



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action Commissioners Voting by Ballot*

Commissioners Voting: Chairman Elliot F. Kaye
Commissioner Robert S. Adler
Commissioner Marietta S. Robinson
Commissioner Ann Marie Buerkle
Commissioner Joseph P. Mohorovic

ITEM:


PetSmart, Inc. Fish Bowls - Recommendation to accept \$4.25 million settlement for alleged violations of the Consumer Product Safety Act
(Briefing package dated November 2, 2016, OS No. 4579)

DECISION:

The Commission voted (4-1) to provisionally accept the Settlement Agreement and Order, which orders PetSmart Inc. ("PetSmart") to pay a civil penalty of \$4.25 million and to take other remedial actions. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Compliance Division staff of the Office of the General Counsel negotiated the proposed settlement agreement. The agreement resolves staff allegations that PetSmart knowingly violated section 19(a)(4) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2068(a)(4), by failing to timely report under section 15(b) of the CPSA information regarding glass Fish Bowls that contained a defect that could create a substantial product hazard and created an unreasonable risk of serious injury and knowingly violated section 19(a)(13) of the CPSA, 15 U.S.C. § 2068(a)(13) by misrepresenting the scope of the Fish Bowls subject to reporting required under section 15 of the CPSA. Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates prohibited acts.

Chairman Kaye, Commissioner Adler, Commissioner Robinson and Commissioner Mohorovic voted to provisionally accept the Settlement Agreement and Order. Commissioner Buerkle voted to reject the Settlement Agreement and Order. Chairman Kaye submitted the attached statement regarding the matter.

For the Commission:


Todd A. Stevenson
Secretary

* Ballot vote due November 10, 2016
(Commissioner Buerkle extended the vote due date from November 8, 2016.)