

# Outdoor Power Equipment Institute

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April 22, 2020

The Honorable Robert S. Adler  
Acting Chair, Commissioner  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

The Honorable Elliot F. Kaye  
Commissioner  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

The Honorable Dana Baiocco  
Commissioner  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

The Honorable Peter F. Feldman  
Commissioner  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814

**RE:** April 24 vote on briefing package - Petition to amend warning label requirements in 16 C.F.R. Part 1205, Safety Standard for Walk-Behind Power Lawn Mowers (CP 19-1)

Dear Acting Chair Adler and Commissioners Kaye, Baiocco, and Feldman:

I write on short notice to request that you vote to "defer action on the petition" in the subject matter when considered and voted on by commissioners this Friday.

Today we were contacted by Commissioner Feldman with questions he had on our petition, posed I assume out of due diligence with a vote upcoming. This call was the first outreach on this specific matter by anyone at the CPSC, to my knowledge - since our petition was filed and docketed early in 2019. In fact, it was only through today's call that we learned of the briefing package's posting on April 15 and its rescheduled vote for this Friday, April 24.

On March 4th acting chair Adler graciously met with our members in a public meeting held at the OPEI offices, and among other matters before the commission we discussed the subject petition. At that time the chair expressed some initial reservations he had and questions for further clarification, which he encouraged us to schedule a subsequent meeting to discuss. Enter covid-19, and we were unable to plan for such a meeting.

In today's conversation with Commissioner Feldman, he raised questions about the standards relied upon in our petition and our industry's experience with pictorial warnings, all deserving of a meeting to discuss and provide answers.

Similarly, as an extension of our good faith assurance in our petition filing, making ourselves available to meet and discuss agency questions as the petition was reviewed, I also checked-in with Mr Boniface on several occasions to again make clear that OPEI staff and members were available at any time to discuss outstanding questions, or staff reservations about our proposal.

Fast forward to today, our petition is recommended for denial, and we were given no advance opportunity to address questions leading to that recommendation, or for that matter notice that a briefing package had been completed and posted. For all of these reasons, I restate our request that you vote to defer until



we can meet to discuss staff and commissioner questions and requests for additional information - to preserve the opportunity to more completely consider our proposal.

I appreciate your consideration of this last minute request, especially under the extraordinary circumstances we find ourselves in. I can be reached at anytime tomorrow either at (202) 957-9323 or [dmustico@opei.org](mailto:dmustico@opei.org) if you have questions or would like to discuss. And finally, I hope you, the staff and families are all managing as best as can be, and remain healthy.

Best regards,

A handwritten signature in black ink that reads "Daniel J. Mustico". The signature is written in a cursive, flowing style.

Daniel J. Mustico  
Vice President, Government & Market Affairs  
(202) 957-9323; [dmustico@opei.org](mailto:dmustico@opei.org)