



# The new CPSC: Striving to be the global leader in consumer product safety

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Chairman

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National Association of Attorneys General

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# The CPSC

- Established in 1972 by the Consumer Product Safety Act
- Began operations in May of 1973
- Independent Commission
- Five Commissioners
  - Appointed by the President
  - Confirmed by the Senate
- Total staff of 546 and growing
- Annual budget of \$118 M

# The CPSC Commission



Thomas Moore



Inez Tenenbaum  
Chairman



Nancy Nord



Robert Adler



Anne Northup

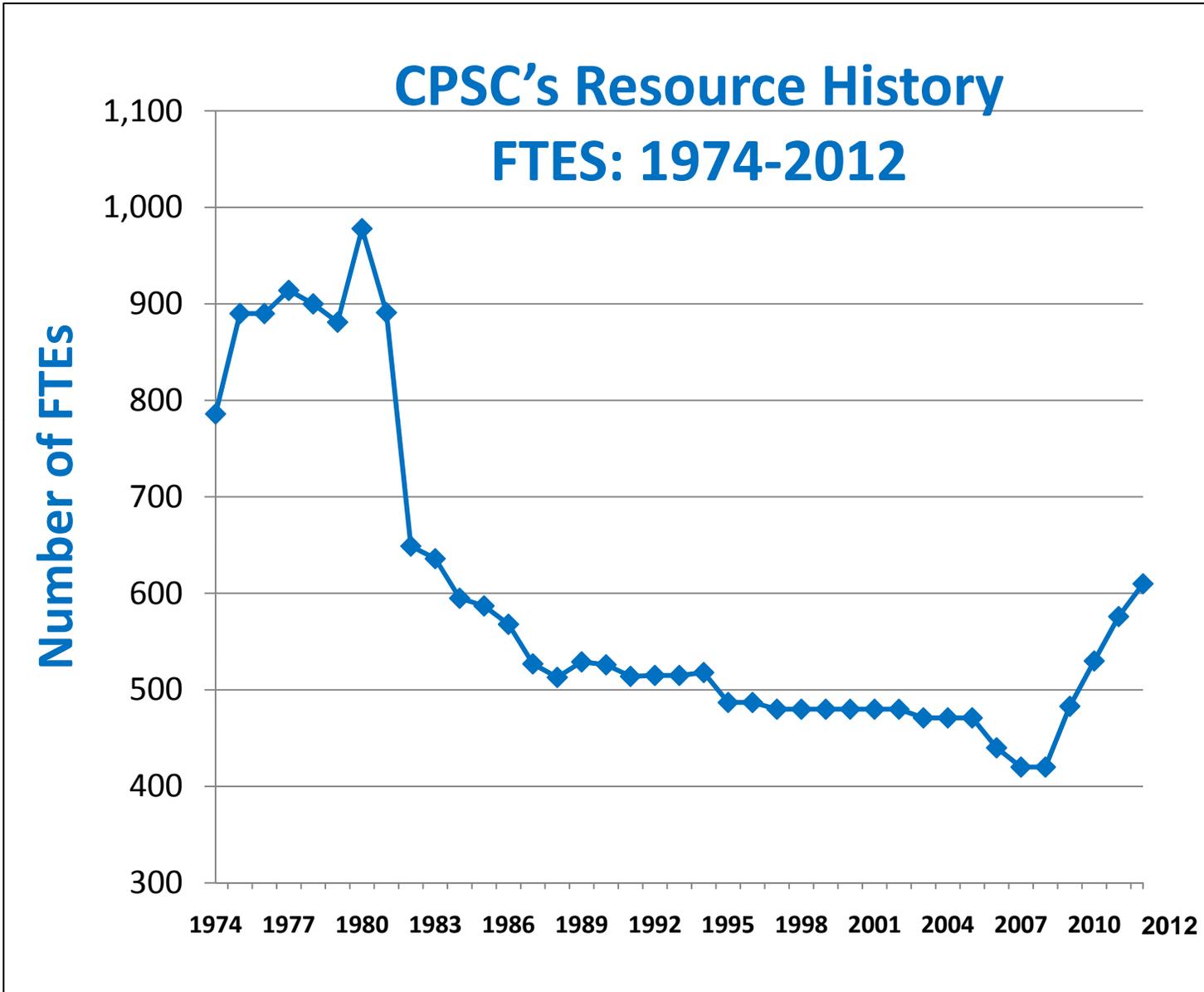
# Mission

- Responsible for protecting the public from *unreasonable risks of serious injury or death* from consumer products under the agency's jurisdiction.

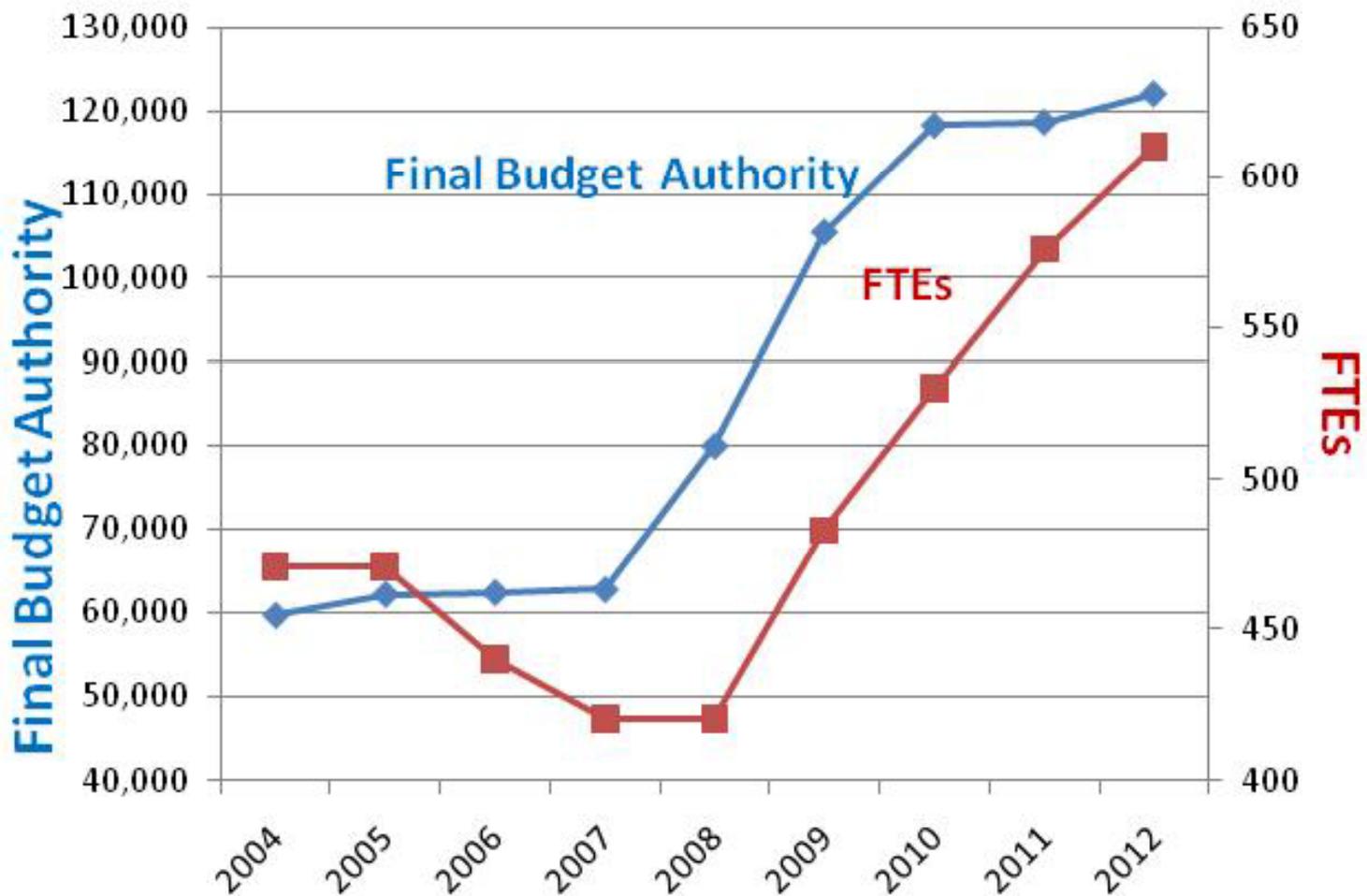
# Executing on CPSC's Responsibilities

CPSC has broad authority to:

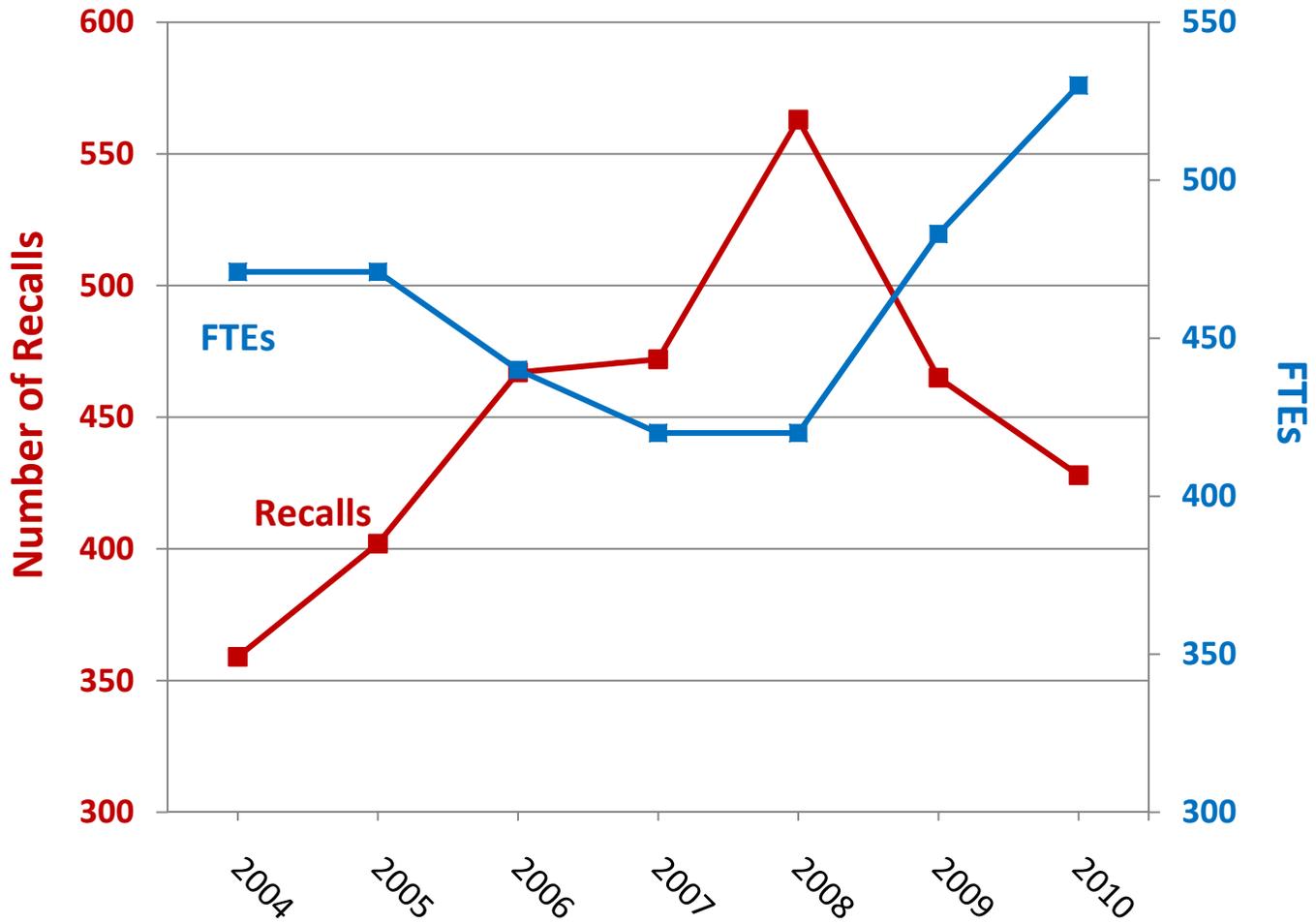
- educate consumers on the safe use of products,
- educate industry on our rules and regulations,
- work with industry to develop voluntary standards,
- issue mandatory safety standards,
- ban products where a standard is not feasible,
- recall dangerous or violative products,
- seize products that violate mandatory standards, and
- seek civil and criminal penalties.

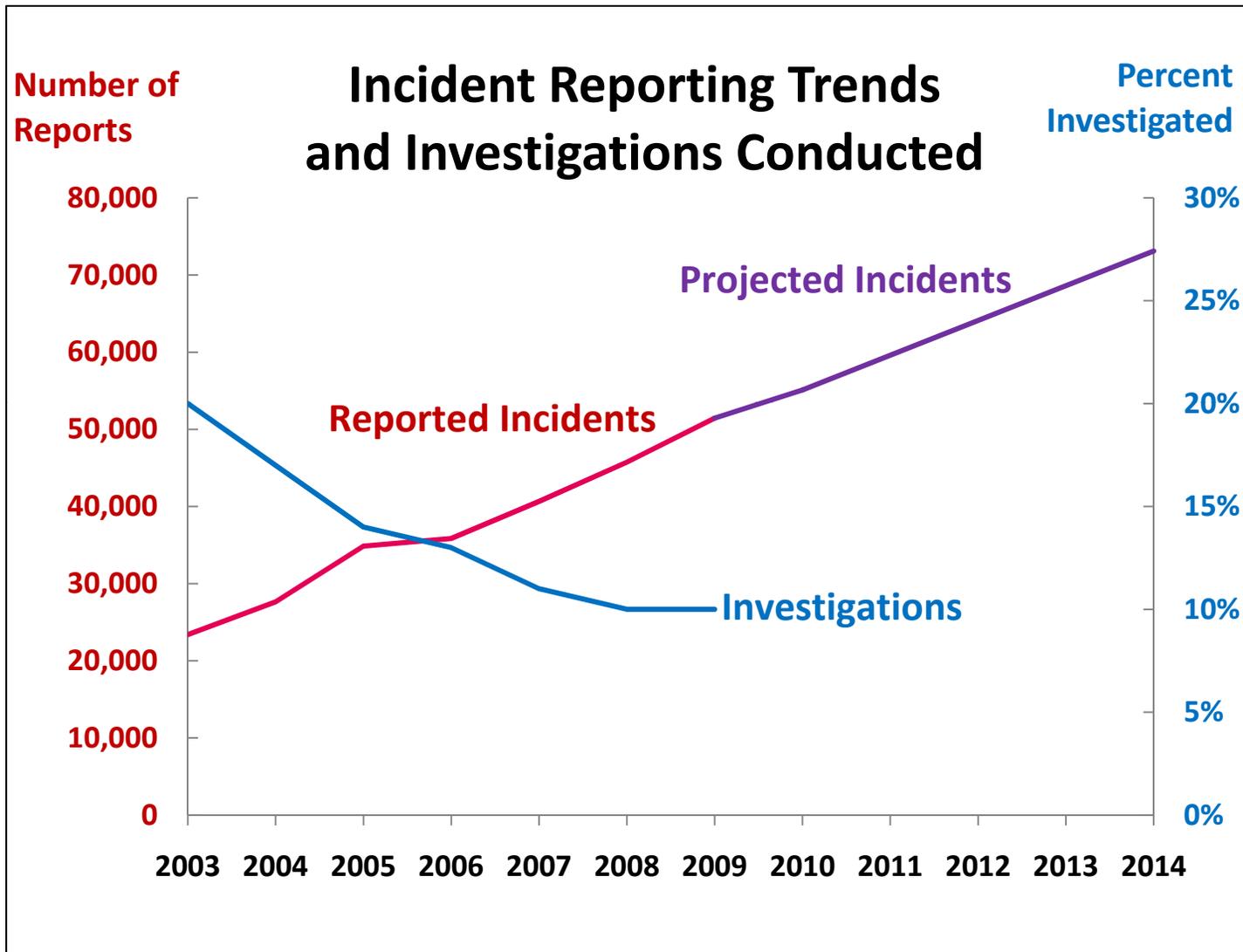


### Final Budget Authority and FTEs by Fiscal Year



**Number of FTEs and Product Recalls:  
2004 - 2010**





# Definition of a Consumer Product

- Article or component of an article
- Produced or distributed for sale
- For personal use, consumption, or enjoyment
- Residential, school, recreational, or other environment

# Jurisdiction

- Jurisdiction over thousands of types of consumer products
- Excludes some types of products covered by other federal agencies:
  - automobiles and related equipment (NHTSA);
  - food, drugs, medical devices, and cosmetics (FDA);
  - firearms (ATF);
  - airplanes (FAA);
  - boats and related equipment (Coast Guard); and
  - pesticides (EPA).

# Federal Hazardous Substances Act

- **The Federal Hazardous Substances Act (FHSA).** Governs “hazardous substances,” which include products that are toxic, corrosive, flammable or combustible, an irritant, a strong sensitizer, or that generates pressure through decomposition, heat, or other means.
- Requires certain household products that are hazardous substances to carry warning labels to alert consumers to potential hazards and inform them of the measures they need to take to protect themselves from those hazards.
- Under the FHSA, CPSC can ban a hazardous substance if it determines that the product is so hazardous that the cautionary labeling is not adequate to protect the public.

# Additional Legal Authority

- **Virginia Graeme Baker Pool and Spa Safety Act.** Designed to prevent the hidden hazard of drain entrapments and eviscerations in pools and spas. It requires that all public pools and spas have standards-compliant drain covers installed, as well as additional anti-entrapment systems when there is a single main drain other than an unblockable drain.
- **Flammable Fabrics Act.** Authorizes the CPSC to issue mandatory standards restricting the flammability of fabrics used to manufacture clothing items. The Act was expanded in 1967, to cover interior furnishings and raw materials used to manufacture furnishings and apparel.
- **Poison Prevention Packaging Act.** Requires certain household substances to be packaged in child-resistant packaging. The packaging must be designed or constructed to be significantly difficult for children under five years of age to open within a reasonable time, and not too difficult for adults to use properly.

## Other Legal Authority

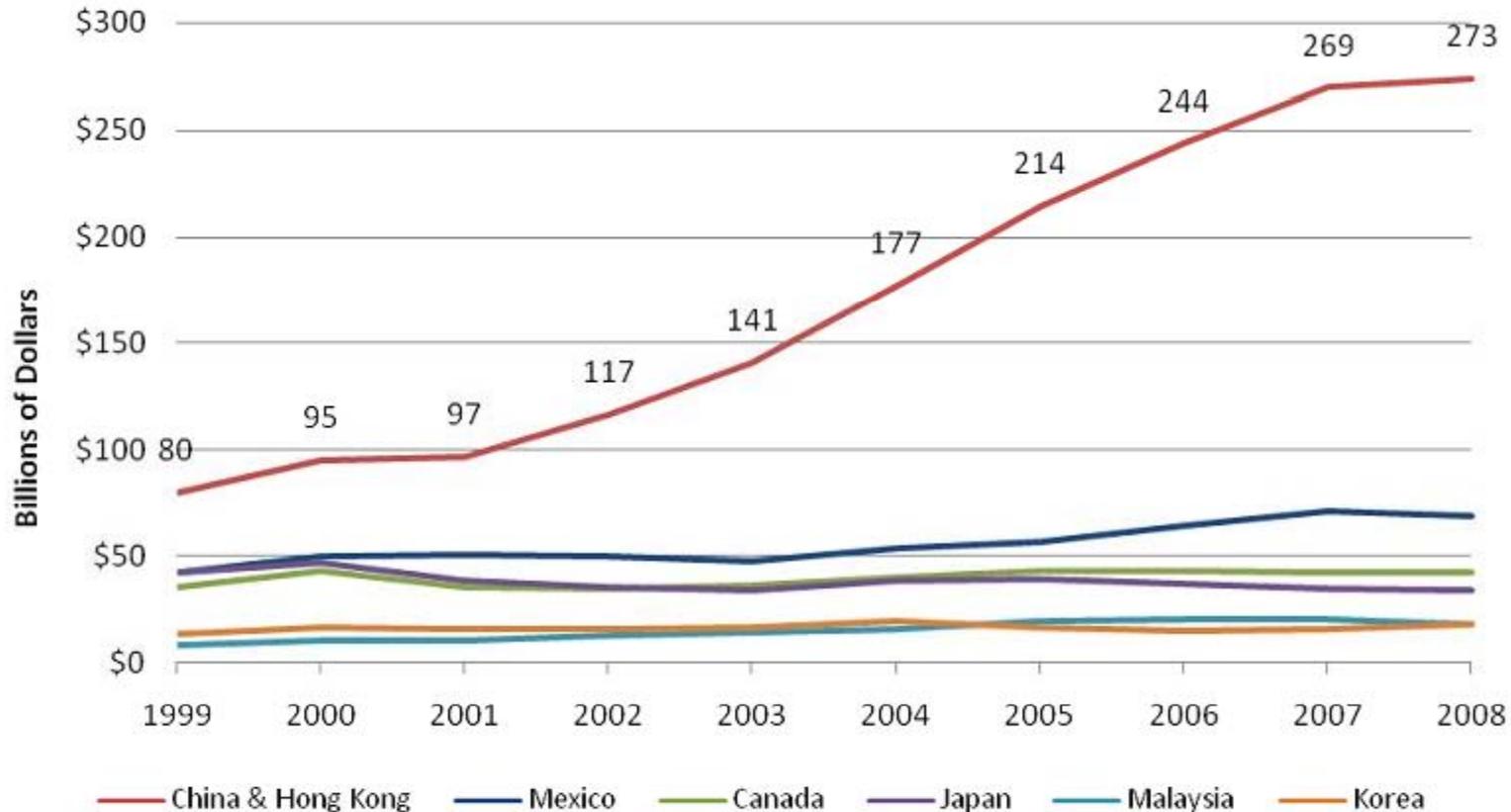
- **Children's Gasoline Burn Prevention Act.** Requires the CPSC to issue regulations mandating child-resistant closures on all portable gasoline containers.
- **The Refrigerator Safety Act.** Requires all refrigerators to have a device installed on the inside of the door so that they can be opened from the inside in the event of accidental entrapment.

# Fast Facts About Product Safety

- Tens of millions of consumers injured each year
- About 473 recalls each year, involving more than 100 million units
- 4 out of 5 recalled products were imported
- Monitoring of imports one of CPSC's most significant challenges
- Progress made in 2010 with import screening
- Rate of importation from China quadrupled over 20 years
- Value of imports that CPSC oversees has skyrocketed
- Nearly 1000 standards organizations in US and around the world

# Import Safety

**Figure 3**  
**Imports of Products Under CPSC Jurisdiction**  
**Top Five Source Countries**



# The Consumer Product Safety Improvement Act of 2008 (CPSIA)

Congress passed the CPSIA in 2008 to improve and to modernize the agency. Many high-profile product recalls in 2007 and 2008, particularly those involving:

- lead paint in children's toys,
- powerful magnets falling out of toys, and
- dangerous cribs.

# Major Provisions of the CPSIA

- Setting new, stringent limits on lead in the paint of consumer products and the lead content in the substrate of children's products
- Permanent ban of three phthalates in toys and child care articles; interim ban of three other phthalates (CHAP)
- Requiring tracking labels on children's products
- Mandating that the CPSC issue mandatory federal safety standards for durable infant nursery products
- Requiring third-party testing and certification of certain children's products to improve compliance

# CPSIA Provisions

- Creating a publicly searchable web-based database of injuries or risk of injuries
- Conferring greater powers to order mandatory recalls to protect the public
- Prohibiting the sale or resale of recalled products
- Increasing maximum civil penalties for violators of CPSC laws and enhancing criminal penalty provisions, and

# CPSIA – Reinvigorating the CPSC

- The CPSIA legislation nearly doubled the funding for CPSC.
- CPSIA restored the Commission to its originally authorized size of five commissioners.

# Enhanced CPSA Enforcement

## Section 218. Enforcement by State Attorneys General.

- CPSIA expanded authority of state attorneys general in Section 24 of the Consumer Product Safety Act.
- Enhanced enforcement authority related to amended section 19 of the CPSA
- Appropriate Injunctive Relief in U.S. District Court on behalf of residents – remedy for certain CPSA violations
- Violations of section 19(a)(1) , (2), (5), (6) (7), (9) or (12)
- New notice provisions

# Notice Provision

- 30 day written notice to Commission required *before* date on which state intends to initiate action by filing a complaint
- Notice does not apply to actions involving “substantial product hazards”
- Commission may intervene upon receiving notice

## Actions Involving Substantial Product Hazards

- Allows state to initiate a civil action by filing a complaint immediately *after* notifying the Commission.
- *Notification* under this provision is “that State determines that immediate action necessary to protect the residents of the State from a substantial product hazard” (as defined in section 15(a) CPSA).

# Limitations to State AG Action

Cannot bring a separate suit seeking injunctive relief for violations of if at the same time the suit is brought there is a pending civil or criminal action by the United States under the CPSA.

- CPSA , however, gives state AGs ability to seek injunctive relief for section 19(a)(1) and (2) violations even where CPSC also has a pending criminal or civil action for the same alleged violation
  - Importation, distribution and sale of product which violates a Commission mandatory standard
  - Sale of a recalled product

# State Attorneys General

- Through our monthly calls we have been able to give the states information on
  - upcoming issues that the Commission will review;
  - ongoing regulatory matters of importance like our safe sleep initiative and how the Commission is enforcing the new lead ban;
  - recalls of special significance;
  - important issues where we seek state help like the Virginia Graeme Baker Pool and Spa Safety Act;
  - the launch of the Commission's first publicly available consumer product safety information database; and
  - we also make our technical and scientific staff available in these monthly calls to answer questions from the states.

# State Attorneys General

- The CPSC staff and the states have had an ongoing project to come up with a collaborative Memorandum of Understanding.
- We have had representatives for the State Attorneys General in for a headquarters meeting at CPSC to provide information on our ongoing compliance and enforcement efforts and to hear from our technical experts on various issues.
- The next meeting will take place on May 24, 2011, at CPSC headquarters in Bethesda.

# Background on Database

The Consumer Product Safety Improvement Act of 2008 required CPSC to establish a new product safety database not later than March 2011 that:

- allows consumers to directly submit “reports of harm;”
- enables manufacturers, importers and private labelers to respond in the database to reports of harm involving their products;
- is publicly available and searchable; and
- is accessible through the CPSC’s Web site: [www.cpsc.gov](http://www.cpsc.gov).

# Contents

Reports of harm, defined as illness, injury, death or risk of, relating to use of consumer products, and other products or substances regulated by the Commission that are received from

- consumers;
- local, state, or federal government agencies;
- health care professionals;
- child service providers; and
- public safety entities.

Information Commission derives from mandatory and voluntary recalls is also added to the database.

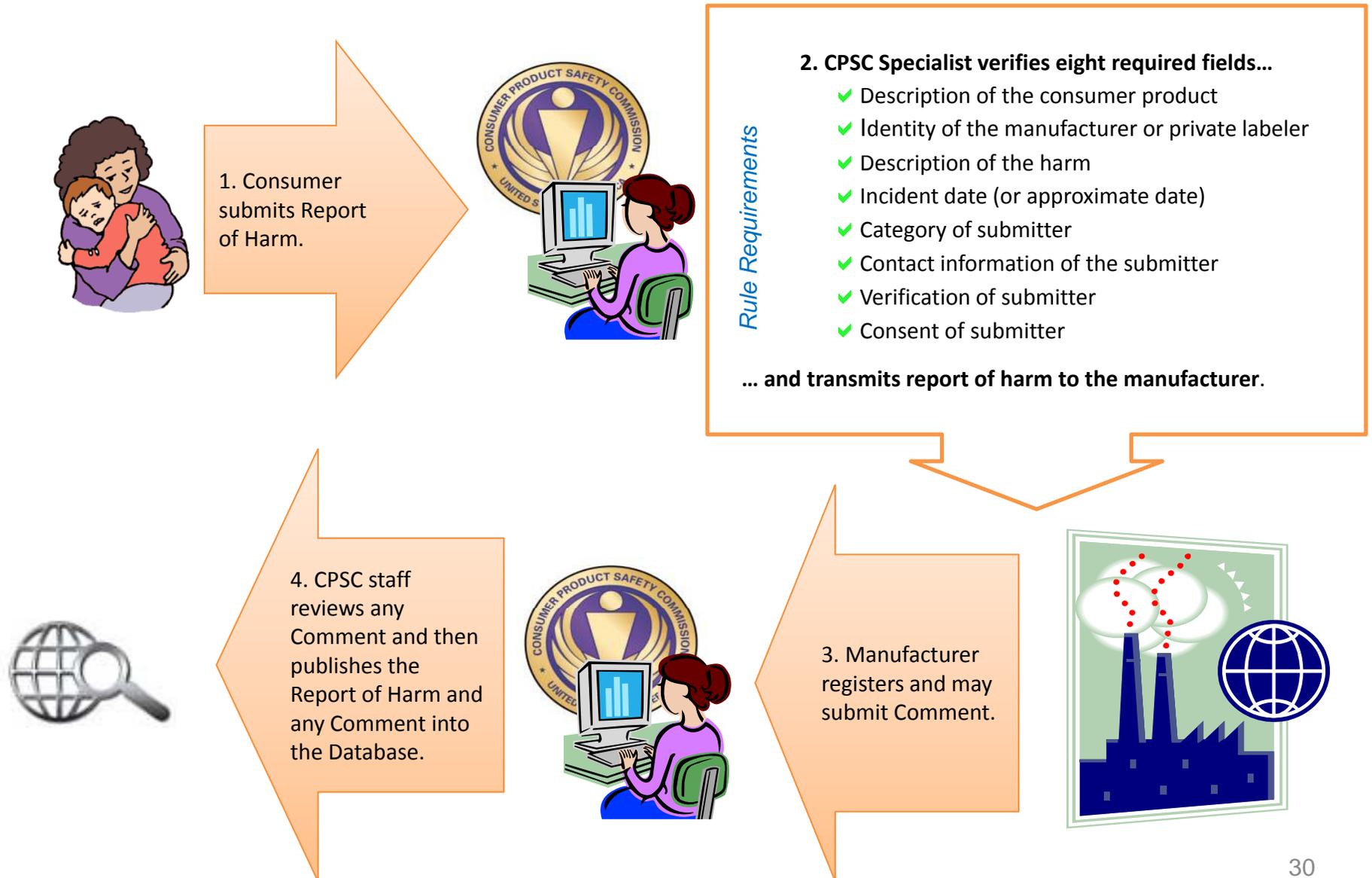
# Data Inputs

Historically, the CPSC has compiled incident reports from three major sources:

1. National Electronic Injury Surveillance System (NEISS);
2. death certificates purchased from state governments; and
3. injury or potential injury incident (IPII) database that includes:
  - complaints filed through the CPSC's website, telephone hotline or via email;
  - reports from medical examiners and coroners;
  - news clips;
  - reports submitted by public safety entities;
  - reports submitted by other government agencies; and
  - manufacturer/retailer reports.

# Reports of Harm

## Report of Harm Publication Process in the Database.



# An Informed Consumer is An Empowered Consumer



The screenshot shows the SaferProducts.gov website interface. At the top left is the logo for SaferProducts.gov, which includes a gold shield with a scale of justice. To the right of the logo are three navigation buttons: 'Search' (with a magnifying glass icon and 'Results & Complaints' below it), 'File' (with a blue globe icon and 'Report' below it), and 'Businesses' (with a blue and orange speech bubble icon and 'Report or Complaints' below it). Below the navigation bar is a section titled 'File a Report' in blue text. Underneath this title is a sub-header: 'Please follow the steps below to begin your report to the U.S. Consumer Product Safety Commission.' Below this is a form with a dropdown menu. The dropdown menu is currently set to 'Please Select' and has a blue arrow pointing down. To the right of the dropdown menu is a link that says 'Why do you need this?'. To the left of the dropdown menu is the text '1) Select Who You Are or Your Affiliation'.

**SaferProducts**  
.GOV

**Search**  
Results & Complaints

**File**  
Report

**Businesses**  
Report or Complaints

## File a Report

Please follow the steps below to begin your report to the U.S. Consumer Product Safety Commission.\*

1) Select Who You Are or Your Affiliation

Please Select [Why do you need this?](#)