



SHARED STORY Neighbors Suzy Feeney and Robert Webster own KitchenAid microwave ovens that needed repair after they turned on by themselves.

Microwave mystery

When do wayward ovens warrant a recall?

THE ANTILLES, a gated community in Vero Beach, Fla., with about 90 luxury homes, is built in an Anglo-Caribbean style meant to combine colonial grandeur with a casual, island-inspired grace. The single-family residences' many upscale features include European-style cabinets, oil-rubbed bronze hardware, and higher-end kitchen appliances.

Robert Webster is among the residents of Antilles who say they're lucky to live there, but for one of those appliances—an over-the-range microwave from KitchenAid that turned on in the middle of the night in October 2009 and became very hot, according to a report he filed with the Consumer Product Safety Commission.

Webster's report is among the thousands of pages of documents that CONSUMER REPORTS obtained through Freedom of Information Act requests filed as part of an ongoing investigation into appliance fires. We filed FOIA requests for CPSC documents about microwaves from KitchenAid and General Electric in part because they had among the most fire-related microwave complaints on SaferProducts.gov, a CPSC website where consumers can report problems. And an ongoing class-action suit against GE over self-starting microwaves added to the concern.

The CPSC provided us with 70 reports

about KitchenAid microwave ovens, and 41 of them detailed incidents in which the ovens apparently started by themselves or caught fire while not in use. Most of the cases occurred in 2009 and 2010; a few go back to 2002. Many of the other reports described glass doors shattering spontaneously.

Webster's case was not the only one from The Antilles, where the first phase of construction was completed in 2007. A second report describes a 2008 microwave explo-

Experts call for more disclosure in ongoing safety investigations.

sion and fire at the home of Patrick McCaffery, who lived a few doors down from Webster. And that's not all. Through interviews with half a dozen other Antilles residents, we received similar accounts of microwaves starting up unexpectedly. They involved the same microwave model, the KitchenAid KHMS155LSS, installed throughout the community, as did many cases reported elsewhere. The incidents led to the inside of oven cavities becoming hot, smoking, or electronics and other components melting, according to the files.

Neighbor Suzy Feeney, like Webster, had to pay about \$150 to get a new control panel for her microwave; she says it turned itself on three times in one day.

Larry Latack, director of global product safety for Whirlpool, which owns KitchenAid, says the company is very careful about safety issues and that it has analyzed cases of supposed self-starting but has never been able to verify one.

Though the number of cases is relatively small given the millions of microwaves in use, the consequences can be big if a fire results. A recent CPSC report identified cooking equipment as the leading cause of home fires, an estimated 147,000 a year.

In our March 2012 report on appliance fires, we found that 23 percent were clearly attributable to some problem with the appliance itself, such as mechanical, electrical or design defects, and that the percentage could be much higher.

The FOIA files, along with interviews with consumers, government officials, and industry experts, provide a window onto some of the challenges in the world of appliance safety, especially as electronics play a greater role. They show how the CPSC is restricted from sharing more information about safety investigations, and they raise questions about why some products are recalled but not others and whether manufacturers respond appropriately.

Deciding what to investigate

Since 1972 the CPSC has been responsible for protecting the public from unreasonable risks of injury and death associated with consumer products. Its current staff of about 520, including some 120 investigators and compliance officers, has jurisdiction over about 15,000 products, everything from toys to tools to toaster ovens. The agency launches almost 4,000 in-depth investigations each year and announces 450 to 500 that result in voluntary recalls in conjunction with manufacturers and retailers.

So what does it take to start a recall? It's not always clear. A recent study by the federal Government Accountability Office says the CPSC "has broad authority to identify, assess, and address product risks, but faces some challenges in identifying and responding to new risks in a timely manner."

Some safety experts would like to see more openness so that it's better known what's under investigation. "If you look at some of the fights that are picked by the CPSC, it's not clear what the methodology is behind its decision making," says Sean Kane, president of Safety Research and Strategies, a safety consultancy firm in Rehoboth, Mass.

CPSC spokesman Scott Wolfson says there is a clear threshold: "In determining whether to open an investigation, CPSC staff assess whether the agency has taken action on a similar product, whether there are similar incident reports in our files, the severity of risk, jurisdiction, severity of injuries reported, available resources, and other factors."

Besides the reports uncovered by our FOIA request, complaints continue to be filed on SaferProducts.gov, including one from June 2012 claiming multiple self-starts for KitchenAid KHMS155LSS microwave ovens in a 137-unit condo building in Seattle. "We saw red and yellow arcs jumping wildly inside the microwave," one complainant wrote, saying she and her husband had been jolted awake by a booming sound that stopped when they turned off the appliance. Rod K. Pray, vice president of the Queen Anne High School condominium board, says at least 10 homeowners have reported problems with self-starting microwaves.

The GE documents offer cause for concern, too. Of the more than 400 incident reports we reviewed, 82 involved self-starting or spontaneous ignition of micro-



AFTERMATH Patrick McCaffery says his microwave caused a fire in his kitchen.

wave ovens. Model numbers varied, but 30 complaints listed the Spacemaker line of over-the-range microwave units. Other complaints included shattering glass doors and units that continued to run after the door was opened.

There were at least six reports of serious fire, including a 2008 home blaze in Hudson, Ohio, blamed on a GE Spacemaker microwave and causing \$60,000 of property damage. According to the insurance company's official laboratory examination from that case, the fire was caused by an electrical failure or malfunction of the microwave's control panel. But the problem is not confined to those two brands. Several other manufacturers' microwaves

received consumer complaints on SaferProducts.gov for fire-related incidents.

Stuart M. Statler, a former commissioner and acting chairman of the CPSC who now works as a product-safety and risk-management consultant in Mooresville, N.C., says: "There's enough smoke, literally and figuratively, that a full-scale investigation should have commenced. Some of the instances clearly indicate a needless and preventable risk of fire. From a vulnerability aspect, if the fire were to happen during the night, an entire family could be consumed."

According to Wolfson, the agency does in fact have "an open investigation into the safety of kitchen appliances, including microwaves." But when pressed for specifics, such as which brands are involved, he said the agency is prohibited by law from commenting.

That gets to another wrinkle in the investigation of faulty products: the limits of disclosure imposed on the agency by Section 6(b) of the Consumer Product Safety Act. That provision requires the CPSC to consult with manufacturers and distributors before going public with specific product dangers. "With Section 6(b), companies have an unbelievable amount of protection, and they cling to that," says

How to protect yourself

If you're concerned about the safety of an appliance, you need to have it repaired or replaced. Start by calling the manufacturer. Be explicit about the safety nature of your problem—and persistent, too.

In her 2012 study "Access to Consumer Remedies in the Squeaky Wheel System," University of Colorado Law School associate professor Amy Schmitz found that consumers are often quick to give up when their initial complaints are ignored. What's more, "companies also may hinder consumers' pursuit of claims by making it very unpleasant or stressful for consumers to seek redress," Schmitz wrote.

Steps you can take

- If your microwave starts by itself, try to turn it off by hitting the off/cancel button or opening the door if there is no fire inside. But if it continues running, close it quickly to avoid microwaves.
- Know where the unit is plugged in and which circuit breaker turns off the microwave in case it turns on again.

- Be on the lookout for unusual error messages on digital display panels. In our FOIA document review, several consumers say their panel started flashing the code "PAN" or "F2" as the self-starting began.

- Never use the microwave to store items, such as food or cooking utensils, since they can increase the risk of fire if the unit starts up.
- Keep a multipurpose fire extinguisher accessible and know how to use it.
- Register your appliance with the manufacturer so that you can be informed of any service issues or recalls.
- Report any malfunctions to the Consumer Product Safety Commission at saferproducts.gov or by going to cpsc.gov or calling 800-638-2772.



Rachel Weintraub, legislative director and senior counsel for the Consumer Federation of America, an association of nonprofit consumer groups. Section 6(b) can also slow down the recall process by enabling a lengthy back-and-forth between the CPSC and manufacturers.

The issue of Section 6(b) came up at a safety summit in September 2012, where the CPSC indicated that it might take steps to announce product investigations more quickly. That would be more in line with the protocol used by the National Highway Traffic Safety Administration, which can enlist help from consumers and safety advocates after making investigations public.

But companies protested. In a letter to CPSC Chairman Inez Tenenbaum, industry leaders wrote, “An announcement of an investigation has the potential to depress or even to halt sales and affect the relationship between the company and its distributors. For small companies with limited product lines, it could place the company’s very survival in jeopardy.”

What manufacturers say

Carol Pollack-Nelson, Ph.D., a safety consultant in Rockville, Md., says she encourages manufacturers to open up. “I tell them, ‘Your customers are your constituents. You should want to do the right thing,’” she says. “A manufacturer should never rely on the CPSC to get them to take action.”

Whirlpool insists that this attitude pervades its safety program. “We tend to be very conservative and overreport to the CPSC,” says Latack, the company’s

product-safety director. “For every one time we do a recall, we’ll probably have 10 reports into the CPSC.”

Latack says appliances must pass forced-failure testing designed to cover worst-case scenarios. For microwaves, that means forcing food and paper placed in the unit to catch fire to check that the flames can’t escape the oven cavity.

Once an appliance goes to market, an early monitoring process is supposed to nip problems in the bud. “The best data we have is direct contact from consumers to call centers,” Latack says. Customer service representatives are given a list of words that when used by a customer should result in the call being transferred to a special safety team.

New technology could help reduce appliance fires.

“Self-start” is one of the trigger words, and it has led to units being retrieved and analyzed. Though Latack acknowledges that a self-starting microwave “is conceivable from a technical perspective,” he says that “through years of formal risk assessment we have not been able to verify a single self-start.”

But several KitchenAid microwave owners we interviewed said they were told by a customer service representative that the company had never heard of a problem.

Latack responds, “I’d be upset if one of our call persons heard ‘self-start’ and

didn’t transfer the call to our safety team, but we have hundreds of people who work in our call centers, so I’d be naive to say it never happens.”

Underwriters Laboratories, which tests and certifies appliances and many other products, says it is aware of microwave self-starting incidents and is investigating possible causes. “It could be something as simple as a cell phone turning on a microwave,” says UL safety director John Drengenberg. “It could also be a manufacturing error in the control panel, noise coming in on the electrical line, or debris on a component that’s creating a bridge for an unwanted signal.” Based on the findings, UL will consider new safety requirements.

Whirlpool has taken some steps, too, while not linking it to the problem. Its engineers have developed door-monitoring software that prevents a microwave from turning on if the door has not been opened in the past 5 minutes.

GE spokeswoman Kim Freeman says the company has a rigorous safety program and meets UL standards for microwaves. She also says, “GE has investigated unverified reports of ‘self-start’ and found them to constitute product quality, not product safety, concerns. Many have been determined not to be ‘self-starts’ at all.”

Making appliances safer

Since our March report, the CPSC has published a study promoting the use of heat-limiting technologies in appliances; an industry group is developing standards.

Consumers Union, the advocacy arm of Consumer Reports, supports greater disclosure in the investigation of product-safety problems. It has also joined with other consumer groups in legal action to help protect the consumer complaint database, SaferProducts.gov. The action seeks to make public the details of a federal lawsuit brought by an unnamed company that had a consumer complaint removed from SaferProducts.gov. Consumers Union believes that the consumer safety database is an essential tool for helping to spot emerging safety problems and that actions to keep complaints secret hinders that role.

“When people have the kind of experience we did, they need to let others know,” says Robert Webster at The Antilles community. “I’m dumbfounded that this microwave hasn’t been recalled yet. The least I can do is tell my friends, neighbors, and anyone else who will listen about it.”



COMMON CAUSE Several Antilles residents had problems with their microwave ovens.