U.S. Consumer Product Safety Commission

Consumer Product Safety Compliance and Enforcement

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Views expressed in this presentation are those of the staff and do not necessarily represent the views of the Commission.
Where is the U.S. Consumer Product Safety Commission located?

Headquarters, Bethesda, MD

National Product Testing & Evaluation Center, Rockville, MD
Commission Authority

- Consumer Product Safety Act as amended by the CPSIA
- 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
Field Operations
Compliance Activities

- Defect Investigations
- Enforcement of Rules and Bans
- Corrective Actions/Recalls
- Market Surveillance
- Field Operations
- Import Surveillance
- Sanctions/Penalties
Surveillance Databases

- **IPII**: Injury and Potential Injury Incident Data
- **DTHS**: Death Certificates
- **INDP**: In-Depth Investigations (IDIs)
- **NEISS**: National Electronic Injury Surveillance System
Surveillance Activities

Retail
- Program plan for regulated products; surveillance for defects and other risks

Internet
- Check for conformity with regulations and for recalled products

Ports and Airports
- Investigators at key ports of entry
- Analysts identify most likely at-risk products
Reporting Obligations

Report is required if a firm obtains information that “reasonably supports the conclusion” that product “contains a defect which could create a substantial product hazard.”

Firm must report “immediately” (i.e., within 24 hours)

https://www.cpsc.gov/cgibin/sec15.aspx
Identifying Defect/Hazard

- Pattern of Defect
  - Identification of defect, flaw, error and issues associated with design, engineering, quality control, labeling, use, assembly, etc.

- Number of Defective Products
  - Distributed into commerce

- Severity of Risk
  - Severity of injury
  - Likelihood injury will occur
  - Vulnerable population affected
Industry Guidance

- [www.cpsc.gov](http://www.cpsc.gov)
- “Business” section of website
- [www.recalls.gov](http://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 Database
When to report:

- The manufacturer, importer, distributor, or retailer is required to report immediately upon obtaining information which reasonably supports the conclusion that a product:
  - Fails to meet a rule, regulation, standard, or ban under the CPSA or any other statute enforced by the CPSC;
  - Contains a defect which could create a substantial product hazard to consumers; or
  - Creates an unreasonable risk of serious injury or death.
What to Provide When Reporting

Initial Report
- Details about product, stop sale date, potential defect and hazard, samples, and all available information

Full Report
- All information requested in 16 CFR 1115.13 with regard to manufacturer, product, defect, and injuries
What is the Fast Track Program?

- Initiated in 1995, it eliminates “Preliminary Determination” (PD) of hazard for cases reported by a firm that can implement a recall within 20 days.

- Benefits for stakeholders:
  - Firm receives no PD and it can implement a recall quickly
  - Staff expends less resources
  - Public gets quicker notice
Section 15 Reporting Trends

Last Update: 07/10/2012
What is the Fast Track Program?

- Firm **must** notify the public and initiate a stop sale quickly.

- Firm can provide repair, replacement, or refund as corrective action.
  - Staff must get opportunity to review repair or replacement **before** implementing.

- Firm must still provide a Full Report and all requested information for a Fast Track recall.
Implementing a Product Safety Recall

- Decision to Recall
  - Stop Production
  - Stop Distribution
  - Stop Retail Sales

- Consumer Notification
  - Repair/Replace
  - Return for Refund
  - Incentives/Disposal

- Redesign?
- Repair?
- Disposal?
Choosing a Remedy
Refund/Replacement/Repair

- Refund is the fastest and easiest method for consumers.
  - Must consider if product will be returned and how
  - Consider removal of piece that can disable product and be returned at lower cost
  - Provide pre-paid return postage provided for consumers
  - If product not returned, consider form to sign for refund
Refund/Replacement/Repair

- Replacement must be a comparable product.
  - Requires review of test reports/data by staff

- Repair programs always need staff review of data.
  - Can be done by consumer, technician, or return to firm
  - If done by consumer, must be easy with clear instructions
  - If tools required, should provide them
Conducting a Recall
Ways to Reach Public About a Recall

- Hotline (toll-free)
- Posters at traditional retail locations (several locations within store)
- Forums, trade associations, magazines for industry, brochures, and catalogs
- Direct Notice is BEST (e-mail, letter, phone calls)
  - Review all internal customer lists (loyalty cards, warranty, catalogues)
Ways to Reach Public About a Recall

- Website (initiate online registration, instructions)

- Social media (Twitter, Facebook, Google+, Blogs)
  - Firms are expected to announce recalls on their social media platforms.
  - CPSC has started using Twitter and is providing proposed tweet messages as early in the message negotiation process as possible.

- YouTube (recall message, how-to repair, step-by-step instructions, how to assemble)
Press Releases

- Recalls are announced in press releases due to lack of direct notice and need for outreach.
- Can be pitched to media, can be highlighted on CPSC’s home page.
Conducting a Recall

- Recall Alerts
  - Posted on CPSC website
  - Require direct contact for virtually all consumers, retailers, and distributors
  - Very small percentage of recalls
  - Providing a customer list is a requirement of qualifying for a Recall Alert
Filing a Section 5 Report

United States Consumer Product Safety Commission

Brrr! Do You Use These Recalled Items?
Before you turn on your heater, see if you have any of these cold weather-related recalled products in your home. It could save your life.

Recalls

January 12
Kaz USA Recalls Honeywell Portable Electric Heaters Due to Burn Hazard
Businesses: Report a Potentially Unsafe Product

Office of Compliance - Section 15(b) Internet Report

You are required to report potentially hazardous products that you manufacture, distribute, import or sell under Section 15.

You must:
- Report products that do not comply with a safety rule issued under the Consumer Protection Safety Act.
- Report within 24 hours of getting information that reasonably lets you know that a product does not comply with safety rules.
- Report products that contain a defect that could create a substantial risk of injury to the public or that presents an unreasonable risk of serious injury or death.

You can also report a potentially unsafe product to CPSC’s Office of Compliance at (301) 504-7520 or by sending an e-mail to sect15@cpsc.gov.

To learn more about business reporting requirements, please see:
- Recall Handbook for Businesses
- Substantial Product Hazard Reports in the Code of Federal Regulations

Sign In and Report  Report Without Registering
Violations/Prohibited Acts

- Manufacturing, distributing, or importing any product that does not comply with a mandatory standard
- Failing to report information as required by CPSC statutes
- Selling a recalled product
- Exporting a recalled product for sale
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
Industry Guidance

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  - CPSC Public Database
Need Information?

- [www.cpsc.gov](http://www.cpsc.gov)
- [www.recalls.gov](http://www.recalls.gov)
- [Recall Handbook](http://www.recalls.gov) (pdf) (Revised March 2012)

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