

Congress of the United States
Washington, DC 20515

September 17, 2019

Acting Chairman Ann Marie Buerkle
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Acting Chairman Buerkle,

We are writing to request that the U.S. Consumer Product Safety Commission (CPSC) reopen its investigation of “Stab-Lok” circuit breakers and affiliated models currently being sold under several other brand names. New evidence has come to our attention showing that these models carry a serious fire risk that may not have been accounted for in previous CPSC investigations. An internationally-recognized expert on this matter has connected this fire risk with evidence that these breaker models do not “trip,” or shut off, when a circuit is overloaded. Previous review by the Commission has yet to issue guidance, warnings or a recall on this common, potentially deadly, household product.

New evidence of the dangers of this breaker model was brought to our attention by Dr. Jesse Aronstein, a specialist in this area. Dr. Aronstein has been working on this issue since the 1980s, when the CPSC hired the company where he worked to test the safety of Stab-Lok breakers manufactured by the now defunct company Federal Pacific Electric (FPE). According to testing results Dr. Aronstein and his team submitted to the CPSC, 51 percent of the FPE Stab-Lok circuit breakers failed to trip when the electrical wires were overloaded.¹

Building on this initial work for the CPSC, Dr. Aronstein has continued to test thousands more Stab-Lok breakers. His peer-reviewed research has found that nearly 54 million defective breakers may currently be installed in U.S. homes, and have likely resulted in at least 13 preventable deaths, 116 injuries, and \$40 million in property damage every year.² His analysis suggests that Stab-Lok circuit breakers may have been a causative factor in more than 100,000 residential fires over forty years.³

¹ *Despite Previous Safety Concerns, This Circuit Breaker Is Still in Homes*, Washington Post (May 9, 2018) (www.washingtonpost.com/lifestyle/home/despite-previous-safety-concerns-this-circuit-breaker-is-still-in-homes/2018/05/08/8927af86-4ef9-11e8-b725-92c89fe3ca4c_story.html).

² *Id.*

³ *Id.*

The CPSC first opened an investigation into these products in 1980, closing that initial investigation in 1983 due to a lack of sufficient data.⁴ In 2011, CPSC offered further clarification, but provided no analysis, stating simply that it had closed its investigation into Stab-Lok breakers without making a determination on their safety.⁵ Today, these circuit breakers can still be found in millions of homes across the country, and they are still available for purchase under different brand names.

In the years since the CPSC first deferral, electricians, home inspectors, and other individuals and groups have joined Dr. Aronstein in voicing their concerns about the dangers of Stab-Lok breakers. In a 2014 TV interview, former CPSC chair Ann Brown called for another investigation into the breakers.⁶ Many insurance companies have flagged these products as a known safety risk. But despite the aforementioned findings of Dr. Aronstein and others, the CPSC claimed in a recent response to the House Energy and Commerce Subcommittee on Consumer Protection and Commerce that there has not been an appreciable change in incident data to warrant further reexamination into the issue.⁷ This raises important questions about the depth and completeness of the previous CPSC review.

The CPSC has identified 32 reports of incidents associated with FPE Stab-Lok breakers between 1995 and 2018.⁸ Some of these incidents detail troubling episodes including house fires started by these circuit breakers. An incident dated October 17, 2012 described two fire hazards: a breaker that was tested by an electrician and failed to trip on overload, and the charring of breakers in a neighbor's FPE panel. The CPSC was also notified of a shock hazard from this incident resulting from a breaker that failed to de-energize the circuit when turned off.⁹

Another incident presented to the CPSC led commission investigators to conclude that a fatal fire was caused by an overheating cable "protected" by an FPE breaker.

⁴ Consumer Product Safety Commission, *Commission Closes Investigation of FPE Circuit Breakers and Provides Safety Information for Consumers* (Mar. 3, 1983; Revised Feb. 18, 2011) (www.cpsc.gov/Newsroom/News-Releases/1983/Commission-Closes-Investigation-Of-FPE-Circuit-Breakers-And-Provides-Safety-Information-For-Consumers).

⁵ *Id.*

⁶ *Federal Pacific Electric Circuit Breakers Raise Safety Concerns but Government Won't Say If Risky*, WPTV (May 13, 2014).

⁷ House Committee on Energy and Commerce, Questions for the Record from Ann Marie Buerkle, Acting Chairman, U.S. Consumer Product Safety Commission, to Rep. Jan Schakowsky, Chairman, Subcommittee on Consumer Protection and Commerce, *Hearing on Protecting Americans from Dangerous Products: Is the Consumer Product Safety Commission Fulfilling Its Mission?*, 116th Cong. (Apr. 9, 2019).

⁸ *Id.*

⁹ *Id.*

Beyond these incidents and CPSC's own reports, nearly 200 field reports of Stab-Lok circuit breaker failures have been compiled by InspectAPedia—a highly credible online encyclopedia for building and environmental inspection, testing, diagnosis, and repair.¹⁰ One example from that set details a house fire where a panel failed to trip and a fire occurred within a wall.¹¹ While not all incidents in this collection can be causally determined as originating from FPE Stab-Lok breaker or panel failures, this new and growing body of evidence—which includes multiple house fires that resulted in fatalities—makes clear that a thorough review of these new findings is appropriate and urgently needed.

These new findings have important implications for consumer and public safety, especially if they are indicative of a wider threat. The urgency of this review is compounded by the fact that there are two companies that continue to manufacture Stab-Lok-type circuit breakers under different brand names: Connecticut Electric, under the name UBI-F, and Schneider Electric, under the name Federal Pioneer.¹² Recent testing by Dr. Aronstein of these products indicate that they also have high trip-failure rates.¹³

Accordingly, we respectfully request the following:

1. Any details in CPSC's possession regarding incidents since 1980 that may have involved Stab-Lok breakers but was not conclusively determined.
2. Any additional data or resources that the CPSC might need to more accurately track incidents or reassess this product in order to issue a definitive recommendation on their safety for the public.
3. Any records of the CPSC or CPSC staff considering or recommending a recall, and materials showing what information was considered and analysis conducted to support the CPSC decision not to move forward with guidance, a recall or other determination.
4. Any records of CPSC or CPSC staff considering a hazardous product warning to the public about this product, and analysis and materials considered informing the CPSC decide not to issue such a warning.

¹⁰ InspectAPedia, *Federal Pacific Electric Failure Reports* (inspectapedia.com/fpe/FPE_Failure_Reports.php).

¹¹ *Id.*

¹² See note 1.

¹³ Jesse Aronstein et al., *Molded Case Circuit Breakers - Some Holes in the Electrical Safety Net*, IEEE (Feb. 7, 2018).

5. Any records of the CPSC review of the safety of Stab-Lok or same-model circuit breakers currently being sold under different brand names and by different manufacturers, including evidence that led the Commission to determine that these products are safe.

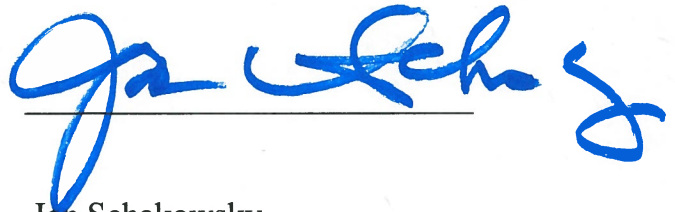
Numerous safety organizations, state and local agencies, and the American people all look to the CPSC for guidance in these matters. The absence of a CPSC position on the safety of Stab-Lok circuit breakers may be leaving consumers, homes and businesses throughout the country in the dark about the dangers of reliance on this product. In light of this new evidence, we ask that the CPSC commit to reopening its investigation of FPE Stab-Lok circuit breakers and expand the scope of the investigation to examine the safety of all Stab-Lok-type circuit breakers.

We appreciate your prompt attention to this issue and look forward to your response.

Sincerely,



Paul D. Tonko
Member of Congress



Jan Schakowsky
Member of Congress