

Log of Telephone Call
Division of Mechanical Engineering

Subject: CP 97-2 Shopping Cart Petition

Date: January 28, 1998

Log Entry Source: Roy W. Deppa

Commission Representative: Roy W. Deppa

Non-Commission Representative: Thomas Wenning, Senior Vice
President and General Counsel, National Grocers' Association
1825 Samuel Morse Drive, Reston, VA 20190-5317
Phone: 703:437-2350

Summary of Conversation:

I explained the background of CP 97-2, the staff's evaluation and recommendation to deny, and Commissioner Moore's request for further information on the industry's view of the need for voluntary standards. I explained that Mr. Taft O'Quin at UNARCO referred me to Mr. Wenning because NGA had recently surveyed the industry on this subject.

Mr. Wenning said that he had conducted an informal phone survey of the cart manufacturers to determine if there was a concern over the safety of shopping carts. He said that UNARCO was the only respondent in favor of a standard, but that the responses he received from the other manufacturers were that there are adequate safety considerations incorporated in the equipment as it is currently manufactured. He stated that he has no survey data to provide as this was informal. From the retailers' perspective, the safety of shopping carts is not an issue. He said that it is the opinion of NGA (and he believes FMI as well) that most incidents are due to customer misuse or neglect. The incidents probably could not be remedied by redesign of the carts. He conjectured that to make carts stable enough to resist tipping under those circumstances would result in carts too wide for the store aisles.

Mr. Wenning asked whether it was the staff's opinion that the industry should develop a voluntary standard. I responded that because the available data do not show a significant risk of serious injury due to tipover, we did not recommend either a mandatory or voluntary standard to the Commission.

Mr. Wenning stated that a past experience with anti-trust action against shopping cart manufacturers had some effect in preventing the industry from joining to draft a standard. I responded that that should not be an issue as many industries jointly develop such standards, and that they do so without violating anti-trust laws.

CPSA 6 (b)(1) Cleared

D. J. [Signature]
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