

SPORTS SCORES

■ **NBA: Cavaliers KO the Wizards, 8C**



Joe Torre: One win in six games vs. Red Sox.

Bronx anxiety

■ The Boss isn't happy with the Yankees' start, but he hasn't called for heads to roll — yet, 3C

By Paul H. Hays, AP

USA TODAY

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Mary Jane, Peter: Kirsten Dunst, Tobey Maguire.

Spidey tangled in web

■ **Spider-Man 3** entertains, but it's a bit long. ★★★ review, 1D
■ **New York premiere**, 3D

6-year-old sprinkler recall slows to a trickle

Tyco plans to conclude effort with 1 final push

By Jayne O'Donnell
USA TODAY

The Consumer Product Safety Commission and Tyco will announce plans today to conclude the six-year recall of 35 million defective sprinkler systems, including a media blitz to get the remaining bad sprinklers in schools, nursing homes, hospitals and residences replaced.

Six fire-related failures of sprinklers that resulted in property damage but no deaths or injuries have been reported.

Howard Tarnoff, the CPSC lawyer who negotiated the recall in 2001, says people and institutions with faulty sprinklers will have until Aug. 31 to seek replacements. After that time, Tyco won't be required to replace the sprinklers, although it could still choose to, CPSC spokeswoman Julie Vallese says.

People "have had six years," Tarnoff says. "Maybe a four-month deadline is what they need to respond."

More than 60% of the defective sprinkler heads have been replaced or are being replaced, Tyco spokeswoman Anne Buchanan says. The seals on some of the sprinkler heads can corrode, causing them to fail to activate during fires.

Tarnoff says the 60% is a "very successful rate." He says that many of the sprinkler systems likely have been replaced or taken out as buildings were destroyed.

Central Sprinkler, a subsidiary Tyco acquired in 1999, approached CPSC about closing the recall because the number of replacement claims coming in has slowed.

Last year, Tyco set aside an additional \$100 million on top of the \$370 million it had earmarked for the recall.

CPSC says it can take from one to two years from the time Tyco receives a claim before a sprinkler system is replaced. Tyco plans to devote additional manufacturing and installation resources to the recall in its closing months, Tarnoff says.

The new media and information campaign will be almost as extensive as the one when the recall was announced in 2001. Advertisements will be placed in local, regional and national newspapers as well as trade publications. CPSC says the campaign should reach about 90% of sprinkler users.

Tyco also will distribute information on how to tell if sprinklers are part of the recall.

John Dean, president of the National Association of State Fire Marshals, says the recall should be extended "indefinitely under the same conditions" because of the risks inherent in nursing homes and hospitals.

"It's not like an office building, where there are good detection and alarm systems, and people are alert and mobile," Dean says.

Others say there's been plenty of time already. "Everybody with a suspect unit by now should know they have a suspect unit," says Michael Brown, a former CPSC general counsel who now represents companies facing recalls. "You either have it in your building or you don't."

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Money

SECTION B

Tuesday, May 1, 2007

Recalling a Recall

Federal Agency Ends Callback Of Faulty Fire Sprinklers In First-Ever Reversal

By CHRISTOPHER CONKEY

ALMOST EVERY DAY, the Consumer Product Safety Commission initiates a recall of a snowmobile, battery or other product seen as a consumer-safety hazard. Today, it will announce for the first time that it is doing just the opposite: ending a recall despite millions of faulty units still in use.

In 2001, following reports that some fire sprinklers made by Central Sprinkler Co. failed to work during fires, the CPSC negotiated a massive recall of 35 million sprinkler heads used in apartments, schools, hospitals and other commercial buildings. New Jersey-based Tyco International, which acquired Central Sprinkler, agreed to pay for replacement parts and the labor to install them.

Many of the bad sprinkler heads have since been replaced, and Tyco says it may spend \$500

Recall Madness

Ways to keep track of product recalls by using the Web:

- Visit recalls.gov/recent.html for updated recalls from federal agencies.
- Sign up at recalls.gov/list.html to receive email notices of recalls.
- Narrow down the kind of recall notices you'll receive at cpsc.gov/cpscclist.asp.



the remainder to sign up.

The decision, which will relieve Tyco of having to pay for replacements and labor if building managers don't apply by the Aug. 31 deadline, is a bit of an experiment by the CPSC, and it shows how the agency is wrestling with some tough questions: How can it make recalls more effective, and will more people take advantage of recalls if the time period for doing so is shortened?

Recalls, such as a recent one concerning tainted pet food, are occasionally big news, but most come and go with little notice by consumers. For some time, the CPSC, which examines the broadest spectrum of consumer products that aren't food, drugs or cars, has been struggling to find ways to change that.

In 2003, the three-member commission considered a petition from safety advocates that would have required manufacturers to include contact-information cards with products, enabling them to directly notify some consumers of a recall. The proposal was similar to one long mandated for makers of child safety seats by the National Highway Traffic Safety Administration. That requirement, a 2002 NHTSA study found,

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million on the effort, likely making it the most expensive recall in CPSC history. But there are still roughly 13 million potentially dangerous units in use, either because building managers don't know about the recall or haven't yet taken action. Now, the agency says it will end the sprinkler recall in four months, hoping that the finality of a deadline and one last wave of publicity will prod

Recalling a Product Recall

Continued from the prior page resulted in higher product-registration and recall-participation rates.

Ultimately, two CPSC commissioners voted against the contact-information card proposal on the grounds that it was vague, costly and unlikely to have a major impact; another commissioner essentially voted for the petition because he felt the issue deserved more attention. At the time, CPSC Chairman Hal Stratton, who voted against the proposal, said a "comprehensive" review of recall effectiveness was under way and a major study would be concluded in 2004.

Yesterday, CPSC spokeswoman Julie Vallese said that the review cited by Mr. Stratton, who left the agency last year, is continuing and the commission is exploring ways to use technology to improve outreach to consumers. She cited a recent CPSC move to allow consumers to receive email notices when products they care about are recalled. "The agency is always trying to find new and effective ways to reach out to consumers," she says.

In the sprinkler case, the agency's decision to grant Tyco's request to end the recall represents a calculated gamble that more building managers will hear about the recall and act on it sooner if a deadline is in place than if the program were to continue indefinitely. Many superintendents inspected their sprinklers and signed up for the recall in the two years after it was announced, but the pace has slowed in recent years.

Taking it Back

A look at some of the CPSC's biggest recalls.

Product	Hazard	Company	Units
Vending machine jewelry	High lead counts	Various	150 million
Fire sprinklers	Failure to operate	Tyco	35 million
Pokemon balls	Child suffocations	Burger King	25 million
Power wheels	Fires	Fisher-Price	10 million
Flying Dolls	Unpredictable paths	Hasbro	9 million
Infant swings	Slipping, strangling, falling	Graco	7 million
Dishwashers	Fires	GE	3.1 million
Dishwashers	Fires	Maytag	2.3 million
Microwave ovens	Fires	Whirlpool	1.8 million
High chairs	Falling	Cosco	1 million

Source: U.S. Consumer Product Safety Commission

"Whoever hasn't participated, we want them to act now," says Howard Tarnoff, the CPSC attorney who is handling the sprinkler case. "We think there's going to be a surge."

Tyco thinks this is a good way to proceed, too. "Because of the pattern of responses having dropped off ... we want to give one final push," says Anne Buchanan, a spokeswoman for Tyco Fire & Building Products. "We encourage all building and homeowners to check to see if they have these affected sprinklers and are eligible for free replacement."

But the CPSC's decision also carries the risk that some building managers won't hear about the recall or take action by the deadline. It will also test the ability of fire marshals, distributors and others involved in identifying sprinkler systems that need to be replaced.

Washington state's fire marshal office has been particularly aggressive in its efforts to get faulty systems changed out. The office secured money to pay for two deputy fire marshals to scour the state looking for buildings still using the problematic systems. So far, according to Anjela Foster, assistant state fire marshal, they have located 800,000 sprinkler heads in need of replacement.

But that's only "pretty close to the halfway point," Ms. Foster says. She estimates there are roughly two million defective sprinklers in need of replacement and it will take five years to get them all replaced. "If the recall ended, the effect to us would obviously be people wouldn't be able to turn in claims," she says. "We would like to have enough time to get into the remaining facilities."