

U.S. Consumer Product Safety Commission



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“CSPC Overview”

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U.S. Consumer Product Safety Commission (CPSC)

- An independent federal agency
- Established May 1973
- Responsible for Consumer Product Safety functions of the Federal Government
- Five Commissioners, appointed by the President and confirmed by the Senate

CPSC Chairman Inez Tenenbaum

- Nominated by President Barak Obama and confirmed by the Senate on June 19, 2009
- Served as South Carolina's State Superintendent of Education from 1998 to 2007
- Practiced health, environmental, and public interest law
- Served as the director of research for the Medical, Military, Public and Municipal Affairs Committee of the South Carolina House of Representatives



CPSC Commissioners

■ Commissioner Robert (Bob) Adler

- Nominated by President Barak Obama and confirmed by the Senate on August 2009
- Served as a professor of Legal Studies as the Luther Hodges Jr., Scholar in Ethics and Law at the University of North Carolina
- Served as an attorney-advisor to two commissioners at the U.S. Consumer Product Safety Commission in Washington, D.C.



■ Commissioner Thomas Moore

- Appointed by President William J. Clinton in May of 1995
- Served as Legislative Counsel to U.S. Senator John Breaux from 1988 to 1995
- Served as assistant dean at the University of Florida College of Law from 1974 to 1977



CPSC Commissioners

■ Commissioner Nancy Nord

- Nominated by George W. Bush and confirmed by the U.S. Senate on April 29, 2005
- Former Director of Federal Affairs for the Eastman Kodak Company
- Served as General Counsel of the White House Council on Environmental Quality



■ Commissioner Anne Northup

- Nominated by President Barak Obama and confirmed by the Senate in August 2009
- Represented the Third Congressional District of Kentucky in the US House of Representatives 1997-2006
- Served in the Kentucky House of Representatives from 1987-1996



Office of the Chairman

- The Chairman is the principal executive officer of the agency
- Exercises all administrative and executive functions of the agency

Agency Size

- Relatively small federal agency
 - ~530 employees authorized for Fiscal Year (FY)'10
 - 978 full time employees in early 1980s

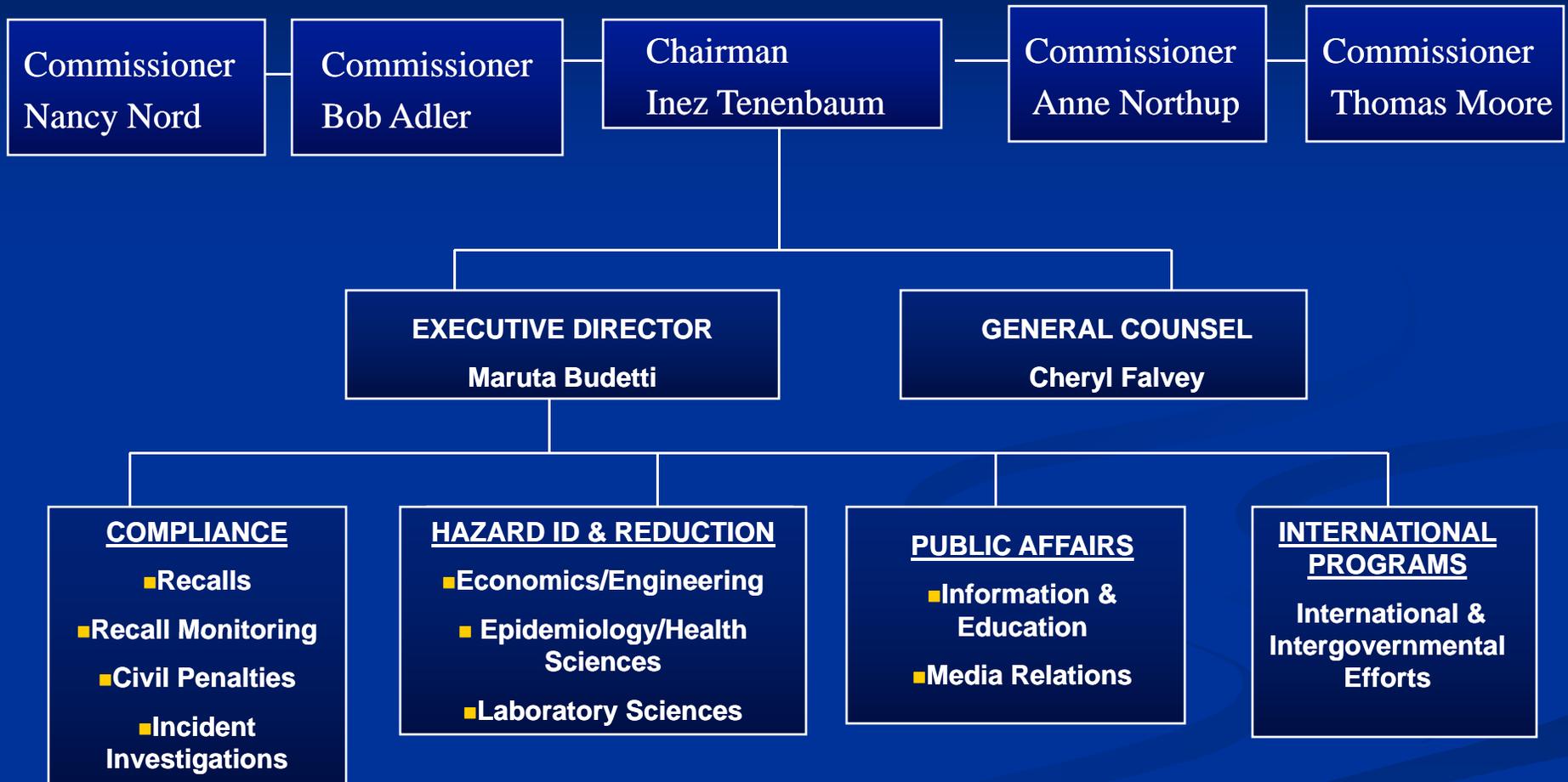


- Budget for FY '10
 - \$118.2 million

- Budget for FY '08
 - \$80 million



CPSC Organization*



*This is a simplified functional organization chart which does not include many key support groups within the CPSC including Administration, Human Resources, Information Services, Budget, Planning, Inspector General, Equal Employment, Office of the Secretary, and Congressional Affairs.

Purpose

“To protect the public against unreasonable risks of injury associated with consumer products.”¹



**U.S. Consumer Product
Safety Commission**

■¹ Section 2(b)(1) of the Consumer Product Safety Act, 15 U.S.C. § 2051 (b)(1)

Consumer Product

“... any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...”²



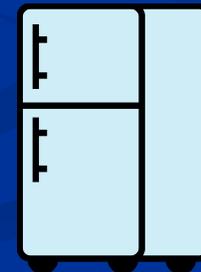
**U.S. Consumer Product
Safety Commission**



² Section 3(a)(1) of the Consumer Product Safety Act, 15 U.S.C. § 2052 (a)(1)

Laws That Give CPSC Authority Over Consumer Products Whether Made in USA or Imported

- Consumer Product Safety Act*
- Federal Hazardous Substances Act*
- Flammable Fabrics Act
- Poison Prevention Packaging Act
- Pool and Spa Safety Act
- Children's Gasoline Burn Prevention Act
- Refrigerator Safety Act



*Amended by the Consumer Product Safety Improvement Act of 2008

U.S. Government Regulatory Agencies

- U.S. Consumer Product Safety Commission
- Department of Transportation
- Department of Commerce
- Environmental Protection Agency
- Department of Agriculture
- U.S. Food and Drug Administration
- Department of Homeland Security
- Federal Communications Commission
- Department of Energy
- Others

Consumer Products EXCLUDED from CPSC Jurisdiction

“... any article which is not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer...”³

- Alcoholic beverages, tobacco, firearms and explosives (BATFE)
- Motor vehicles and equipment (NHTSA)
- Pesticides (EPA)
- Aircraft (FAA)
- Boats (Coast Guard)
- Food and drugs (USDA and FDA)
- Occupational products (OSHA)
- Fixed-site amusement park rides (State jurisdiction)



³ Section 3(a)(1)(A) of the Consumer Product Safety Act, 15 U.S.C. § 2052 (a)(1)(A)

Basic Responsibility

Manufacturers, distributors and retailers

all equally responsible and liable under the acts⁴ (but common carriers are specifically excluded)⁵

⁴ Section 15 (b) of the Consumer Product Safety Act, 15 U.S.C. § 2064(b)

⁵ Section 3 (b) of the Consumer Product Safety Act, 15 U.S.C. § 2052(b)

Importer and Manufacturer Responsibilities

- Under the Consumer Product Safety Act, the term “manufacturer” is defined to include any person who imports a consumer product.
- **Importers**, although reliant on foreign producers, are **directly responsible** for the safety of products they bring into the United States.

Voluntary and Mandatory Standards

Product Safety Standards

- CPSC statutes set a preference for consensus voluntary private sector standards
- Private sector consensus voluntary standards are often developed with the participation of CPSC staff

Primary Voluntary Standard Development Coordinators for Consumer Products

- ANSI (American National Standards Institute)
 - Motorized Equipment
 - Lawn & Garden Equipment
 - Household Products
 - Safety Labeling

Primary Voluntary Standard Development Coordinators for Consumer Products

- ASTM International (formerly American Society for Testing and Materials)
 - Children's Products
 - Recreational Products
- Underwriters Laboratories (UL)
 - Electrical and other products

Voluntary Standards

In some cases, failure to comply with a consensus voluntary standard makes a product defective and creates a substantial hazard.

Example: Hair Dryers

This hair dryer does not have an appliance leakage current interrupter (ALCI) plug. It presents a risk of electrocution if dropped in water.

CPSC will seek a recall.



Importance of Using U.S. Mandatory and Voluntary Standards

To avoid entry problems with the U.S. Government (Customs and CPSC), manufacturers SHOULD comply with BOTH:

- CPSC Regulations (mandatory standards)
- Private Sector Standards (consensus voluntary standards)

Both play essential safety roles

CPSA – Imported Products

- Sec. 17 (a)(1)
 - Any consumer product offered for importation into the customs territory of the United States shall be refused admission into such customs territory if such product—
 - (1) fails to comply with an applicable consumer product safety rule.**
 - (4) has a product defect which constitutes substantial product hazard.

Rulemaking Process

Regulatory process can be started by
vote of the Commission or by a
petition from an interested party

Consumer Product Safety Improvement Act of 2008

- New mandatory requirements for certain products
- New Certification and Testing requirements
- Administrative Improvements to CPSA
- Other

Summary of Key New CPSIA Requirements

- Certification – whether self-certification or third party -- must accompany product or product shipment and must be available to CPSC and U.S. Customs on request
- Violation can result in civil and criminal penalties
- U.S. government can order product destroyed if it violates CPSC requirements
- Lab accreditation guidelines for lead paint testing, other testing at CPSC web site

Stay of Enforcement

- There is currently a stay of enforcement for certain types of certification requirements.
- A stay of enforcement is a policy to not take enforcement action under specific circumstances. The lifting of the stay will be phased in by requirement, not all at once.
- For a description requirements subject to the CPSC stay of enforcement:
<http://www.cpsc.gov/cpscpub/prerel/prhtml10/10083.html>

Testing

- Even when testing is not mandated by CPSC, importers and suppliers should make sure that products meet all voluntary and mandatory standards at a minimum
- To avoid problems, samples should be tested randomly, early and often
- The cost of testing is a tiny fraction of the costs associated with recalls and violations

Reporting Requirements

Reporting

Importers/Manufacturers/Retailers must report to the CPSC immediately if they learn that one of their products does not comply with a mandatory standard or ban under the Consumer Product Safety Act or contains a defect that could present a substantial product hazard

Reporting

- Failure to comply with a mandatory standard or ban under other laws administered by the CPSC may constitute a reportable defect
- Failure to meet consensus voluntary standards may make a product defective and require a report to CPSC

CPSC Data Collection

- National Electronic Injury Surveillance System (NEISS)
 - Collection of data from approximately 100 hospital emergency rooms around the country
 - Data is weighted to provide consumer injury estimates nationwide
- Death Certificates from all for codes that likely involve consumer product-related deaths
- News clips; reports from consumers, lawyers, physicians and fire departments
- Investigations
- Additional Surveillance Data from:
 - National Burn Center Reporting System
 - National Fire Incident Reporting System
 - Poison Control Centers

HOTLINE



1-800-638-CPSC

Corrective Action

Corrective Action

- The CPSA provides for three remedies in the case of the recall of a product that creates a *substantial product hazard*¹⁰:
 - Repair
 - Replacement
 - Refund of purchase price

¹⁰ 15 U.S.C. § 2064(d)

Corrective Action

Not every safety issue requires a recall, but it is important to learn from mistakes and prevent the same problems from happening again

Available Resources

CPSC Consumer Education

- Neighborhood Safety Network
- VNR Production
- www.Recalls.gov
- CPSC's Web site, www.CPSC.gov
- Various news conferences and initiatives:
 - Resale and Recall Round-up
 - Poison Prevention Week
 - Fourth of July Fireworks
 - Halloween
 - Swimming Pool Safety
 - Carbon Monoxide Awareness
- Publications





US Consumer Product Safety Commission

▶ Consumer Safety

▶ About CPSC

▶ Library - FOIA

▶ Business

For New Certification, Testing and Other Requirements:

<http://www.cpsc.gov/businfo/intl/newusreq.html>

Questions?

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Programs**

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