

## Whirlpool Agrees to Pay \$11.5 Million Civil Penalty

William Doerler

*The Subrogation Strategist*

8.31.23

The Consumer Product Safety Commission (CPSC) recently announced that Whirlpool Corporation agreed to pay an \$11,500,000 civil penalty associated with the CPSC's charges that Whirlpool knowingly failed to immediately report to the CPSC – as required by law – that 17 models of Whirlpool's JennAir, KitchenAid and Whirlpool brand electric radiant heat cooktops contained a defect that created an unreasonable risk of serious injury. The CPSC commissioners involved in the matter unanimously agreed to provisionally accept the settlement agreement, subject to public comment.

The CPSC announcement indicated that between November 2017 and into 2019, despite possessing information that reasonably supported the conclusion that the cooktops were defective, Whirlpool did not immediately report the problem to the CPSC. By the time Whirlpool initially reported the issue to the CPSC, "Whirlpool had received at least 157 reports of the cooktops turning on by themselves, including 14 reports of property damage, four reports of objects igniting, and two reports of minor burns." Whirlpool and the CPSC made a joint announcement recalling the cooktops on August 28, 2019.

If you are involved with a property damage claim associated with a cooktop inadvertently activating, you should consider contacting a subrogation professional to determine whether the product activated because of a product defect, an installation error or due to another factor, such as operator error.

This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult a lawyer concerning your own situation and legal questions.