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October 11, 2005

Mr Stephen Wenc
VP, General Counsel & Corporate Secretary
Underwriters Laboratories
333 Pfingsten Road
Northbrook, IL 60062-2096, USA

How Safe are Products Bearing the UL Mark?

Dear Mr Wenc

We are about to release a series of residential fire safety films and seek your help with our research relating to a Washington Post article, "*How Safe are Products Bearing the UL Mark?*"

This article exposed a life-threatening problem with UL's fire code relating to smoke alarm testing procedures (i.e. UL217). The article quoted several high ranking fire officials, (page 2) who questioned the integrity of UL's smoke alarm testing procedures. Deputy Chief Fleming of the Boston Fire department, who recently published a 13 year study on smoke alarms, stated:

"While an alarm may sound in UL labs, it may not go off in a home..."

In the article, Debra Rade, your former Chief Legal Officer stated, "*UL has set the entire foundation for product-safety certification.*" Rade also stated:

"All UL standards are developed to anticipate real world events ... if we don't anticipate everything, if there's a misuse of product we never thought of, we change our standard."

"...As soon as problems are uncovered, the wheels are set in motion to analyze the issue and respond."

I am in possession of several documents dating from the late 70's requesting that UL address the fact that UL listed smoke alarms fail to sound a timely warning in real world fires. It is alleged that UL has failed to analyse and remedy the standard in any meaningful way and that this omission of performance on UL's part has contributed to tens of thousands of fire deaths and hundreds of thousands of fire injuries.

Australian and New Zealand 'certification' or 'standards' for smoke alarms are based on the allegedly flawed UL Standards. Our films document cases in both New Zealand and Australia where UL listed/certified smoke alarms have failed to sound in 'real world' fires. Two of these recent fires resulted in 9 deaths, 2 adults and 7 children under the age of 13.

Mr Wenc, as ***"All UL standards are developed to anticipate real world events..."*** please **advise** what steps have been taken to ***"...change our standard."*** in the 6 years since Debra Rade stated UL would ***"...analyse the issue and respond."***

Please respond at your earliest possible convenience. As soon as I have received your reply I will send an in-depth analysis of this problem, outlining its effect in both Australia and in New Zealand, to you and Mr Keith Williams, your President and CEO. Thank You.

Sincerely
MC2E Productions



Adrian Butler
Producer

p.s. We would like to interview/film both you and Mr Keith Williams next year when we visit the United States. I will discuss this with you by telephone soon.

c.c. Mr Keith E Williams, President & CEO; Rula Marziani, Legal Dept.; Paul M Baker, Media Relations

Note: The article "*How Safe are Products Bearing the UL Mark?*" can be downloaded from:
www.prea.com/pennlines/may2000.pdf Excerpts from this article are on page 4...

Extracted from the December 1999, award winning, Washington Post article:

How Safe are Products Bearing the UL Mark?

The “gold standard” of American safety - the Underwriters Laboratories seal - may be tarnished, say some fire officials

by Caroline E. Mayer, Washington Post, Staff Writer

Firefighting officials, who for many years championed UL as a world leader in safety testing and standards, have begun to openly express doubts ... **“A lot of products seem to be hitting the market that are not fire safe but have been deemed so by UL.”**

Fueling The Fire

... interviews with more than 50 fire experts, safety officials, building-code authorities, engineers and lawyers around the country and a review of thousands of pages of documents obtained from court suits and the U.S. Consumer Product Safety Commission (CPSC) under the Freedom of Information Act highlight a number of concerns about UL:

- UL's safety tests may not reflect what happens in the real world. More than 350 ionization smoke detectors — which account for 90 percent of all smoke detectors sold in the U.S. — have failed to sound an alarm in residential fires; about one-third of those same detectors were sent back to the manufacturer for retesting and were found to have passed UL

smoke standard.¹

Joseph Fleming, Boston fire marshal and deputy fire chief, has concluded, after 10 years of study, that the ionization smoke detector does not provide sufficient protection in “cold smoke,” or smoldering fires...

“While an alarm may sound in UL labs it may not go off in a home ... UL puts smoke detectors through four different tests to measure response to flaming fires but only one to measure response to smoldering fires.”

For at least a decade, fire officials and federal safety experts have urged UL to reconsider the test. In November 1994, CPSC staff told UL they were concerned that the smoldering fire test **“does not represent the smoke in residential smoldering fires.”**

Only recently has UL indicated a willingness to review its cold smoke standard, meanwhile lawsuits against smoke alarm manufacturers are winding their way through courts in several states.²

Notes:

1. This refers to the landmark Mercer court case that inspired the award winning Canadian documentary, ‘Silent Alarms.’ This fire industry expose’ aired on prime time Canadian TV in January 2000 and told how Bradley Mercer died and his brother was scarred for life in a home ‘protected’ by smoke alarms. Notes from the case’s 09/2000 appeal revealed that over a period exceeding ten years the smoke alarm manufacturer had, on average,:

“...received one ‘NRS’ complaint per week...” (‘NRS’ = ‘No Response to Smoke’). **“Approximately fifty percent of complaining customers returned their detectors at [manufacturer’s name withheld] request. [The manufacturer] would then check the battery and sensitivity of the detector and subject it to the UL217 standard smoke box test, which measures the amount of smoke it takes to trigger the alarm. None of the returned detectors, which were submitted to the smoke box test, failed that test.”** Therefore:

EVERY detector that had FAILED consumers in the ‘real world’ and had been tested by the manufacturer according to UL217, PASSED UL’s standard smoke box test!

After the jury awarded the Mercers US\$12.5M in punitive damages the Judge commented: **“A smoke alarm that sounds 19 minutes after smoke reaches its sensing chamber is like an airbag that does not deploy until 19 minutes after a car accident.”** The manufacturer protested that their smoke alarms conformed to UL’s 217 standard. However the Judge said they had sold over 100 million of these detectors and had **“failed to disclose the known limitations of the detector to the consumers.”** The Mercer case settled out of court with a confidentiality order in 2001.

2. Since the Washington Post article and the Mercer case, smoke alarm manufacturers continue to lose law suits when deaths and or serious injury occur due to smoke alarm failure in “real world” fires. Many of these cases are settled out of court with confidentiality orders. To date, over 100 million families around the world are unaware that the smoke alarms ‘protecting’ them, according to new scientific evidence and legal precedence, are dangerously defective.

“How Safe are Products Bearing the UL Mark?” is at:

www.prea.com/pennlines/may2000.pdf

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October 27, 2005

Underwriters Laboratories
Mr Paul Baker, Media Relations
333 Pfingsten Road, Northbrook
IL 60062-2096, USA
Attention: Mr Keith Williams, CEO
Mr Stephen Wenc, VP, General Counsel & Corporate Secretary

How Safe are Products Bearing the UL Mark?

Dear Mr Baker

Thank you for the prompt response to our letter dated October 11, 2005.

We are encouraged to hear that Mr Wenc and Mr Williams are treating this matter with the "utmost seriousness" and we appreciate their willingness and commitment to address this issue.

Further to your email (copied below) you requested we forward to your attention "... materials that you have regarding this issue so we may respond appropriately."

From: Paul M Baker, Manager, Media Relations, Underwriters Laboratories Inc.
Sent: Thu 13/10/2005 6:34 AM

Dear Mr Butler

On behalf of both Keith Williams and Steve Wenc, thank you for your recent e-mail. I can assure you that both Keith and Steve are taking your comments with utmost seriousness, and the organization will respond to your inquiry at a later date. In the meantime, please forward to my attention the **materials that you have regarding this issue so that we may respond appropriately**. I would also ask that you direct any further communication about this matter directly to me. Thank you. [emphasis added]

Further to your request, we have literally thousands of pages of documents and other materials relating to this problem. We will not be sending you any of our materials - having them in UL's possession has no bearing on, and should in no way influence, your response to our request.

The Washington Post's, December 1999 article, 'How Safe are Products Bearing the UL Mark', drew to UL's attention the large number of high ranking U.S. fire and government officials who were concerned with the problem with your UL217 smoke alarm standard. This problem has now extended beyond the U.S. with devastating consequences here in Australia and in New Zealand, which is why we continue to seek your attention and request your response.

Six years ago, the Washington Post article detailed complaints from numerous high ranking U.S. fire officials, consumer organizations, lawyers, and government officials. Debra Rade, UL's former senior legal counsel stated that UL has set "... **the entire foundation for product safety certification.**" She further stated that "**All UL standards are developed to anticipate real world events ... if we don't anticipate everything ... we change our standard.**" As "**All UL standards are developed to anticipate real world events...**" please advise what steps have been taken to "**...change our standard.**" in the six years since Debra Rade stated UL would "**...analyse the issue and respond.**"

Please respond at your earliest possible convenience.

Thank you.

Sincerely
MC2E Productions



Adrian Butler
Producer

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November 20, 2005

Underwriters Laboratories
Mr Paul Baker, Media Relations
333 Pfingsten Road, Northbrook
IL 60062-2096, USA
Attention: Mr Keith Williams, CEO
Mr Stephen Wenc, VP, General Counsel & Corporate Secretary

Dear Mr Baker

How Safe are Products Bearing the UL Mark?

Thank you for the response to our letter dated October 27 2005. Your response (copied below) states that the URL, <http://www.ul.com/media/newsrel/nr052505.html>, "...**should answer many of your questions.**"

From: Paul M Baker, Manager, Media Relations, Underwriters Laboratories Inc.
Sent: Fri 18/11/2005 6:29 AM

Dear Mr. Butler,

Thank you again for you inquiry. I have attached a link to a news release that UL distributed in the United States on May 25, 2005, which should **answer many of your questions**. The study referenced is being conducted by UL in cooperation with the National Fire Protection Association's Fire Protection Research Foundation, National Institute of Standards and Technology, the U.S. Consumer Product Safety Commission, the University of Maryland, the National Association of State Fire Marshals, and the U.S. Centers for Disease Control and Prevention. Sponsors include, BRK Brands/First Alert, GE Security, InnovAlarm Corporation, Kidde Residential & Commercial Division, National Electrical Manufacturers Association, PLC Foundation, Siemens Building Technologies, SimplexGrinnell and the Society of Fire Protection Engineers. If you would like, I will be glad to email you updates of our findings as we move forward. In the meantime, if you have any information that you think might be relevant to the issue, please send it to my attention. Thank you.

<http://www.ul.com/media/newsrel/nr052505.html>

Sincerely,

[emphasis added]

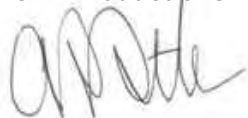
I have visited the URL but no where does it answer the question asked in my previous two letters (see pages 2-4). We do not have "**many questions**" we still only have one ...

The Washington Post's, award winning, December 1999 article, 'How Safe are Products Bearing the UL Mark', drew to UL's attention the large number of high ranking U.S. fire and government officials who were concerned with the problem with your UL217 smoke alarm standard. **This problem has now extended beyond the U.S. with devastating consequences here in Australia and in New Zealand, which is why we continue to seek your attention and request your URGENT response.**

Six years ago, the Washington Post article detailed complaints from numerous high ranking U.S. fire officials, consumer organizations, lawyers, and government officials. Debra Rade, UL's former senior legal counsel stated that UL has set "... **the entire foundation for product safety certification.**" She further stated that "**All UL standards are developed to anticipate real world events ... if we don't anticipate everything ... we change our standard.**" As "**All UL standards are developed to anticipate real world events...**"

Please advise what steps have been taken to "...**change our standard.**" in the six years since Debra Rade stated UL would "...**analyse the issue and respond.**" **Please respond at your earliest possible convenience.** Thank you.

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