



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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STATEMENT OF COMMISSIONER NANCY NORD
ON SECTION 104 OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT
REGARDING PRODUCT REGISTRATION CARDS
June 19, 2009

The CPSC is requesting comments on a proposed rule to implement Section 104 of the CPSIA dealing with registration cards for durable infant and toddler products. The law also requires permanent labels on these products. The purpose of these requirements is to advance recall effectiveness for consumers, a topic which has been of special interest to me since coming to the Commission.

The legislation and the proposed rule raise a number of issues that would benefit from fuller discussion and this NPR offers that opportunity. I hope that the public will take advantage of this opportunity to comment on the many issues that are called out in the NPR. As the staff and commissioners grappled with drafting the proposed rule consistent with the statute (the language of which is at times vague and at others quite inflexible), a number of implementation issues have become readily apparent. Several issues that are of special interest to me include the following:

- Is the scope of the requirement adequately described? The legislation defines the requirement for registration cards and permanent labels by including a non-exclusive list of examples of products that are covered. Are the other products that fall under the requirement well understood or do we need to define the scope with more specificity? If so, how do we do that without excluding products that should be included?
- What issues are raised by the mandatory on-line registration requirement, especially with respect to small business? The law requires that manufacturers of durable infant and toddler products have an on-line presence in order to sell their products. *This is perhaps one of the first examples of Congress forcing technology on a company that sells products to the public.* While I recognize that many small business people are innovators in their use of technology, I am also concerned that there may be smaller, regional companies or artisans who make these products but who do not have a web presence and therefore may not be able easily to set up a mechanism for managing product registrations on-line in addition to off-line registrations. Nevertheless, the law seems to require this result. We have tried to address this by requiring an email address (rather than a web site) which may or may not be adequate to meet the requirements of the law.
- The apparently duplicative labeling requirements of Section 104 for durable infant and toddler products and the tracking label requirements for all children's products, including durable infant and toddlers products needs further thought. Information specified in the law must be permanently affixed to the products covered by Section 104 but this information and more needs to be included on tracking labels required by Section 103. I am especially interested in hearing suggestions on how these labeling requirements will work without imposing undue burdens, especially on smaller manufacturers and importers.

We all want to protect the consumer, especially by making recalls more effective. In pursuing this goal, however, we do not want to put unnecessary costs upon small business people.