



UNITED STATES
 CONSUMER PRODUCT SAFETY COMMISSION
 4330 EAST WEST HIGHWAY
 BETHESDA, MD 20814

This document has been electronically approved and signed.

Date: February 1, 2012

BALLOT VOTE SHEET

TO : The Commission
 Todd A. Stevenson, Secretary

THROUGH: Kenneth R. Hinson, Executive Director

FROM : Cheryl A. Falvey, General Counsel
 Philip L. Chao, Assistant General Counsel, RAD
 Patricia M. Pollitzer, Attorney

SUBJECT : Consumer Registration of Durable Infant or Toddler Products Under Section 104(d) of the CPSIA: Final Rule Clarifying Requirements

BALLOT VOTE DATE: February 7, 2012

Staff is forwarding to the Commission a briefing package recommending that the Commission issue a final rule to amend the registration requirements for manufacturers of durable infant or toddler products (16 C.F.R. part 1130). The amendment clarifies several aspects of the requirements. A draft final rule for publication in the *Federal Register* is provided for your consideration.

Please indicate your vote on the following options:

- I. Approve publication in the *Federal Register* of the draft final rule, without changes.

 Signature

 Date

II. Approve publication in the *Federal Register* of the draft final rule, with changes (please specify changes):

Signature

Date

III. Do not approve publication in the *Federal Register* of the draft final rule.

Signature

Date

IV. Take other action (please specify):

Signature

Date

Attachment: Staff's Briefing Package on Finalizing Amendment of Rule Requiring Consumer Registration of Durable Infant or Toddler Products.

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[Billing Code 6355-01-P]

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR PART 1130

Amendment to Requirements for Consumer Registration of Durable Infant or Toddler Products; Final Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In accordance with section 104(d) of the Consumer Product Safety Improvement Act of 2008 (“CPSIA”), the Consumer Product Safety Commission (“Commission,” “CPSC,” or “we”) issued a final consumer product safety rule requiring manufacturers of durable infant or toddler products to establish a consumer registration program. The Commission is amending that rule to clarify and correct some of its requirements.

DATES: The rule will become effective **[insert date 12 months after publication in *Federal Register*].**

FOR FURTHER INFORMATION CONTACT: Keysha Watson, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-6820; kwatson@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

On December 29, 2009, we published a final rule requiring manufacturers of durable infant or toddler products to: (1) provide with each product a postage-paid

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consumer registration form; (2) keep records of consumers who register such products with the manufacturer; and (3) permanently place the manufacturer's name and contact information, model name and number, and the date of manufacture on each such product. 74 FR 68668. The rule specified formatting and text requirements for the registration forms. Subsequently, we published a correction notice on February 22, 2010. 75 FR 7550. Since December 29, 2010, registration forms have been required for all durable infant or toddler products covered by the rule.

On August 8, 2011, we published a notice of proposed rulemaking to amend the rule in order to clarify or correct certain aspects of the rule. 76 FR 48053. Through this document, we are finalizing the amendment.

We note that, although manufacturers of durable infant or toddler products must comply with the registration requirements, they are not required to have a third party testing laboratory "test" their product's compliance with the registration requirements.

B. Statutory Provisions

The CPSIA directed us to promulgate a final consumer product safety rule requiring manufacturers of durable infant or toddler products to establish and maintain consumer registration programs for such products. Section 104(d) of the CPSIA specified numerous requirements for the manufacturer's registration programs and for the Commission's rule. The rule we published on December 29, 2009 (74 FR 68668) carried out that statutory direction.

C. Response to Comments on the Proposed Rule

We received three comments on the proposed amendment that we had published on August 8, 2011. 76 FR 48053. These three comments raised four issues. One

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comment was from a consumer who generally supported the proposed amendment; the remaining two comments addressed particular aspects of the proposed amendment. We describe and respond to the comments in section C of this document and describe the final rule in section D. To make it easier to identify the comments and our responses, the word “Comment,” in parentheses, will appear before the comment’s description, and the word “Response,” in parentheses, will appear before our response. We also have numbered each comment issue to help distinguish between different issues. The number assigned to each comment issue is purely for organizational purposes and does not signify the comment’s value or importance, or the order in which it was received.

(Comment 1): As noted, one comment was from a consumer who generally supported the proposed amendment.

(Response 1): We agree that the changes will clarify the registration rule requirements.

(Comment 2): Another comment also supported the amendment, but requested that “if a third party is used for collecting the registration cards, then the manufacturer should be allowed to put the third party vendor or a ‘brand name’ in lieu of a manufacturer’s name.” The commenter explained that “[S]ometimes the manufacturer or importer’s name may have little meaning to consumers who may be more inclined to fill out a registration card with a reputable processor they believe will be more likely to adhere to confidential treatment of submitted information or by identification of a product description with “Brand Name” that they more readily recognize than an unknown legal entity that is the manufacturer of the product.”

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(Response 2): We proposed to amend the rule to state that if a manufacturer uses a third party to process the registration cards, the third party's name could be included as "in care of" ("c/o") as part of the address on the form. The third party processor's name would be in addition to the manufacturer's name. Allowing a brand name to replace the manufacturer's name, we believe, could confuse consumers and make it more difficult for consumers to report a problem with the product. Moreover, section 104(d)(2)(D) of the CPSIA requires that the manufacturer's name be on the registration form. For these reasons, we are not accepting this suggestion.

(Comment 3): A third comment suggested that we allow Quick Response ("QR") codes on registration cards. The comment explained that QR codes "are a type of matrix barcode that allow[s] storage of information, including links that direct consumers to a website when read with a readily available QR reader on a smart phone or other device."

(Response 3): QR codes currently are used as promotional tools and for tracking consumer buying habits. We are concerned that consumers may be reluctant to register their products if they believe that the QR code may be collecting more information than simply their contact information for the safety alert/recall. The CPSIA is very clear that the purpose of the registration is to collect contact information in order to notify consumers if a product is the subject of a safety alert or recall, not for any promotional purpose. *See* section 104(d)(2)(G) and (d)(3) of the CPSIA. Although the technology of QR codes could be useful in the future for product registration, we do not believe we have enough information to include this in this final rule.

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(Comment 4): One comment agreed with the proposed 12-month effective date, stating that it “is a reasonable time frame for all manufacturers to deplete their current inventory of registration cards.”

(Response 4): We agree with the comment and are finalizing the proposed effective date.

D. The Clarifications and Corrections in the Final Rule

1. Simplifying the Provisions for the Format and Text of Registration Forms (§ 1130.6)

As originally published, § 1130.6 specifies requirements for the format of registration forms, and § 1130.7 specifies the requirements for the text of registration forms. In the preamble to the proposal, we stated that we believe explaining the requirements in this way may be confusing. 76 FR 48053-54. Therefore, we proposed eliminating this framework and collapsing the requirements from §§ 1130.6 and 1130.7 into one section and clarifying them. *Id.* We proposed describing the registration form more clearly, moving logically from the front top of the form to the front bottom of the form, to the back top of the form, and ending with the back bottom of the form. We proposed the following corresponding changes: combining the existing §§ 1130.6 and 1130.7 into a revised § 1130.6; renumbering existing §§ 1130.8 and 1130.9 as §§ 1130.7 and 1130.8, respectively; and changing references to §§ 1130.6 through 1130.9 (such as § 1130.3(a)(2), which refers to § 1130.9) to reflect the renumbered sections. *Id.*

We did not receive any negative comments on proposed § 1130.6 and the proposed corresponding references, and so we are finalizing them without change.

2. Clarifying the Required Font Size (§ 1130.6(b)(2))

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As originally published, § 1130.6(c) requires that registration forms use 12-point and 10-point type. Manufacturers and testing labs reported confusion concerning the physical size required for the type. The dictionary defines a “point” as 1/72 of an inch. However, according to font charts, font sizes used in printing do not follow this formula and are actually smaller than this measurement.

We proposed specifying the physical measurement of the type, rather than referring to “point.” For example, instead of requiring “12-point” type, we proposed stating in § 1130.6(b)(2) that “0.12-inch (3.0 mm) type” is required.

We did not receive any negative comments on proposed § 1130.6(b)(2) and are finalizing it without change.

3. Changes to Clarify that Consumers Should Return the Bottom Part of the Form Only (§ 1130.6(c)(1) and (d)(1))

Section 1130.6(a) of the rule requires firms to provide a form at least the size of two standard postcards, connected together by a perforated line, so that the two portions can be separated. The consumer retains the top portion, which contains a statement of the purpose of the card and the manufacturer’s contact information. According to several manufacturers, consumers have been confused about what they need to return to the manufacturer, and some consumers have been sending in the entire form or the top portion of the form only.

As originally published, § 1130.7(b) requires that the back of the top portion of the form state the manufacturer’s name and contact information (a U.S. mailing address, a telephone number, toll-free, if available), among other things. The example shown in

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Figure 1 of the rule shows this information to be center justified, which makes this look like a mailing address.

We proposed amending § 1130.6(d)(1)(i) to specify that the manufacturer's name and contact information on the top portion of the form is to be stated in sentence format and appear underneath the heading: "Manufacturer's Contact Information." In Figure 2, we proposed that the order of the manufacturer's contact information and the model name, model number, and manufacture date would be reversed from the order in the original Figure 2. This places the manufacturer's contact information on top and decreases the likelihood that a consumer would return the top part of the form.

In addition, we proposed adding a new provision in § 1130.6(d)(1)(ii), requiring that just above the perforation line, each form must state in capital letters: "KEEP THIS TOP PART FOR YOUR RECORDS. FILL OUT AND RETURN BOTTOM PART."

Finally, we proposed revising the wording in the purpose statement to clarify that consumers should mail the bottom part of the form. As originally published, § 1130.7(a) and Figure 1 stated: "please complete and mail this card." We proposed that § 1130.6(c)(1) and Figure 1 state: "please complete and mail the bottom part of this card."

We did not receive any negative comments on proposed § 1130.6(c)(1) and (d)(1) and are finalizing them without change.

4. Omitting Manufacturer's Name on the Back Bottom of the Form (§ 1130.6(d)(2))

As originally published, (and then corrected in February 2010), § 1130.7(d) requires that the bottom back portion of the form state the manufacturer's name with the product information. However, the illustration in Figure 2 of the rule does not show the manufacturer's name in this location. Some manufacturers pointed out that there is

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limited space on this part of the form, and they suggested that omitting the manufacturer's name would allow more space for the consumer's information.

We proposed (in § 1130.6(d)(2)) omitting the requirement that the manufacturer's name be stated along with the product information at the back bottom portion of the form. We stated in the preamble to the proposed rule that we will allow a manufacturer to include its name on the back portion of the card if it wants to do so.

We received no negative comments on proposed § 1130.6(d)(2) and are finalizing it without change.

5. Identifying a Third Party that Is Processing the Forms (§ 1130.6(c)(2))

As originally published, § 1130.6(b)(3) requires that the registration form be pre-addressed "with the manufacturer's name and mailing address where registration information is to be collected." As discussed in the preamble to the final rule (74 FR at 68670), a manufacturer is allowed to contract with a third party who would be responsible for maintaining the registration information. Some manufacturers asked whether the third party's name could appear in the mailing information on the form in these circumstances.

We proposed stating in § 1130.6(c)(2) that, if a manufacturer uses a third party to process the registration forms, the third party's name may be included as a "c/o" on the form. As discussed in section C of this preamble, we received a comment asking us to allow a "brand name" in lieu of the manufacturer's name. We are not making this change, and we are finalizing this section without change.

6. Clarifying the Location Where Registration Information Is to Be Maintained (§ 1130.8(d))

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Several manufacturers asked whether the consumer registration information they receive must be maintained at a location in the United States. As originally published, the rule does not specifically address this issue.

In the preamble to the proposed rule, we stated that because so much data and information are kept electronically and can be retrieved quickly, we do not believe that it is necessary to require that registration information be maintained in the United States. 76 FR 48054. However, manufacturers must be able to access the information when requested. Therefore, we proposed stating in § 1130.8(d) that registration records shall be made available within 24 hours of a request by the CPSC.

We received no negative comments on this provision and are finalizing it without change.

7. Correcting Text Requirement for Purpose Statement to Match Figure 1 (§ 1130.6(c)(1))

As originally published, § 1130.7(a) provides, in part, that: “The front top portion of each form shall state ‘PRODUCT REGISTRATION FOR SAFETY ALERT OR RECALL. We will use the information provided on this card to contact you only if there is a safety alert or recall for this product. We will not sell, rent, or share your personal information. To register your product, please complete and mail this card or visit our online registration at <http://www.websitename.com>.’” In the preamble to the proposed rule, 76 FR 48054, we noted that there are two discrepancies between the wording of the text and the illustration in Figure 1.

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To make the text and Figure 1 consistent, we proposed making two changes to the text in § 1130.6(c)(1): adding the word “ONLY” at the end of the first sentence, and deleting “http/” from the website name.

We received no comment on this provision and are finalizing it without change.

E. Effective Date

We stated in the preamble to the proposed rule, 76 FR 48055, that we recognize that manufacturers may have an existing inventory of registration forms and that the changes to the forms are minor and would not affect safety. We proposed that the amendment would take effect 12 months after publication of a final rule. We also stated that until the amendment takes effect, we would consider registration forms to be in compliance that meet either the existing rule or the amendment. *Id.* We received one comment in favor of the proposed effective date. Therefore, the final rule provides a 12-month effective date.

F. Regulatory Flexibility Analysis or Certification

The Regulatory Flexibility Act (“RFA”) generally requires that agencies review proposed rules for their potential economic impact on small entities, including small businesses. However, as we noted in the preamble to the proposed rule, *id.*, section 104(d)(1) of the CPSIA removes this requirement for the rule implementing the CPSIA’s consumer registration provision. Consequently, no regulatory flexibility analysis or certification is necessary for this proposed amendment clarifying and correcting the consumer registration rule. Moreover, the changes are minor and will not alter the impact that the registration rule has on small entities.

G. Paperwork Reduction Act

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Section 104(d)(1) of the CPSIA also excludes the consumer registration rule from requirements of the Paperwork Reduction Act, 44 U.S.C. sections 3501 through 3520. Consequently, no Paperwork Reduction Act analysis is necessary for this amendment clarifying and correcting the consumer registration rule. Moreover, the changes are minor and will not alter any collection of information required under the registration rule.

H. Environmental Considerations

Our regulations provide a categorical exemption for our rules from any requirement to prepare an environmental assessment or an environmental impact statement as they “have little or no potential for affecting the human environment.” 16 CFR 1021.5(c)(2). This amendment falls within the categorical exemption.

List of Subjects in 16 CFR 1130

Administrative practice and procedure, Business and industry, Consumer protection, Reporting and recordkeeping requirements.

Accordingly, we amend 16 CFR part 1130 as follows:

PART 1130 – REQUIREMENTS FOR CONSUMER REGISTRATION OF DURABLE INFANT OR TODDLER PRODUCTS

1. The authority citation for part 1130 continues to read as follows:

Authority: 15 U.S.C. 2056a, 2065(b).

2. In § 1130.3(a)(2), remove “§ 1130.9” and add in its place “§ 1130.8”.

3. Section 1130.5 is amended as follows:

a. In § 1130.5 (a), remove “and 1130.7”.

b. In § 1130.5 (f), remove “1130.7(a)” and add, in its place “1130.6(c)(1)”.

4. Revise § 1130.6 to read as follows:

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§ 1130.6 Requirements for format and text of registration forms.

(a) *Size of form.* The form shall be at least the size of two standard post cards, connected with perforation for later separation, so that each of the two portions is at least 3 ½ inches high x 5 inches wide x 0.007 inches thick.

(b) *Layout of form.* (1) *General.* The form shall consist of four parts: top and bottom, divided by perforations for easy separation, and front and back.

(2) *Font size and typeface.* The registration form shall use bold black typeface. The size of the type shall be at least 0.12 in (3.0 mm) for the purpose statement required in § 1130.6(c)(1), and no less than 0.10 in (2.5 mm) for the other information in the registration form. The title of the purpose statement and the retention statement required in § 1130.6(d)(2) shall be in all capitals. All other information shall be in capital and lowercase type.

(c) *Front of form.* (1) *Top front of form: Purpose statement.* The top portion of the front of each form shall state: “PRODUCT REGISTRATION FOR SAFETY ALERT OR RECALL ONLY. We will use the information provided on this card to contact you only if there is a safety alert or recall for this product. We will not sell, rent, or share your personal information. To register your product, please complete and mail the bottom part of this card, or visit our online registration at: www.websitename.com.” Manufacturers that do not have a website may provide an e-mail address and state at the end of the purpose statement: “To register your product, please complete and mail the bottom part of this card, or e-mail your contact information, the model name and number, and date of manufacture of the product, as provided on this card, to: name@firmname.com.”

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(2) *Bottom front of form: Manufacturer's mailing address.* The bottom portion of the front of each form shall be pre-addressed and postage-paid with the manufacturer's name and mailing address where registration information is to be collected. If a manufacturer uses a third party to process registration forms, the third party's name may be included as a "c/o" ("in care of") in the address on the form.

(d) *Back of the form.* (1) *Top back of form.*

(i) *Product information and manufacturer's identification.* The top portion of the back of each form shall state: "Manufacturer's Contact Information" and provide the manufacturer's name and contact information (a U.S. mailing address displayed in sentence format, website address, a telephone number, toll-free, if available); product model name and number (or other identifier as described in § 1130.4(a)(1) and (2)); and manufacture date of the product. A rectangular box shall be placed around the model name, model number, and manufacture date.

(ii) *Retention statement.* On the back of each form, just above the perforation line, the form shall state: "KEEP THIS TOP PART FOR YOUR RECORDS. FILL OUT AND RETURN BOTTOM PART."

(2) *Bottom back of form.*

(i) *Consumer information.* The bottom portion of the back of each form shall have blocks for the consumer to provide his/her name, address, telephone number, and e-mail address. These blocks shall be 5 mm wide and 7 mm high, with as many blocks as possible to fill the width of the card allowing for normal printing practices.

(ii) *Product information.* The following product information shall be provided on the bottom portion of the back of each form below the blocks for consumer information

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printed directly on the form or on a pre-printed label that is applied to the form: the model name and number (or other identifier as described in § 1130.4(a)(1) and (2)), and the date of manufacture of the product. A rectangular box shall be placed around the model name, model number, and manufacture date. A manufacturer may include its name on the bottom portion of the back of the form if they choose to do so.

5. Remove § 1130.7, and redesignate §§ 1130.8 and 1130.9 as §§ 1130.7 and 1130.8, respectively.

6. In redesignated § 1130.8, add new paragraph (d) to read as follows:

(d) Records required under this section shall be made available within 24 hours, upon the request of any officer, employee, or agent acting on behalf of the U.S. Consumer Product Safety Commission.

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7. Revise Figure 1, as follows:

**PRODUCT REGISTRATION FOR
SAFETY ALERT OR RECALL ONLY**

We will use the information provided on this card to contact you only if there is a safety alert or recall for this product. We will not sell, rent, or share your personal information. To register your product, please complete and mail the bottom part of this card, or visit our online registration at: www.website.com.

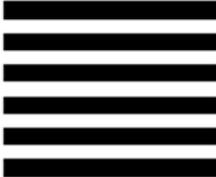


BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO.

POSTAGE WILL BE PAID BY ADDRESSEE

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



Manufacturer's Name
Post Office Box 0000
Anytown, ST 01234

FIGURE 1 TO PART 1130 – FRONT OF REGISTRATION FORM

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Dated: _____

Todd A. Stevenson, Secretary
U.S. Consumer Product Safety Commission



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

This document has been electronically
approved and signed.

Memorandum

Date: February 1, 2012

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel
Kenneth R. Hinson, Executive Director

FROM : DeWane J. Ray, Assistant Executive Director, Office of Hazard Identification
and Reduction
Celestine T. Kiss, Engineering Psychologist, Division of Human Factors,
Directorate for Engineering Sciences

SUBJECT : Finalizing Amendment of Rule Requiring Consumer Registration of Durable
Infant or Toddler Products.

This memorandum provides staff's recommendations for finalizing the proposed amendment to the Requirements for Consumer Registration of Durable Infant or Toddler Products, 16 CFR part 1130. The notice of proposed rulemaking (NPR) was published in the *Federal Register* on August 8, 2011 (76 FR 48053). The comment period closed on October 24, 2011. The amendment is intended to clarify certain sections of the final rule because testing laboratories, manufacturers, and consumer groups have indicated that they needed more guidance.

Response to Comments (Tab A)

The Commission received three comments on the NPR. One comment was from a consumer who supported the proposed amendment. One was from the Juvenile Products Manufacturers Association (JPMA), who also supported the amendment, including the effective date being 1 year from publication of the final rule. In addition, JPMA requested specifically that "if a third party is used for collecting the registration cards, then the manufacturer should be allowed to put the third party vendor or a "brand name" in lieu of a manufacturer's name." JPMA explained that "[S]ometimes the manufacturer or importer's name may have little meaning to consumers who may be more inclined to fill out a registration card with a reputable processor they believe will be more likely to adhere to confidential treatment of submitted information or by identification of a product description with "Brand Name" that they more readily recognize than an unknown legal entity that is the manufacturer of the product." The third comment received was a joint comment from Kids in Danger and the Consumer Federation of America. They requested that we consider, as an option, allowing the use of Quick Response codes (QR codes) on registration cards. QR codes are a type of matrix barcodes that allow storage of information, including links that direct consumers to a website when read with a readily available QR reader on a smart phone or other device.

Staff response:

The Commission proposed that under § 1130.6(c)(2): “[I]f a manufacturer uses a third party to process registration forms, the third party’s name may be included (emphasis added) as a “c/o” (“in care of”) in the address on the form.” The third party’s name would not replace the manufacturer’s name, but rather, it would be included with the manufacturer’s name and would only be included in the mailing address. CPSC staff does not agree with JPMA’s justification that “[T]he key should be that the CPSC staff should always be able to access the manufacturer information from the registration whether through a third party process or not.” The purpose of the information on the registration form is to allow consumers to identify and contact the manufacturer easily. Having a “brand name” in place of the manufacturer’s or third party processor’s name makes it more difficult for consumers to report a problem, and it violates section 104(d)(2)(D) of the CPSIA, which requires the manufacturer’s name to be on the registration form. Staff does not recommend any changes to this provision in the NPR.

The third commenter’s suggestion that we allow manufacturers the option of including a QR code on the registration form actually may send a mixed message to consumers. The intent of the registration form is to have consumers register their contact information with the assurance that the information will be used only in the event of a safety recall or alert and that the information will not be used for marketing or any other purpose. However, QR codes are currently used as promotional tools and for tracking consumer buying habits. Staff is concerned that consumers will be reluctant to register their products, fearing that the QR code will collect more information than simply their contact information for the safety alert/recall. Staff believes there is not enough information available to determine the feasibility of QR codes usage for purposes of product registration; therefore, we do not recommend allowing the option of QR codes at this time.

Staff Recommendations

Because staff does not recommend any changes in response to the comments received, staff recommends that the Commission approve the final rule, as proposed (76 FR 48053), with an effective date of 1 year from publication.

Tab A

Comments Received for CPSC DOCKET Number: 2011-0053

2011-0053-02 Kenneth Lindsey

2011-0053-03 Juvenile Products Manufacturers Association (JPMA)

2011-0053-04 Kids in Danger and Consumer Federation of America

Comment from Kenneth Lindsey

Document ID: CPSC-2011-0053-0002 Document Type: Public Submission

This is comment on Proposed Rule: Consumer Registration of Durable Infant or Toddler Products

Docket ID: CPSC-2011-0053 RIN: Not Assigned

Topics: No Topics associated with this document

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Comment Start Date: August 08 2011, at 12:00 A.M. Eastern Daylight Time

Comment Due Date: October 24 2011, at 11:59 P.M. Eastern Daylight Time

Tracking Number: 80f56910

First Name: Kenneth

Last Name: Lindsey

Comment:

In reference Docket No. CPSC-2011-0053, I support the proposed administrative changes to the consumer registration forms. In order to operate a successful and accurate Consumer Registration Program, it is essential to provide forms that are clear and user-friendly. After reviewing the description of the current forms and comparing it to the proposed illustrations, I, as a consumer, find the proposed form more user-friendly. Because the current forms lack clarity, consumers end up submitting the whole or wrong portion of the form, causing additional work for manufacturers upon receipt. Implementing the proposed changes would allow for better consistency for form submission and receipt. Therefore, I recommend immediate implementation of all proposed clarifications and corrections to the consumer registration form.

October 24, 2011
Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Re: Consumer Registration of Durable Infant or Toddler Products: 16 CFR Part 1130
CPSC DOCKET Number: 2011-0053

Dear Mr. Stevenson:

These comments are submitted by the Juvenile Products Manufacturers Association (JPMA), a national not-for-profit trade organization representing 95% of the prenatal to preschool industry, on behalf of our member companies who manufacture and distribute a wide array of infant products in the North America. JPMA represents approximately 250 companies in the United States, Canada, and Mexico who manufacture, import and/or distribute infant products such as cribs, car seats, strollers, bedrails, bedding, and a wide range of accessories and decorative items. JPMA has been recognized as an organization dedicated to enhancing children's product safety. JPMA's extensive history of leadership in juvenile product safety includes the development of a comprehensive Certification Program to help guide parents and caregivers toward purchasing juvenile products that are built with safety in mind. JPMA continues to work with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products. *Safe & Sound for Baby* and Baby Safety Month are only a few of the programs JPMA sponsors to keep today's safety conscious parents informed.

The Consumer Product Safety Commission ("Commission" or "CPSC") invited comments on 16 CFR Part 1130 pursuant to Section 104 of the Consumer Product Safety Improvement Act ("CPSIA"), which directs the Commission to issue a safety rule requiring manufacturers of durable infant and toddler products to establish a consumer registration program. JPMA appreciates the attention that the CPSC has given to clarify some emerging issues resulting from the originally published final rule for Consumer Registration of Durable Infant and Toddler Products. JPMA agrees with the proposed changes to simplify the provisions for the format and text of registration forms; to clarify the required font size; to clarify that consumers should return the bottom part of the form only; to omit the manufacturer's name on the back bottom of the form; to identify a third party that is processing the forms; to clarify the location where registration information is to be maintained; and to correct text requirements for the purpose statement. JPMA feels that the suggested changes provide a more uniform template to guide manufacturers, test labs and contracted third party suppliers in meeting the requirements of this rule.

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We agree with the staff comment that since the front of the bottom portion of the form will always have the manufacturer's name even when they use a third party to process the card, we believe it is not necessary to include the manufacturer's name at every location on the form. We note that manufacturers will have the option to include its name on the back portion of the card if it wants to do so.

In regards to the staff's request for further comment on whether some additional latitude is necessary to assist firms using a third party vendor to process their registration cards, we believe practical latitude should be permitted to list the third party vendor or a "brand name" in lieu of a manufacturer's names. Let us explain why this may be beneficial for consumers. Sometimes the manufacturer or importer's name may have little meaning to consumers who may be more inclined to fill out a registration card with a reputable processor they believe will be more likely to adhere to confidential treatment of submitted information or by identification of a product description with "Brand Name" that they more readily recognize than an unknown legal entity that is the manufacturer of the product. The key should be that the CPSC staff should always be able to access the manufacturer information from the registration whether through a third party processor or not.

These changes will also assist the consumer and provide for more effective utilization of the registration program. JPMA remains committed to making sure consumers have an effective tool to ensure product information can be communicated successfully. The NPR indicates that the intention of the Commission is to implement an effective date for compliance twelve months after publication of the final rule. JPMA agrees that this is a reasonable time frame for all manufacturers to deplete their current inventory of registration cards.

We appreciate the CPSC's efforts to work with all stakeholders to assure an efficient and effective final rule.

Sincerely,
Robert B. Waller
President



Comments from Kids In Danger and Consumer Federation of America on Consumer Registration of Durable Infant or Toddler Products, Docket #CPSC-2011-0053

In reviewing reports on SaferProducts.gov and in our own research, KID has found that recalled products remain in use for years after their recall. Product registration cards and online product registration are now required for durable infant and toddler products under the **Danny Keysar Child Safety Notification Act** in the 2008 Consumer Product Safety Improvement Act.

Since the drafting and implementation of the requirement, new technology has grown more widespread that could be used to encourage product registration. One of those is the use of QR codes and readers to direct consumers to a product registration site. QR codes (short for Quick Response Code) are a type of matrix barcode that allow storage of information, including links that direct consumers to a website when read with a readily available QR reader on a smart phone or other device.

We would suggest that CPSC allow QR codes on registration cards to allow consumers to use a smart phone or other device to reach the registration page. Product details could be already in the code, giving consumers a head start in filling out the form. QR codes are entirely consistent with the goal of the product registration requirement – to make it more likely consumers will register durable nursery products and therefore more likely to learn of recalls.

The **Danny Keysar Child Safety Notification Act** already requires online access to a registration form. This allows more parents to register their products easily. However, there is a digital divide in this country that results in disparity in access to desk- and lap-top computers. But research has shown the division is minimal in smart phone use, allowing manufacturers to reach a more diverse group of consumers and encourage them to register their products.

We support allowing the use of QR codes on product registration cards and materials. In addition to making it easier for consumers to register a product, we believe it will also reduce the data entry required on the manufacturer's end to store the information needed to contact consumers in the event of a recall.

We would note:

- The QR codes cannot replace either the postage paid card or the online registration page, but is an additional tool to encourage product registration.
- QR codes should be an optional, not required part of the card or other materials. Not every manufacturer will have access to the technology to process the codes.

- As with the cards and online site, no advertising can be included in the code and it must lead directly and only to a product registration page.

Thank you for considering this suggestion for a change to the rule on ***Consumer Registration of Durable Infant and Toddler Products***. We would be happy to discuss this further if needed.

Sincerely,

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Kids In Danger is a nonprofit organization dedicated to protecting children by improving children's product safety. www.KidsInDanger.org

Consumer Federation of America is a non-profit association of more than 280 groups that, since 1968, has sought to advance the consumer interest through advocacy and education. www.consumerfed.org