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Feb. 20, 2008

Sears Must Stabilize 4 Million Dangerous Stoves Under \$546 Million Class Action Settlement Agreement

Case Highlights Need for Congress to Pass Stronger Consumer Product Safety Law

WASHINGTON, D.C. – After more than 100 deaths and severe injuries caused by household stoves that tipped over onto people, Sears, Roebuck and Co. – one of a number of companies that sold and installed these stoves – has agreed to a major recall that will cost the retail giant as much as \$546 million and cover nearly 4 million households.

The agreement, detailed today in a telephone press conference, was approved by a state court in January to settle a national class action case that originated in Illinois. The settlement calls for Sears, to notify all customers who bought a freestanding or slide-in gas or electric range during the past seven years that they are entitled to have a bracket installed free-of-charge that will secure the stove and prevent it from tipping over.

The settlement does not include people with potential claims against Sears for personal injury, wrongful death or property damage caused by stoves that tipped over. Since 1980, at least 33 people have been killed and 84 have been injured in accidents involving unsecured stoves sold by all retailers, which can crush, scald or burn children who tug on them or people who place heavy objects on open oven doors.

Also not included in the settlement are people who bought similar stoves from other companies. Public Citizen announced Wednesday that it will petition the Consumer Product Safety Commission (CPSC) to extend the recall to millions of stoves installed by other retailers and ask for the issuance of a safety standard to prevent tip-over, as well as a public alert.

The Sears case highlights the failings of the CPSC, which knew as early as 1980 about the dangerous stoves. Since then, the agency continued to receive reports of injuries but did virtually nothing to alert the public.

The Sears settlement underscores the need for Congress to increase the CPSC's authority and funding, which the U.S. Senate soon will consider in pending legislation that has already passed the house in a weak form, Public Citizen President Joan Claybrook said.

"The CPSC is hamstrung when it comes to alerting the public to dangers," Claybrook said. "Currently, CPSC must give companies 30 days notice, allowing them time to file suit to stop the CPSC from alerting the public about hazardous products. Essentially, it has to get the manufacturers' permission, which is absurd."

Although not involved in the lawsuit, Public Citizen, along with U.S. PIRG and the Consumer Federation of America, last spring publicly detailed longstanding problems with the stoves. The groups have campaigned for legislation that would address the CPSC's shortcomings.

"We still have received no satisfactory reply from the CPSC about its inaction in the face of all these deaths and injuries, mostly to children or the elderly, but we are pleased to note that private consumer enforcement has resulted in a settlement with Sears that will protect Sears customers from stove tip-over hazards and also compensate consumers for repairs," said Ed Mierzwinski, consumer program director at U.S. PIRG.

The House of Representatives passed a limited product safety bill in December; last week, Senate Republicans and Democrats agreed on a different measure to send to the Senate floor. While the Senate bill is a step in the right direction, it still falls short of giving the CPSC all the authority it needs to carry out its important health and safety responsibilities. Additionally, the House bill does not have the same authority of all other health and safety regulatory agencies.

Public Citizen is calling for lawmakers to boost civil penalties for manufacturers that violate the law, create procedures that would make it easier for the CPSC to issue recalls and require the pre-market testing of children's products by independent laboratories.

Last year, there were nearly 500 product recalls, 61 involving children's products. Of the 25 million toys recalled, many were tainted with lead and other toxic chemicals.

U.S. Rep. Bart Stupak (D-Mich.), who chairs the House Energy and Commerce Subcommittee on Oversight and Investigations, criticized the CPSC for not taking any action on the unstable stoves since being notified of the hazard 28 years ago.

"The Sears settlement is a victory for consumers, but more must be done," Stupak said. "I support Public Citizen's effort to require a recall for all non-Sears stoves and will continue working to address the issue legislatively."

Under the terms of the settlement, consumers who purchased a range from Sears and had the company install it between July 2, 2000, and Sept. 18, 2007, are entitled to have a Sears technician install a range stability device, or they can choose to receive a \$50 gift card that can be used toward the purchase of a new Sears range. People who installed brackets on their own are entitled to reimbursement up to \$100. People who bought a Sears stove can visit www.searsrangesettlement.com for more information.

[READ](#) a copy of the lawsuit settlement and other related documents.

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