1.7% as the default—as a reasonable approximation of the social rate of time preference for capital.”<sup>11</sup> We think this may be a more appropriate discount rate to use in calculating the estimated benefits of the proposed rule, and urge the agency to consider revising its calculations accordingly.

While intangible or non-economic injuries are difficult to quantify, serious injuries – and specifically amputations, which account for 10.7% of emergency department-treated injuries according to the 2017 Special Study<sup>12</sup> – are likely to significantly reduce a person’s quality of life, and reduce the ability to perform routine functions for the duration of their life. The CPSC should consider increasing the estimated societal cost tied to these types of permanent injuries.

## **VII. Issues Related to Patents of Available Technology Should Not Impact Rulemaking**

It is foreseeable that some manufacturers will have to pay a royalty or license fee to holders of AIM technology patents. As CPSC staff has noted, there appear to be multiple, competing AIM technologies available, and adoption of the proposed rule could encourage the development of additional AIM technology options, leading to greater options for power tool manufacturers.<sup>13</sup> Further, as stated by CPSC staff, after about five years, the costs should decrease as AIM technology is better developed and deployed.<sup>14</sup> Ultimately, given the pressing need for widespread adoption of AIM technology – the absence of which has resulted in thousands of preventable, and often serious, injuries annually – the intellectual property concerns raised by power tool manufacturers should not be permitted to act as a barrier to the swift implementation of a necessary safety standard for table saws.

## **VIII. Conclusion**

We support CPSC staff’s finding that a mandatory standard – including a performance standard for AIM technology that limits the depth of cut by a spinning table saw blade to no more than 3.5 mm – is appropriate, and we strongly urge the CPSC to finalize the proposed rule

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<sup>10</sup> *Id.* at 74910.

<sup>11</sup> Finkel, Adam M., Sc.D., CIH, “Comment on Proposed Draft Guidance for Estimating Value per Statistical Life” (May 23, 2023) (online at: [www.regulations.gov/comment/CPSC-2023-0013-0004](https://www.regulations.gov/comment/CPSC-2023-0013-0004)).

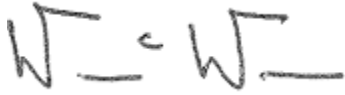
<sup>12</sup> *Id.* at 74912.

<sup>13</sup> *Id.* at 74922.

<sup>14</sup> *Id.* at 74929.

expeditiously. The power tool industry has had years to address the enormous injury toll of table saws, yet injuries, a significant portion of which are life-altering, remain at unacceptable levels. It is time for the CPSC to take action. Thank you for your consideration of our comments.

Respectfully submitted,

Handwritten signature of William Wallace, consisting of stylized letters 'W', 'c', and 'W'.

William Wallace  
Associate Director, Safety Policy

Handwritten signature of Gabe Knight, a cursive signature.

Gabe Knight  
Safety Policy Analyst