

U.S. Consumer Product Safety Commission

U.S. Product Safety Compliance and Enforcement



Dennis Blasius
Director of Field Investigations

China

June 2011

Views expressed in this presentation are those of the staff and do not necessarily represent the views of the Commission

CPSC is an independent agency created to protect the public from unreasonable risks of injury associated with consumer products

Five Commissioners appointed by the President for multiyear terms with confirmation by the Senate

Where is the U.S. Consumer Product Safety Commission located?



Headquarters,
Bethesda, MD



Lab Facilities,
Rockville, MD

Commission Authority

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



What is a Consumer Product?

- Jurisdiction over some 15,000 different consumer products under the Consumer Product Safety Act
- Excludes some products covered by other federal agencies, such as (some shared jurisdiction):
 - Cars and related equipment (NHTSA)
 - Food, drugs, medical devices, cosmetics (FDA)
 - Firearms (BATF)
 - Airplanes (FAA)
 - Boats (Coast Guard)
 - Pesticides (EPA)

The Problem

- 23,900 Deaths
- 32,700,000 Injuries
- \$800,000,000,000 in Societal Costs
- 15,000 Different Types of Consumer Products

Estimated annual losses associated with consumer products

Office of Compliance and Field Operations

- The Office:
 - Enforces mandatory standards and reporting requirements
 - Investigates product hazards and make preliminary determinations, seeking corrective actions as necessary
 - Coordinates enforcement efforts with U.S. Customs and Border Protection and other governmental agencies
 - Develops guidance and help firms comply with the law

Office of Compliance and Field Operations

```
graph TD; A[Office of Compliance and Field Operations] --> B[Defect Investigations Division  
By Hazard]; A --> C[Regulatory Enforcement Division  
By Hazard]; A --> D[Import Surveillance Division  
By Port]; A --> E[Field Investigations Division  
By City/State];
```

**Defect
Investigations
Division**

By Hazard

**Regulatory
Enforcement
Division**

By Hazard

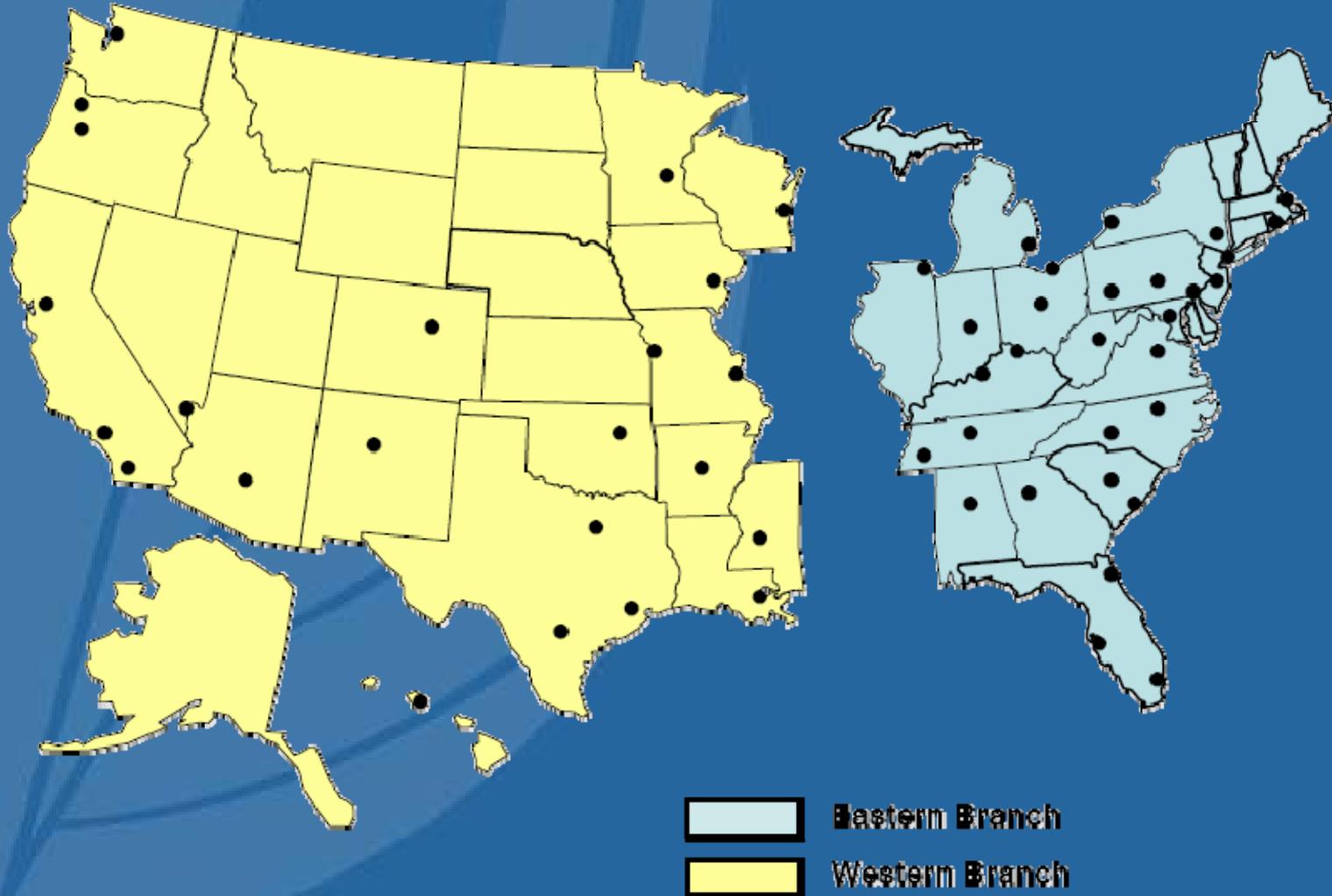
**Import
Surveillance
Division**

By Port

**Field
Investigations
Division**

By City/State

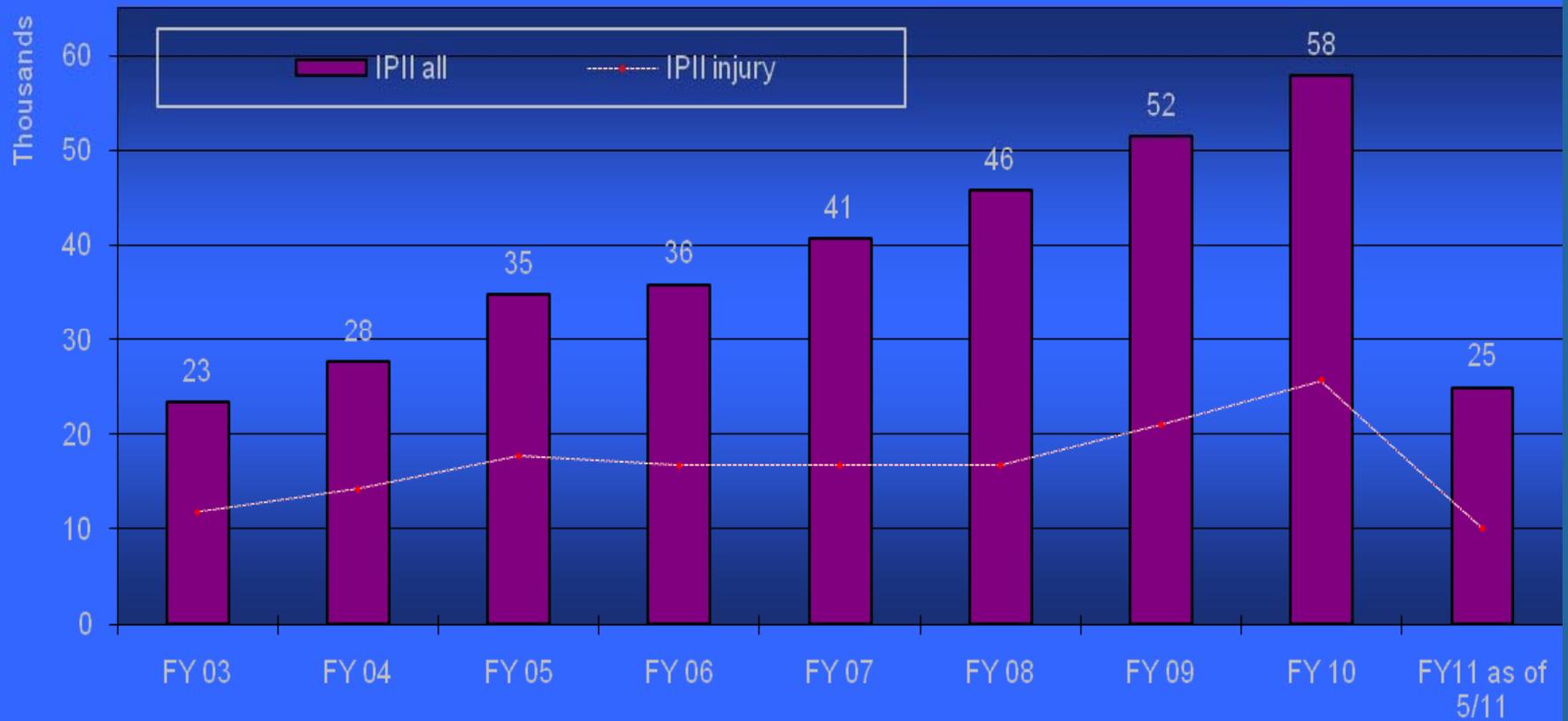
Field Investigative Staff Locations



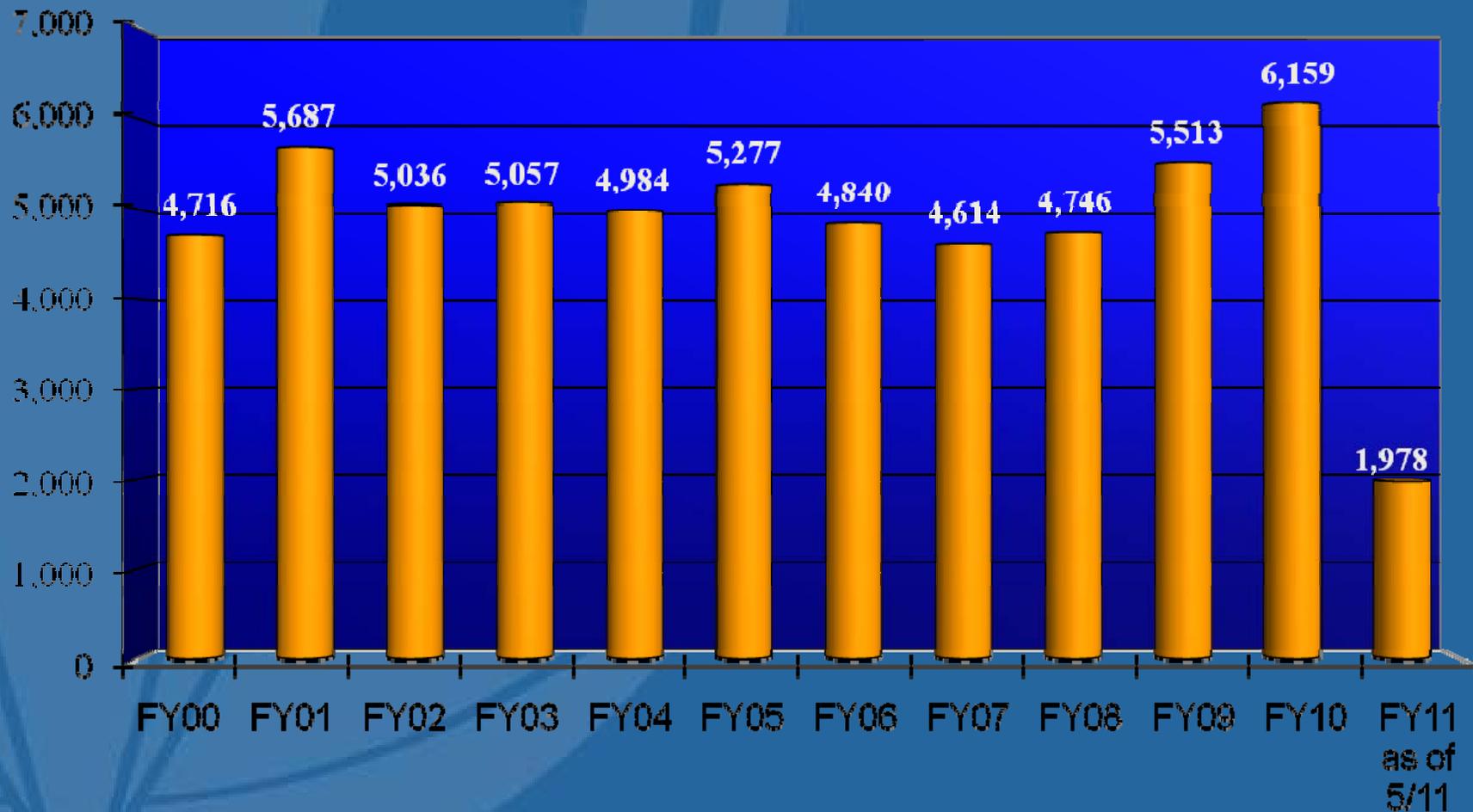
How does the CPSC Compliance Investigation process work?

- Field investigation conducted
- Compliance initiates contact with the firm
- Epidemiology conducts data search
- Engineering performs testing (both failure mode testing and performance testing)
- Preliminary Determination Made (not Fast-Track cases)
- Negotiate Recall
- Notification to Consumers

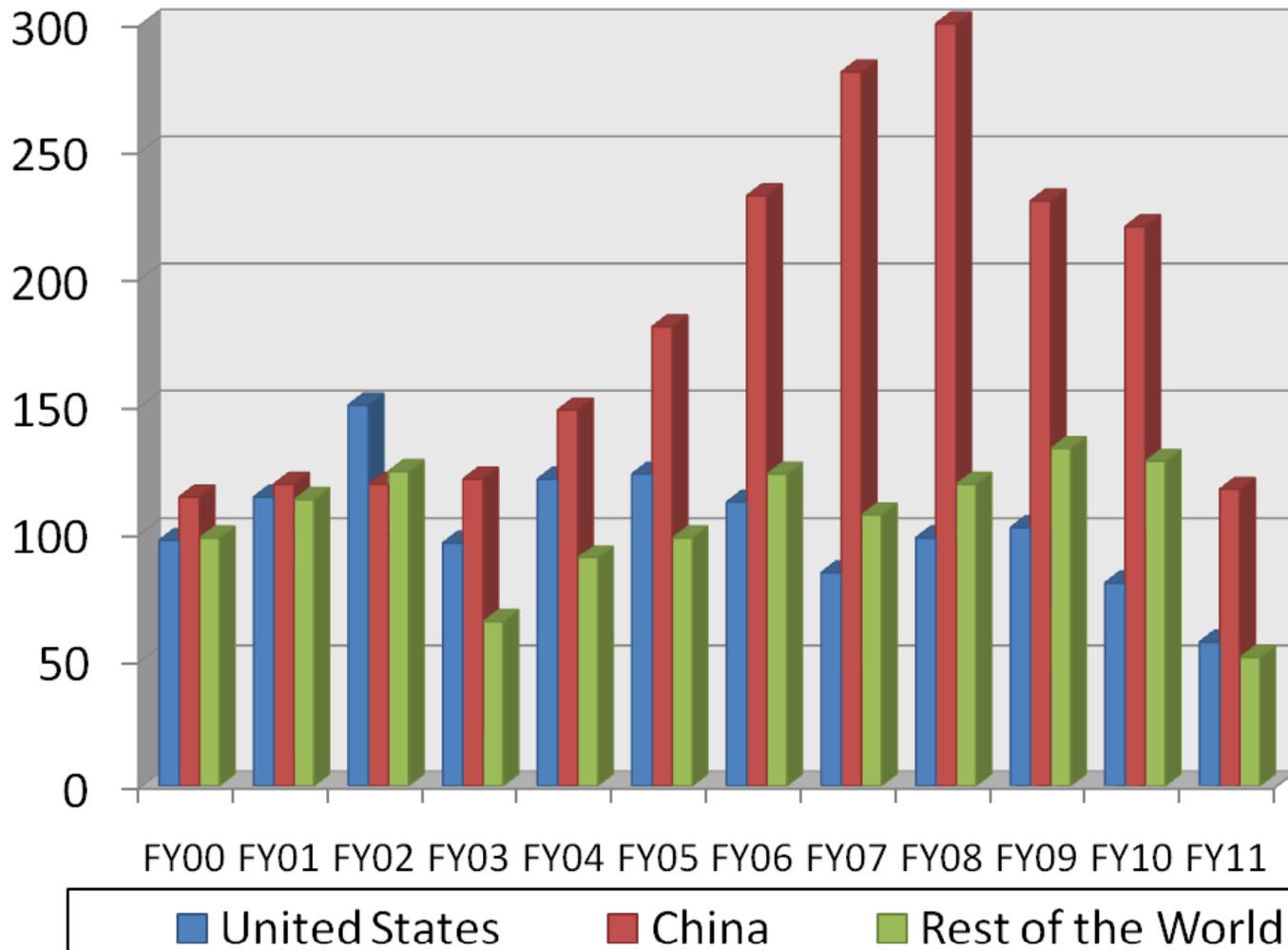
Reported Incidents and Injuries



In-Depth Investigations



Recalls By Product Origin



Identifying Defect/Hazard

- Pattern of Defect
 - Identification of defect, flaw, error, design, engineering, quality control, labeling, use and assembly
- Number of Defective Products
 - Distributed into commerce
- Severity of Risk
 - Severity of injury
 - Likelihood injury will occur
 - Vulnerable population affected

Violations / Prohibited Acts

- The Consumer Product Safety Act (CPSA) and the Federal Hazardous Substances Act (FHSA) make it unlawful to:
 - Manufacture, distribute or *import* any product that does not comply with a mandatory standard (CPSA & FHSA);
 - Fail to report information as required by section 15(b) (CPSA);
 - Fail to report choking incidents (CPSA); and
 - Fail to report under Section 37 of the CPSA.

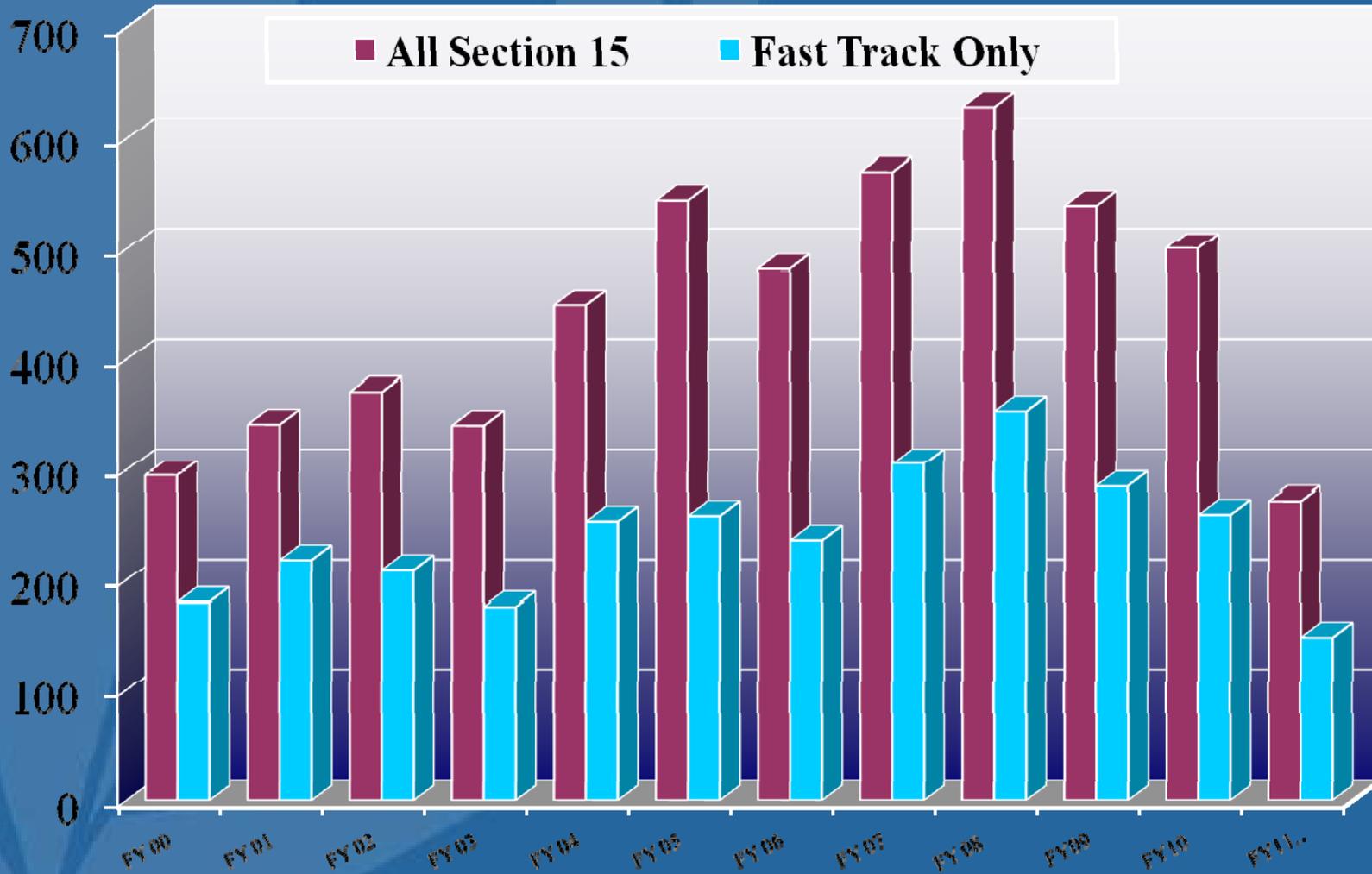
Penalties

- Any person who knowingly commits a violation is subject to a civil penalty. The CPSIA increased the civil penalty caps from \$5,000 to \$100,000 per individual violation, and from \$1,250,000 to \$15,000,000 for aggregate violations.
- Criminal penalties (including felony conviction and imprisonment) are also possible for willful violations.

Reporting Obligations

- Section 15 of the Consumer Product Safety Act (CPSA) and Section 102 (CSPA) – choking hazards:
 - Manufacturers (Including Component Manufacturers)
 - Importers
 - Distributors
 - Retailers
- Report is required if a firm obtains information which “reasonably supports the conclusion” that product “contains a defect which could create a substantial product hazard.”
- The reporting requirement applies more broadly than the Commission’s authority to order corrective actions.

Section 15 Reporting Trends



Generic Defect Determinations

- Drawstrings enforcement document dated May 2006 - children's upper outerwear (ASTM 1816) that includes drawstrings are considered to contain a defect under the FHSA. There should not be drawstrings in the hood (sizes 2T to 12) or bottom (sizes 2T to 16)
See www.cpsc/Businfo
- ▣ New Section 15j - Commission may specify, by rule, a consumer product or class of products, characteristics whose existence or absence shall be deemed a substantial product hazard
 - Example: hand-supported hair dryers lacking integral immersion protection required of current voluntary standards are now considered a substantial product hazard under section 15(a)(2) of the CPS A.

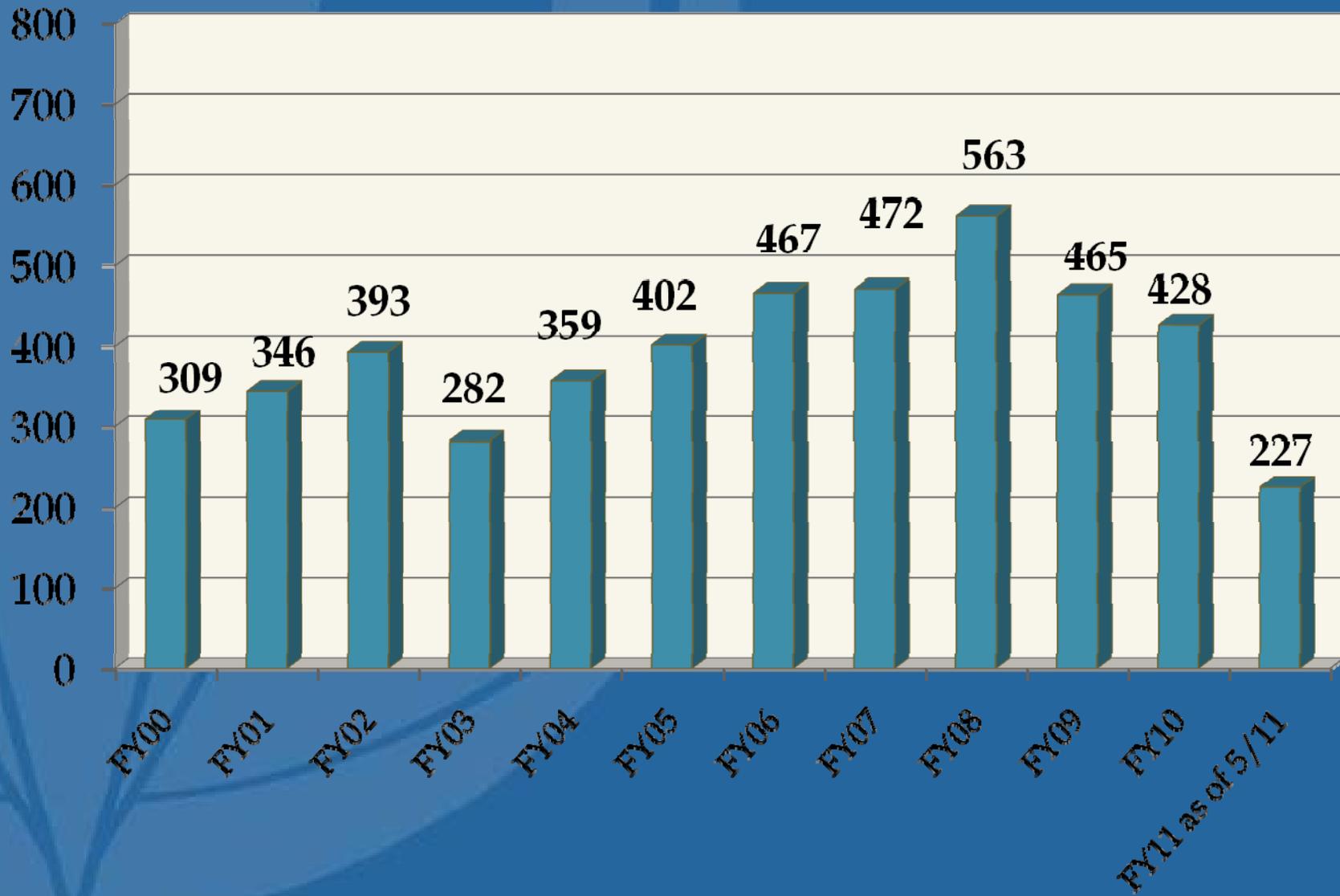
What to Monitor

- Returns from distribution chain
- Parts orders
- Consumer complaints, claims, lawsuits/FEEDBACK
- Life testing
- Quality Assurance / Product Improvement
- Material Changes
- Retailer Reports/Retailer Feedback
- Incidents from CPSC Injury Clearinghouse

Corrective Actions ("Recalls")

- If the Commission makes a "substantial product hazard" determination, it may order the manufacturer, distributor or retailer to notify the public of the problem and/or to take corrective action.
- A suitable remedy consisting of either a refund, credit, free replacement product or free repair should be provided.
- Guidelines and Requirements for Mandatory Recall Notices, FINAL RULE, January 21, 2010.

Voluntary Recalls by Fiscal Year



Fast-Track Recalls

Fast-Track Recall Program

- Initiated August 1997
- Eliminates staff “preliminary determination” of hazard
- Acceptable consumer level recall within 20 working days of report
- Reduces technical analysis (focus on notification and remedy)
- Does not preclude review for reporting obligations
- More than 200 million products in more than 2000 recalls

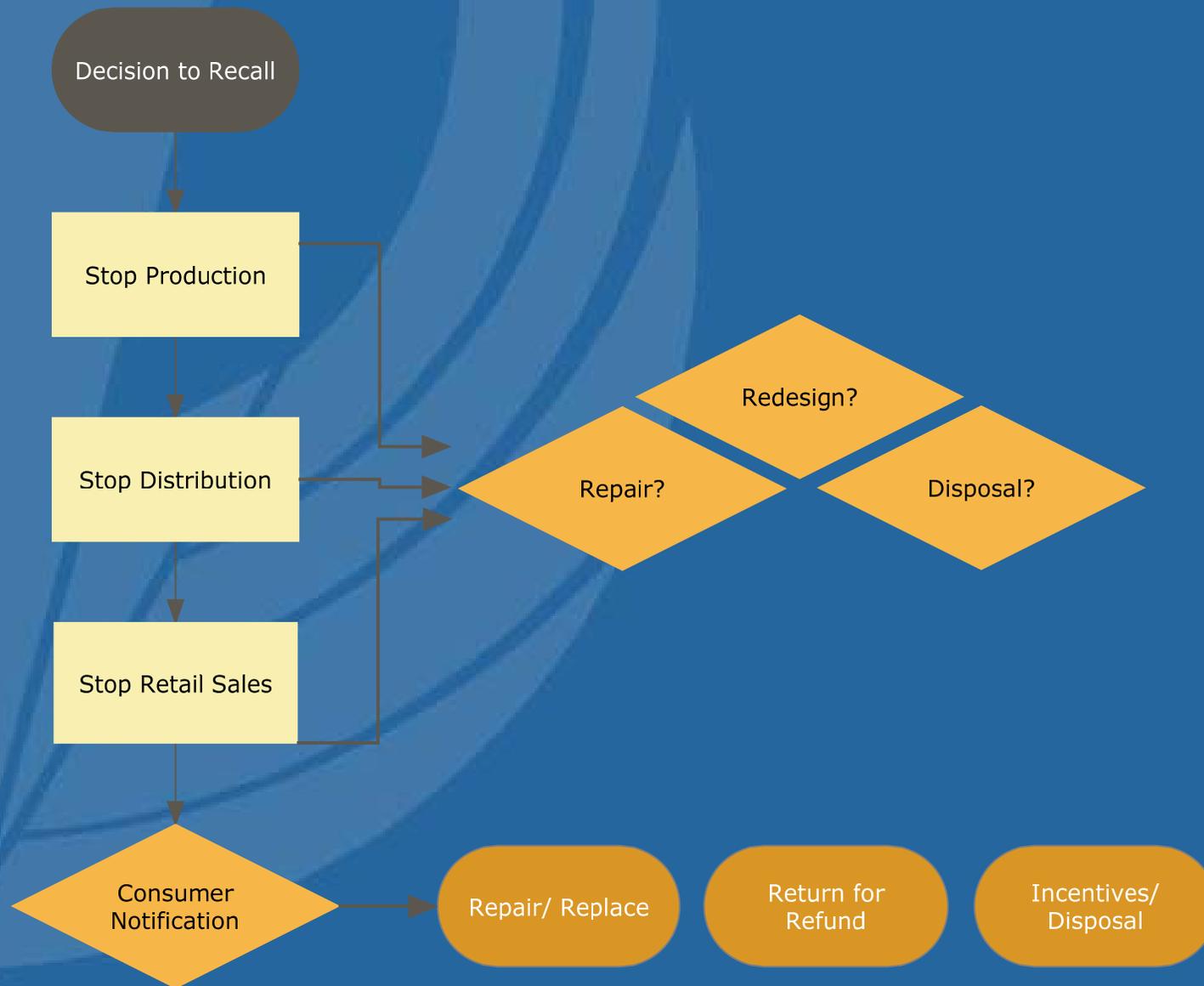


What is a Recall?

- Recall is a generic term, and can involve requirement for firm to:
 - repair product
 - replace product
 - refund purchase price of product



Implementing a Product Safety Recall



Recall Notification for Consumers

- Joint press release
 - ✓ clear/concise/informative
- Social Media
 - ✓ Face Book/You Tube/Twitter/Blog
- Video news release
 - ✓ broadcast version of written release
 - ✓ more than 50% of population receive news through broadcast media



United States Consumer Product Safety Commission

Consumer Safety

About CPSC

Library - FOIA

Business

GO

Help | Advanced Search

SaferProducts

Search Hundreds of Consumer Product Safety Reports

Public Calendar

Español

What's Popular

Newsroom

Jobs at CPSC

Contact Us | Directions

Consumer Opinion Forum

Especially for Kids

Small Business

Budget and Performance

Congressional Relations

International

中文 | Tiếng Việt | Español

CPSIA



Walmart Recalls GE Food Processors

The processor can turn on without the lid secured; this has resulted in 21 fingertip injuries. The food processor also poses a fire hazard.

LEARN MORE ▶



Recalls

News

Video

The U.S. Consumer Product Safety Commission

is charged with protecting the public from unreasonable risks of injury or death from thousands of types of consumer products under the agency's jurisdiction.

Learn More About the CPSC ▶

Report an Unsafe Product ▶

Report safety incidents or injuries.

Consumers ▶

Businesses ▶

Get Involved

Sign Up for Safety News and Recall E-mails | (En Español)



Consumer Safety | About CPSC | Library - FOIA | Business

Search bar with Google logo

SaferProducts Search Hundreds of Consumer Product Safety Reports

- Help | Advanced Search
- Public Calendar
- Español
- What's Popular
- Newsroom
- Jobs at CPSC
- Contact Us | Directions
- Consumer Opinion Forum
- Especially for Kids

- Small Business
- Budget and Performance
- Congressional Relations
- International
- 中文 | Tiếng Việt | Español
- CPSIA



Swim Safely: Simple Steps Save Lives

Drowning and 63 near-drowning incidents have already been reported in the first five months of 2011.

The U.S. Consumer Product Safety Commission

is charged with protecting the public from unreasonable risks of injury or death from thousands of types of consumer products under the agency's jurisdiction.

Learn More About the CPSC

Report an Unsafe Product

Report safety incidents or injuries.

Consumers | Businesses

Get Involved

Sign Up for Safety News and Recall E-mails | (En Español)

Put CPSC Recalls on Your Website

Join the Neighborhood Safety Network | (En Español)

Connect with Us



Laws & Regulations

Read the laws and regulations that affect you.

View the Statutes

View All CPSC Regulations

Product Safety Standards and Guidance

Search by product type for standards, regulations, guidance and other requirements.

Search for Standards or Guidance

Products Without Mandatory Standards

Voluntary Standards Activities

Recalls News Video

MAY 31

Model Helicopters Recalled by Horizon Hobby Due to Impact and Laceration Hazards

MAY 27

HP Expands Recall of Notebook Computer Batteries Due to Fire Hazard

MAY 26

Waterway Plastics Recalls Certain Drain Covers Due to Incorrect Ratings; Covers Pose Possible Entrapment Hazard to Swimmers

MAY 24

Dream on Me Recalls Drop-Side Cribs Due to Entrapment, Suffocation, Laceration, and Fall Hazards

MAY 12

Maclaren Reannounces November 2009 Stroller Recall After Additional Fingertip Amputations, Lacerations (Español)

View All Recalls | Search Recalls



Safety Information



Cribs



Drywall

Chinese Translation



Searchable Consumer Database



Sign Up for CPSC Recall Email Notifications

Recall Notification – Recall Posters

- Retailer responsibility to display
- Display in several conspicuous and visible locations of the store
- Minimum 120 days (Some States 180 days)
- Poster reviewed and approved by CPSC staff
- Large enough to be seen
- Contrasting colors
- Post display until date

Recall Notification – Manufacturer and Retailer Web Sites

- Prominent display of recall button on home page
- Update frequently
- Online registration for recalls

Monitor Recall Implementation

- Provide timely, clear and accurate notification to distribution chain prior to recall announcement
- Ensure distribution chain takes appropriate action to return recalled products
- Label corrected products to avoid future confusion
- Segregate returned products

CPSC Will Also Monitor

- Monthly progress reports – focus on post-recall injuries
- Conduct Recall Verification Inspection at recalling company
- Execute Recall Checks at points of sale
- Conducted by CPSC and/or State Investigators
- Internet Surveillance Unit will continue to identify any sale of recalled products
- Report sale of online recalled products to:
websafety@cpsc.gov

Avoiding Product Recalls

- Meet federal standards
- Meet voluntary standards
- Over design products
- Test, Test, Test
- Monitor product use
- Evaluate complaints, inquiries, injuries, customer feedback
- Respond to retailer notifications
- Report safety issues

Importer Responsibilities

- Basic Responsibility
- Safety Consciousness
- Specifications
- Mandatory and Voluntary Certification
- Testing
- Market Surveillance
- Reporting
- Corrective Action

Industry Guidance

- www.cpsc.gov
- “Business” section of website
- www.recalls.gov
- Monitor CPSC activities through:
 - Frequently visiting CPSC website
 - Recall announcement subscriptions
 - Public calendar subscriptions
 - CPSC electronic reading room inquiries
 - CPSC Clearinghouse letters
 - Seminar attendance (trade shows/ICPHSO)
 - **CPSC public data base**



U.S. Consumer Product Safety Commission

 GO!

[HELP | ADVANCED SEARCH](#)

[ESPAÑOL](#)

[WHAT'S POPULAR](#)

[ESPECIALLY FOR KIDS](#)

[CPSIA](#)

[CONGRESSIONAL RELATIONS](#)

[NEWSROOM](#)

[BUDGET AND PERFORMANCE](#)

[PUBLIC CALENDAR](#)

[JOBS AT CPSC](#)

[CONTACT US | DIRECTIONS](#)

[CONSUMER OPINION FORUM](#)

Civil and Criminal Penalties



Search for Civil Penalties:

- [By Company](#)
- [By Product](#)
- [By Fiscal Year](#)

Search for Criminal Penalties:

[▶ Consumer Safety](#)

[▶ About CPSC](#)

[▶ Library - FOIA](#)

[▼ Business](#)

[+](#) SHARE

PUT CPSC RECALLS ON YOUR WEB SITE

➔ Regulations, Laws & Information for Manufacturers, Importers, Distributors & Retailers:

- [Regulations, Laws and Business Information by Product](#)
- [Laws, Regulations, and General Commission Information](#)
- [Industry Guidance](#)
- [Product Safety Standards](#)
- [Voluntary Standards Activities](#)
- [Small Business Information](#)
- [Frequently Asked Questions](#) for Manufacturers, Importers, Distributors and Retailers
- [Report a potentially defective or hazardous product](#) (Section 15b Report)
- [CPSC's Federal Register Notices](#)
- [CPSC Regulatory Notices and Requests for Comments on regulations.gov](#)

➔ [Import Safety](#)

➔ [International Activities](#)

➔ [Information](#) about the Consumer Product Safety Improvement Act of 2008 (CPSIA)

➔ [Register](#) as a Third Party Laboratory with the CPSC; View [List](#) of Accredited Laboratories

➔ [Virginia Graeme Baker Pool and Spa Safety Act](#)

➔ [Other Business Information](#) - Includes Child Care Safety Checklist, Thrift Store information

➔ [Product Safety State Contacts](#) - Product safety liaisons from states, US territories, and CPSC

➔ [Federal Activities Inventory Reform Act \(FAIR\) submission for Fiscal Year 2008](#) (pdf)

➔ [Mattress Flammability Information](#)

➔ [Poison Prevention Packaging Act \(PPPA\) Information](#)

What's New

On Safety Blog

YouTube

Twitter

Podcast

Flickr

Additional Web Sites Maintained by CPSC

PoolSAFELY

[SaferProducts.gov](#)

[www.Recalls.gov](#)

[ATVSafety.gov](#)

[CPSC Info Centers](#)

[Carbon Monoxide/CO Drywall \(Español\)](#)

CONTACT INFORMATION

Dennis Blasius

Director of Field Investigations

Office of Compliance and Field Operations

U.S. Consumer Product Safety Commission

- Phone: 262-650-1216
- DBlasius@cpsc.gov