

LOG OF MEETING

DATE: June 14, 2011

LOCATION: CPSC, 4330 East West Highway, Bethesda MD 20814

SUBJECT: Table Saw Safety

ATTENDEES: Mark Hickok, Techtronic Industries – NA; James Wilson, Webster, Chamberlain & Bean; Susan Young, Power Tool Institute; Ted Gogoll, Stanley Black & Decker; Dan Lanier, Miles & Stockbridge; Ed Krenik and Paul Nathanson, Bracewell & Guiliani; Peter Domeny and Tom Siwek, Robert Bosch Tool Corporation; and Mark Rowe, Techtronic Industries.

OBSERVERS: Pamela Gilbert, Cuneo, Gilbert & LaDuca, LLP; Stephen Gass and David Fanning, SawStop; and Richard S. Sullivan, Sullivan & Sullivan, LLP

CPSC ATTENDEES: Robert Adler, Commissioner; Jason Levine, Legal Counsel to Commissioner Adler; Jana Fong-Swamidoss, Legal Counsel to Commissioner Adler; Bob Ochsman and Tim Smith, Division of Human Factors; Kathleen Stalka and John Topping (EPHA); and Sarah Butler, Legal Intern, Commissioner Adler's Office

MEETING SUMMARY: The representatives of the Power Tool Institute (PTI) made a presentation of the activities undertaken on table saw safety since their last meeting with Commissioner Adler in March 2011. They began the meeting by providing their assessment of the ability of SawStop to mitigate table saw injuries. They reported that while the SawStop technology can mitigate injuries caused by contact with the saw blade, it cannot mitigate fractures and crushing injuries caused by workplace kickback or injury from high velocity particles ejected by the saw blade. They also responded to claims that portable bench saws are dangerous and should be removed from the market by stating that portable bench saws comprised 69% of the table saw population in 2008, but only accounted for 11% of injuries.

Next, the representatives compared their findings regarding blade contact injury rates and the societal

cost of blade contact table saw injuries with findings made by CPSC and an expert hired by SawStop. In 2001/2002 CPSC estimated that the annual cost of table saw injuries was \$2 billion. PTI said that an expert hired by SawStop (Dr. John Graham, Dean of the Indiana School of Public and Environmental Affairs) concluded that the societal cost of 28,300 blade contact injuries in 2001/2002 was \$648.5 million annually. The PTI representatives reported that their expert (Dr. Kip Viscusi, a Professor of Economics at Vanderbilt University) found that societal costs attributable to table saw blade contact injuries in 2001/2002 ranged from \$62 million to \$220 million. No report was provided.

Regarding the SawStop technology, the PTI representatives expressed concern about U.S. patents issued to Stephen Gass, pertaining to SawStop technology. The representatives asserted that one patent purportedly covers any blade retraction technique, and thus would hinder the development of alternative blade retraction technologies and would block competing inventors from using their own inventions. The representatives reported that SawStop and a few manufacturers have attempted to negotiate a licensing agreement, but have failed. The PTI representatives contended that SawStop demanded unreasonable royalties and that the parties are unlikely to reach an agreement.

The PTI representatives said that it was unnecessary to incorporate the SawStop technology into all table saws because SawStop is currently available in the marketplace for consumers to purchase. PTI asserted that SawStop technology gives consumers a false sense of security and makes operators five times more likely to contact the saw blade of a SawStop saw in comparison with operators of conventional table saws. PTI inferred from this information that SawStop users probably used blade guards less frequently. In addition, PTI reiterated their concern from the March 2011 meeting that requiring SawStop technology on the consumer level table saw would increase the cost of the table saw by \$100-\$150 at the wholesale level.

Next, the PTI representatives revealed the technology developed by the Joint-Venture of member companies. First, the PTI representatives highlighted the improvements that had been made in blade guarding. They reported that since 2007, PTI members had introduced over 800,000 saws with newly designed guards that met the requirements of UL 987 safety standard and to date, there had been no reported blade contact injuries on a table saw with the new guards in place. Next, representatives from DeWalt and Bosch demonstrated the improvements in their newly designed blade guards on portable table saws. Tom Siwek, of Bosch, responded to feedback that the Bosch system was clumsy and difficult to operate by introducing the results of a focus group comprised of table saw users. Siwek reported that the table saw users found the Bosch system easy to use. Siwek explained that the Bosch table saw was designed to enable easy portability and that all parts of the detachable guard were stored on the body of the table saw. Commissioner Adler noted that a focus group of novice table saw users might be more probative of the usability of the Bosch blade guard system.

Second, the PTI representatives showed a video of their newly developed flesh sensing saw blade technology, which they assert reacts faster, has a lower replacement cost, and mitigates injury to a greater degree than SawStop. They indicated that the pyrotechnic retraction device needed to be replaced after one use, but that the saw blade was reusable. In response to questions raised by Commission Adler regarding pricing, the PTI representatives responded that they had to abstain from answering due to antitrust concerns.

In closing, Commissioner Adler thanked all of the member companies for their time and their presentation. He emphasized that it was very useful to have an open forum for industry participants to report their findings and advancements in safety technology. He reiterated that he was not holding these meetings to champion one particular company's technology.