



**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 Inez M. Tenenbaum  
Commissioner Thomas H. Moore  
Commissioner Nancy A. Nord  
Commissioner Anne M. Northup  
Commissioner Robert S. Adler

ITEM:

Hill Sportswear, Inc. - Proposed Civil Penalty Settlement of \$100,000  
(Briefing package dated August 21, 2009, OS No. 3275)

DECISION:

The Commission voted unanimously (5-0) to provisionally accept the Settlement Agreement and Order, which would order Hill Sportswear, Inc., to pay a civil penalty of \$100,000.00. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Commission's Office of General Counsel Compliance Division staff negotiated a proposed agreement of \$100,000.00 as part of its Drawstring Penalty Program. The agreement settles the staff's allegations that Hill Sportswear, Inc., knowingly violated the reporting requirements of section 15(b) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2064(b), by holding for sale or selling children's sweatshirts with neck drawstrings that posed a risk of strangulation to children and knowingly failed to immediately inform the Commission about the sweatshirts as required by the CPSA. The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). 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 section 19 of the CPSA by a company's failure to report information under section 15(b).

Commissioner Nord issued the attached statement with her vote.

For the Commission:

Todd A. Stevenson  
Secretary

Ballot vote due September 2, 2009



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BETHESDA, MD 20814

**STATEMENT OF COMMISSIONER NANCY NORD  
ON THE CIVIL PENALTY FOR HILL SPORTSWEAR, INC.**  
September 2, 2009

The case before us is most troubling because it involves a three-year old boy reportedly strangled to death due to the drawstring on his sweatshirt. This tragic death is one that could easily have been avoided with the mere removal of the drawstring or by not manufacturing the sweatshirt with a drawstring in the first place. Apparently the makers of the sweatshirt were unaware of the hazard warning letter from our Compliance Office posted on our web site in 2006, for no reasonable person would knowingly add the drawstring if they were aware of the avoidable hazard presented by drawstrings on children's upper outerwear.

I am voting to accept this settlement agreement for Hill Sportswear, based on the staff determination, in light of the facts. I am nonetheless concerned about the proportionality and scale between and among some of our civil penalty determinations and encourage the Commission to reexamine our penalty policies to embody a more objective and understandable approach. For example, whereas some penalties involve an individual company with a defect particular to its product, these drawstring problems involve hazards that apply uniformly across product lines, regardless of manufacturer. That should lead to consideration of some rationalization of penalty levels, for the harm could come from any one of these products. I realize there are other factors that also need to be considered and we should always keep in mind the ability of small businesses to pay a particular penalty, as highlighted in the Consumer Product Safety Improvement Act (CPSIA).

On a broader level, I commend companies already following the drawstring voluntary standard. However, I am deeply concerned by the industry's need to increase its efforts to educate its member companies about the problem with drawstrings on children's upper outerwear, as well as the Agency's need to increase its efforts to publicize the hazards of these circumstances. Industry and the Agency must make a more aggressive effort, together, to get this warning information out to manufacturers, especially smaller ones who may be less likely to be aware of the seriousness of this problem. In addition, efforts need to be increased to have parents be better informed and be more vigilant in making sure their young children do not wear clothing with drawstrings in their upper outerwear.

In situations like this, I am sadly reminded how agency and industry efforts and limited resources have had to be focused on issues that do not present real safety concerns, like bike valves, library books and rhinestones, instead of on real dangers like drawstrings on children's apparel. The Agency, the industry, and the public at large need to remain focused on the seriousness of drawstrings in children's upper outerwear until every avoidable injury is just that—avoided.