

December 16, 2016

Chairman Elliott F. Kaye
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Re: Current American National Standards Institute (ANSI) Process for Voluntary Safety Standards for Window Coverings

Dear Chairman Kaye:

The retail industry has been a leader in the efforts to strengthen the safety of window covering products for their customers and has consistently supported the Consumer Product Safety Commission's (CPSC's) efforts in this area. For example, in 2009 during an impasse among stakeholders participating in the voluntary standard process, the Retail Industry Leaders Association (RILA) sent a letter to the Window Covering Manufacturers Association (WCMA) urging the association and its member manufacturers to work with the CPSC to develop a new enhanced safety standard for window coverings to address safety concerns related to operational cords. Efforts to develop a new window covering voluntary safety standard have been ongoing for several years but, to date, a new safety standard has yet to be developed.

In the absence of a new safety standard, several RILA members, including some of the largest U.S. brick and mortar retailers of window covering products, have publically committed to eliminate specific corded products from their inventory by the end of 2018. As a result of retailers' proactive voluntary actions, a significant number of corded window covering products will be eliminated from the market place. Many retailers also have expanded their inventory of cordless options and "Best for Kids" certified window covering products and added breakaway mechanisms to corded products. In addition, retailers have trained in-store personnel and proactively provided customer education, including in-store signage and online warnings advising customers of the potential hazards when corded products are installed in households with young children.

RILA members strongly support the efforts by the CPSC, manufacturers and consumer safety advocates to strengthen window covering safety standards. However, some retailers are concerned with the direction taken by the ANSI Window Covering Safety Working Group. Rather than developing a performance standard that would apply to window covering products based on available hazard data, the proposed standard aims to segment window covering products based on how they are sold by classifying product as either as "stock" or "custom." "Stock" products will be required to be cordless while "custom" products will be allowed to maintain operating cords.

Dividing products into "stock" and "custom" categories is an unusual method for segmenting covered products for purposes of a safety standard as it defines covered products on the basis of the timing of the manufacture of the product (i.e., whether the product is completely or substantially produced before or after a customer orders the product) and, indirectly, the economic status of consumers the purchasing products. Lower income consumers will be more likely to purchase cordless "stock" product while more affluent customers will have the ability to purchase corded

options as a “custom” product. We are unaware of any other product safety standard that uses this method to define covered products, and it is clear from the recent discussions in the ANSI Window Covering Safety Working Group that there is no agreement with this unusual and untested segmentation methodology. In addition, there is disagreement among the participating parties on the definition of “stock” and “custom” products. CPSC staff and consumer advocates are seeking to include the largest number of products under the “stock” definition while other parties are seeking a narrow definition for the same products. As a result, the current proposed standard includes a complex and expanded definition of “stock” window covering products, beyond the common use of the term “stock” by some retailers to include products typically categorized by those retailers as “custom” products.

Retailers’ past and current proactive efforts have demonstrated the industry’s commitment to improve the safety of window coverings for consumers. Some RILA members are concerned that the current proposed definitions will create confusion among manufacturers, distributors, testing labs, retailers, consumers, and government enforcement officials as to the specific products subject to the new proposed safety standard and could lead to inconsistent market offerings and enforcement. In addition, some retailers remain concerned about a proposed standard that divides covered and non-covered products based on the timing of the manufacture of the product and the economic categories of consumers, manufacturers, and retailers.

We value our partnership with the CPSC and hope all parties can come to an agreement on a clear, consistent, data driven performance standard that will advance the safety of window covering products. It is critical that the new standard provide clarity to all parties in the supply chain, consumers and government enforcement officials regarding the specific products subject to the new safety standard. We look forward to continuing to work with all parties to accomplish these goals.

Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen McGuigan".

Kathleen McGuigan
Deputy General Counsel & Senior Vice President

cc: CPSC Commissioner Adler
CPSC Commissioner Robinson
CPSC Commissioner Buerkle
CPSC Commissioner Mohorovic
