

CPSA (b)(1) Cleared
3/19/95
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LOG OF MEETING

SUBJECT: Labeling Packages of Charcoal
DATE: April 13, 1995
PLACE: CPSC Headquarters
LOG ENTRY SOURCE: Sharon R. White

COMMISSION ATTENDEES:

Mary Donaldson, ECSS
Harleigh Ewell, OGC
Ronald Medford, EXHR
George Rutherford, Jr., EPHF
Lori Saltzman, HSHE
Leonard Schachter, EPHA
George Sweet, EHPF
Mary Toro, CERM
Sharon White, EPHF

NON-COMMISSION ATTENDEES:

Chris Brooks, Human Factors Industrial Design, Inc.
Joe Crace, Hickory Specialties
Jesse Dorogusker, Human Factors Industrial Design, Inc.
Phil Dunaway, Ember Charcoal Co.
Ernest Gillam, Kingsford
Sandra Kalter, King and Spalding/Royal Oak and Imperial
Rik Katz, Arrow Industries
Daren Keeter, Royal Oak
Corriecce Perkins, WBII
Ann Spehar, Barbecue Industry Assn.
Jonathan Swiskow, Hickory Specialties
Jim Wiersig, Clorox/Kingsford

SUMMARY OF MEETING:

The purposes of the meeting were to present the staff's recommendations for revising the warning label on packages of charcoal and to afford industry the opportunity to comment on staff's recommendations.

Before presenting the staff's recommendations, Sharon White provided background information on the charcoal labeling project. As part of presenting background information, it was stated that the staff met with the charcoal manufacturers last year and that at that meeting, industry raised some concerns and presented some proposals of their own. It was further explained that staff, in revising the warning label, implemented many of industry's proposals (i.e., revised the phrase CARBON MONOXIDE POISONING to read CARBON MONOXIDE HAZARD, proposed that the label be proportionate to the bag, proposed that the label be presented in



the ANSI horizontal format instead of the ANSI vertical format, and proposed that the label state, first, the dangers of the improper use of charcoal).

Following this, Sharon White presented the staff's recommendations for revising the warning label on packages of charcoal in terms of selection of a pictogram (presented test results), improving the motivational content of the label, precautionary measure, and enhancing the conspicuousness, readability and comprehension of the safety messages.

Following the presentation, the meeting was opened up to discussion. The major points of the discussion were as follows:

Labeling Language

Joe Crace (Hickory Specialties) stated that the staff's proposed warning label is too drastic, that it in fact does not reflect the truth. He is concerned that since the bags of charcoal sold to consumers are the same as bags sold to restaurants, there would be a real risk of confusion to restaurant workers if they saw the statement, "Never burn charcoal inside homes, tents, or vehicles." Specifically, he stated that restaurants use charcoal for cooking and that they have the equipment to exhaust carbon monoxide to the outside and that if they saw the proposed precautionary statement, they may question whether charcoal can be used inside or whether there had been some change in the product.

Mr. Crace believes that with adequate ventilation, charcoal can be used indoors safely and that the proposed warning label should reflect this. The staff mentioned incidents wherein victims were either poisoned by or died from CO when they, for example, opened doors, windows, or raised garage doors. Staff inquired about the definition of adequate ventilation. Mr. Crace stated his belief that charcoal can be burned safely indoors under an exhaust hood or in a fireplace that has a chimney with an open flue. Staff noted that burning charcoal in a fireplace may not be sufficient to create a draft to exhaust CO to the outside. Further, staff questioned what benefit an exhaust hood or chimney with an open flue would have if consumers are using charcoal in some other area of the home. Mr. Crace provided staff with a proposed warning label reflecting his belief that charcoal can be burned indoors under special circumstances. His proposed warning label is as follows: Never burn charcoal indoors unless under an exhaust hood or in a chimney with an open flue. Oderless toxic fumes (or carbon monoxide) can accumulate and cause death.

Pictogram

Sandra Kalter, representing Royal Oak and Imperial, stated that consumers may interpret the selected pictogram to mean, "No grilling." She further noted that Royal Oak submitted a pictogram for testing, but that the pictogram was not selected. In response to the first issue raised, staff noted that the proposed pictogram obtained 74% correct responses. In other words, most subjects stated correctly the intended meaning of the pictogram and few stated that it meant "No grilling." Further, staff explained the rationale for not testing Royal Oak's pictogram (doesn't reflect the standard use of the prohibition symbol).

Ms. Kalter requested a copy of the pictogram report. Royal Oak would like to test the selected pictogram "in context" to ensure that the message is correctly interpreted. Ms. Kalter also objected to the use of a Weber-style grill in the pictogram. Staff noted that the incidents occurred primarily with grills and that test subjects indicated that instead of hibatchis, Weber-type grills would better communicate the intended message.

One of the charcoal manufacturer's stated that since our target population are those who can't read English, he doubted that they knew or cared what CO was and that revising the language won't benefit them; a pictogram is more beneficial. Staff noted that the target population includes both those who can and can't read English.

Effectiveness of the Label

The industry raised concerns about the effectiveness of changing the label. One manufacturer questioned why the industry should incur costs when CPSC cannot show that the label will make a difference? The staff stated that while the label may be minimally effective, the current label needs to be revised because it may mislead consumers into thinking that it is safe to burn charcoal indoors, when in fact the incident data shows otherwise.

Cost Issues

Staff raised the issue of the ANSI colors proposed for the warning label and its impact on the charcoal industry. Some manufacturers raised the concern that additional colors would be expensive and would require a change in their current printing equipment. Staff inquired as to industry's proposal to address the issue of color. Industry proposed that they be allowed to select their own contrasting colors. CPSC staff stated that the contrasting colors would have to be legible; otherwise staff would specify acceptable contrasting colors, if this option is pursued.

Industry suggested that relaxing the requirements for location of the label could offset some costs of the enlarged warning label. Staff noted that consideration would be given to this suggestion. Upon viewing the size of the proposed warning label in relation to the size of the current label on a bag presented at the meeting, staff noted that the total area of the proposed warning label may be similar to the total area of the label currently required. Industry responded that the height of the label was the critical consideration.

Industry questioned how CPSC would apply the effective date for the labeling rule. Industry stated that if the rule applies to bags printed after the effective date, costs to them would be minimized.

It was agreed that industry would submit to CPSC staff 1) an estimate of costs to them if the position restriction of the label was eased and if they could select their own contrasting colors, 2) costs of using ANSI proposed colors (red, orange, black, and white), 3) costs of using colors which approximate proposed ANSI colors, 4) information on typical inventory, filled and unfilled to help identify costs of changing labeling requirements, and 5) the least burdensome effective date of when the rule should apply. It was noted that these materials would have to be submitted to staff as soon as possible since the Commission briefing is anticipated to take place in June, 1995.

Other Business

At the conclusion of the meeting, a copy of the letter, including the draft proposed warning label inviting industry to the meeting was requested by Corriec Perkins of Product Safety Letter.