WARNING: Do Not Use for Indoor Heating or Cooking Unless Ventilation is Provided for Exhausting Fumes to Outside. Toxic Fumes May Accumulate and Cause Death.

## BILLING CODE 6355-01-C

The current label is required to appear on both the front and back panels of bags of charcoal, in the upper 25% of the panels, at least 2 inches below the seam, at least 1 inch above any other reading material or design element of the bag, and in specified minimum type sizes.

2. Nature of the hazard. [6, Tab B]<sup>2</sup> CO is produced by the incomplete combustion of fuels such as charcoal. The level of CO produced from burning charcoal may accumulate to toxic levels in closed environments. CO is a colorless, odorless gas which reduces the blood's ability to carry oxygen by reacting with hemoglobin to form carboxyhemoglobin (COHb). The symptoms of CO poisoning range from nausea to death. Each individual's reaction to CO exposure varies, depending on several factors including age, health status, or smoking habits. Due to the nonspecific nature of the symptoms that can be associated with CO poisoning (e.g., fatigue, lethargy, dizziness, or diarrhea), misdiagnoses of both acute and chronic CO poisonings can be expected. Additionally, CO is odorless, which may contribute to individuals frequently being unaware of their exposure to CO.

3. Petition from Barbara Mauk. On October 12, 1990, CPSC received a letter from Barbara Mauk petitioning the Commission to amend the current label on bags of charcoal. [1] In this letter, the petitioner cited an incident that occurred when she and her son were camping 1 year previously. After grilling food outside her camper and before retiring for the night, she brought the grill inside the camper. She assumed that the charcoal was extinguished, even though the grill was still warm. Two days after the incident, she and her son were found. Her son died from CO poisoning, and she was hospitalized and treated for CO poisoning. Ms. Mauk stated that she knew that CO has no odor and can be lethal, but she did not know that charcoal can produce CO. She stated that had she known this, she would have taken the precaution of making sure the coals were out or left the grill outside. The petition (No. HP

91–1) requested that the current label on bags of charcoal be revised to state that: (1) Charcoal produces CO (and if applicable, other lethal or toxic fumes), (2) charcoal produces fumes until the charcoal is extinguished, and (3) CO has no odor.

On December 22, 1992, the Commission voted to grant the petition as to the statements that charcoal produces CO and that CO has no odor, and deny the petition as to adding statements that charcoal produces these fumes until the charcoal is completely extinguished. [2] The Commission also voted to improve the label's precautionary language, specifically with reference to ventilation.

4. Subsequent actions by the Commission. In 1993, the Commission's staff became aware of data that indicated that a pictogram is needed to communicate the safety message to those who do not read English. [6, Tab E(1)] Further, an article, discussed below in section B of this notice, reported that 73% of the victims in one area over an 11-year period were members of ethnic minorities, many of whom were Hispanic or Asian immigrants who could not speak English. [3]

On April 22, 1994, the staff met with industry to present staff's recommendations for revising the warning label on packages of charcoal. Industry indicated a willingness to revise the warning label, but raised a number of concerns. [6, Tab F] These concerns were considered in developing the label.

On June 1, 1994, the Commission directed the staff to prepare, for the Commission's consideration, a draft notice of proposed rulemaking ("NPR") to amend the labeling currently required for packages of charcoal to warn of the dangers of burning charcoal indoors. The proposed label would: (1) Clarify the dangers of burning charcoal indoors; (2) remove the possibly misleading statement that implies that charcoal can be safely burned indoors with "ventilation;" (3) add color to the signal word panel; (4) include a pictogram, if feasible; (5) include a Spanish safety message if a pictogram is not feasible; and (6) include additional features recommended by the staff to make the safety messages more conspicuous and understandable.

On April 13, 1995, staff met with industry again to present the results of the pictogram tests and staff's current recommendations for revising the warning label on packages of charcoal. [6, Tab F] The changes to the recommended warning label reflected, for the most part, concerns industry representatives raised at the April 1994 meeting. After considering the additional comments received at the April 1995 meeting, the staff recommended a label to the Commission. The staff also described possible variations of that label for the Commission's consideration. The label the Commission decided to propose, and the reasons the various features of the label were chosen, are described in section D of this notice.

## **B. CO Poisoning Incidents**

The Commission's Division of Hazard Analysis examined available data concerning CO poisoning incidents. [6, Tab C] That Division estimates that there was an average of about 26 nonfire CO-related deaths per year associated with charcoal grills and hibachis from 1986 to 1991.3 (The annual estimate of non-fire CO deaths fluctuates, with no discernible pattern.) Data from the CPSC's National Electronic Injury Surveillance System ("NEISS") indicate that there was an average of about 400 emergency-roomtreated injuries involving charcoal grills and hibachis annually from 1980 to 1993.

Hazard Analysis staff reviewed 103 incident reports involving CO deaths and injuries associated with charcoal for the years 1986 to 1994. There were 164 victims reported in the incidents: 111 died and 53 recovered. Most of the victims were males who were exposed to CO while sleeping. Eighty-seven of the 164 victims were members of ethnic minorities, and slightly more than half of these were reported to be Hispanic. The data provide some indication that many of the Hispanic victims, particularly those who were foreignborn, were of a low socioeconomic status. The English language literacy for most of these victims was not reported. However, three reports indicated that a Spanish translator was present during the investigation. Information about the victims' awareness of the potential for CO poisoning from burning charcoal indoors was not available for most of the incidents.

More than half (65) of the incidents involved a charcoal barbecue grill or hibachi. Information on the safety labeling on the packages of the charcoal involved in most of these incidents was not available. However, the Commission's Office of Compliance has no record of opening a case based on a violation of the charcoal special labeling

<sup>&</sup>lt;sup>2</sup>Numbers in brackets indicate the number of a document as listed in the List of Relevant Documents in Appendix 1 to this notice.

<sup>&</sup>lt;sup>3</sup> As noted above, CO is produced as a product of incomplete combustion. The term "non-fire" means that the CO was not produced as the result of a conflagration or other unintended open flame.