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October 19, 2016

Mr. Gregory Lee
President and CEO
Samsung Electronics North America
85 Challenger Road
Ridgefield Park, NJ 07660

Dear Mr. Lee,

The current recall of 1.9 million Samsung Galaxy Note7 smartphones represents one of the largest recalls of a consumer product related to a faulty lithium-ion battery. As of this letter, Samsung has reported 96 incidents of batteries overheating in the United States, including 13 burns and 47 cases of property damage. On October 5, 2016, a Galaxy Note7 caught fire aboard a commercial airline before takeoff resulting in the plane's evacuation and a scorched aircraft. There is no question that products with faulty lithium-ion batteries pose a significant fire hazard that endangers consumer safety and property. Accordingly, I write to ask for your commitment to cooperate with Consumer Product Safety Commission (CPSC) to achieve a 100 percent recall completion rate, but also to learn more about the nature of the Galaxy Note7's battery defect and Samsung's technical standards and testing procedures for batteries.

As Ranking Member of the Senate Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, I have noted that there have been numerous past recalls involving lithium-ion batteries and in a wide range of consumer products—from flashlights and laptops to e-cigarettes and hoverboards. Indeed, lithium-ion batteries now power as many as 95 percent of our rechargeable electronic devices. As manufacturers try to pack more energy into smaller and lighter batteries to increase their battery life, I worry that they may not be taking appropriate steps to guarantee consumer safety.

While consumers are understandably frustrated by aspects of Samsung's roll-out of this recall, I recognize this has been a fast-evolving situation and respect your ultimate decision to cease the sale and manufacture of original and replacement Galaxy Note7 smartphones, even at the expense of Samsung's bottom line. I would like to see more companies follow your lead in prioritizing customer safety over corporate profits, regardless of the circumstances. My interest, in writing to you, is to collect facts that can help policymakers and federal regulators identify what steps need to be taken to ensure all electronic manufacturers can better guarantee the safety of lithium-ion batteries that are so commonly used in consumer products today.

I respectfully request answers to the following questions:

Battery Defect

1. What steps has Samsung taken, and when, to investigate the problem with the faulty Galaxy Note7 lithium-ion battery?
2. What are the technical details of the lithium-ion battery defect? Have you been able to conclude whether the issue is due to a flaw in the lithium-ion battery's configuration, design, components, manufacturing, or something else?
3. As reported in the news, the Galaxy Note7 that exploded on October 5, 2016 on a commercial airline before takeoff had only been charged using a wireless charger. Are there any safeguards in the phone design or operating system to ensure that only compatible chargers can charge a device? What guidance is provided to consumers in terms of how to charge their devices safely?
4. Prior to its issuance of an order banning these devices from all commercial aircraft, the Federal Aviation Administration (FAA) advised airline passengers not to turn on or charge their phone in flight. Have you been able to establish that turning the smartphone off completely effectively prevents a battery from overheating and causing personal injury or property damage?

Standards, Testing, and Accreditation

5. To what national and/or international standards do your consumer product batteries adhere? Does the standard depend on the country of purchase or manufacture? Do you think standards for batteries are in need of an update?
6. Do you consider your adherence to any such standards voluntary or mandatory?
7. What kind of testing is conducted to ensure your batteries conform to any applicable standards? Who conducts this testing and where? Please explain your understanding of how the defective lithium-ion batteries might have passed any testing that was conducted. Do you think current testing procedures are sufficient to guarantee battery safety?
8. How are testing laboratories accredited?
9. Since learning of the battery defect, have you subjected the faulty batteries to any more stringent standards, conducted any special independent testing, or sought additional accreditation of your testing laboratories?

Product Accountability

10. Are the lithium-ion batteries used in the original and replacement Galaxy Note7 smartphones manufactured by Samsung? If not, who is the manufacturer?
11. Who is responsible for conformance with any applicable standards, testing procedures, and accreditation certification for a device's battery—Samsung (as manufacturer of the device) or the battery supplier?
12. Please provide your understanding of who is liable for damages from a recalled device before and after an official recall that has been coordinated with CPSC has been issued?
13. What remedies is Samsung or its battery supplier able to offer customers who may have suffered personal injury, property damage, or both?

Answers you provide will help inform how we can make sure that recalls of products containing lithium-ion batteries do not become even more widespread. I appreciate your prompt attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Blumenthal".

Richard Blumenthal
UNITED STATES SENATE