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July 29, 2019

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

Dear Acting Chairman Buerkle:

We write in the wake of your June 7, 2019 response to our May 2, 2019 letter regarding the documented safety risks posed by beach umbrellas. Your letter stated that, over the nine-year period from 2010-2018, an estimated 2,800 people sought treatment in emergency rooms for injuries related to beach umbrellas. A majority of those injuries were caused by a wind-blown beach umbrella. As we noted in our letter, unsafe beach umbrellas have even proved fatal to our constituents.

As Americans flock to the beach this summer season, we believe it is imperative that the CPSC ensure that a day at the beach isn't turned into a day at the emergency room. To that end, we write to specifically ask that the Consumer Product Safety Commission (CPSC) launch a public safety campaign to educate the public about the dangers of beach umbrellas. In addition, we write with additional follow-up questions regarding whether the Commission considered the efficacy of certain design or technical changes to beach umbrellas.

As your letter acknowledges, there is currently no CPSC-led public education campaign on the dangers of beach umbrellas. Yet, a July 6, 2019 tweet and Instagram post from the CPSC's social media accounts remind consumers to properly stake their beach umbrellas.¹ We were pleased to see the CPSC take the issue of beach umbrella safety seriously. Notably, your June 7 letter states: "CPSC technical staff believes that an information sheet on the potential hazards could be developed." We agree, and formally request that the CPSC develop safety and educational resources for the public. As you know, the CPSC has a history of such public safety campaigns.

In 2010, the CPSC implemented the "Safe Sleep Campaign" in part to "educate parents and caregivers about the most effective ways to make a nursey safe."² In 2015, the CPSC launched "Anchor It!", a national public safety campaign to educate the public about the dangers of furniture tip-overs.³ In addition, every July 4th the CPSC reminds the public of the dangers of fireworks.⁴ In August 2017, the CPSC went so far as to warn the public of the dangers of fidget

¹ <https://twitter.com/USCPSC/status/1147636977275215872>; https://www.instagram.com/p/BzQ_LcMFcBU/

² https://www.cpsc.gov/s3fs-public/2011strategic_1.pdf

³ <https://www.cpsc.gov/content/anchor-it-cpsc-launches-nation%E2%80%99s-largest-campaign-to-prevent-furniture-and-tv-tip-over>

⁴ <https://www.cpsc.gov/Newsroom/News-Releases/2019/CPSC-Reminds-Consumers-to-Celebrate-with-Safety-This-Fourth-of-July-Season>

spinners, stating that the popular toys pose a choking hazard.⁵ Surely, the dangers of a beach umbrella turned flying spear – and the large number, and often gruesome nature, of these incidents – warrant the attention of the Commission.

Your June 7 letter stated that “[t]echnical staff does not believe a safety standard would have a substantial effect on injuries from beach umbrellas incidents.” The letter states that the CPSC considered requiring a performance standard, requiring umbrellas to “contain venting”, the development of a staking requirement, and the development of a warning label system. Your letter does not however indicate whether the CPSC considered the efficacy of a weighted system, or any other alternative system options. To that end, we request responses to the following questions:

1. Has the CPSC considered whether a weighted system or another alternative, could best mitigate the risk of a wind-blown beach umbrella?
2. What information would factor into a decision as to whether the CPSC would recommend a weighted system or an additional or alternative safety feature for beach umbrellas?
3. Is the CPSC aware of any instance where an umbrella secured with a weighted system caused an injury?

We appreciate CPSC’s willingness to consider this issue and look forward hearing back from you by August 30, 2019. Should you have further questions please contact Shelby Boxenbaum in Senator Menendez’s office at 202-224-4744.

Sincerely,



Robert Menendez

United States Senator



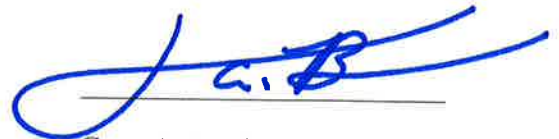
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⁵ <https://www.cpsc.gov/about-cpsc/chairman/ann-marie-buerkle/statements/statement-from-acting-chairman-ann-marie-buerkle-1>