

2016

**2016  
ANNUAL  
REPORT  
TO THE PRESIDENT  
AND CONGRESS**

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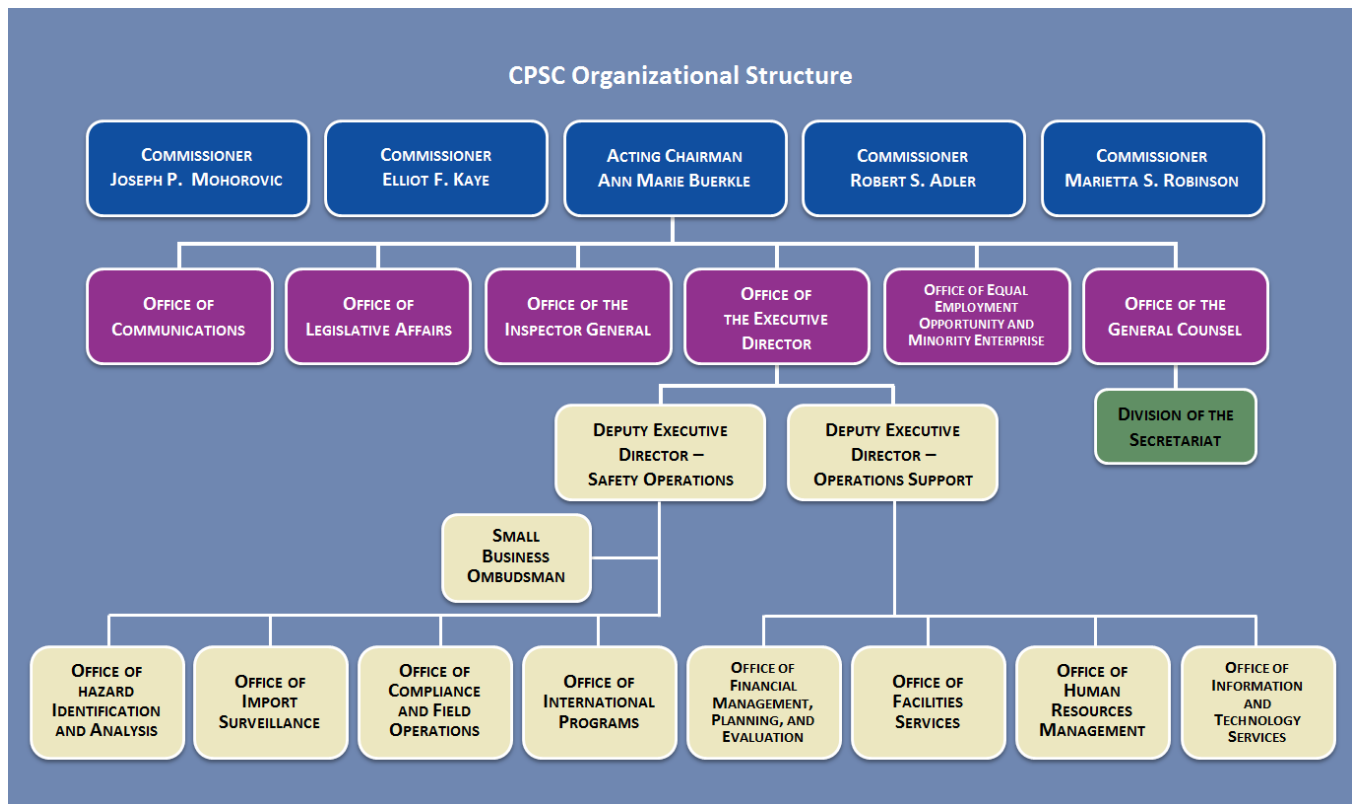


United States  
Consumer Product  
Safety Commission

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## A Note On This Report:

On February 9, 2017, Ann Marie Buerkle was named Acting Chairman of the U.S. Consumer Product Safety Commission. This report was prepared during former Chairman Kaye's tenure, which the 2016 organization chart and activities described by this report reflect. The report was completed and distributed under Acting Chairman Buerkle.



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# United States Consumer Product Safety Commission



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Commissioner  
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Commissioner  
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Commissioner  
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## Report to the President and Congress Pursuant to Section 209 of the Consumer Product Safety Improvement Act of 2008

The United States Consumer Product Safety Commission (CPSC, or Commission) is submitting this report to the President, Congress, and the public, as required under section 27(j) (15 U.S.C. 2076(j)) of the Consumer Product Safety Act (CPSA), as amended by the Consumer Product Safety Improvement Act of 2008 (CPSIA). The content of this report is specified in the CPSA, as amended by the CPSIA. The report describes many of the activities the CPSC performed to protect the public from hazardous consumer products in fiscal year 2016 (2016). Readers may also be interested in the CPSC's Annual Performance Report, required by the Government Performance and Results Act and available on the CPSC's website at:

<https://www.cpsc.gov/About-CPSC/Agency-Reports/Performance-and-Budget>.

The CPSC, established by Congress in 1972, is the federal regulatory body tasked with protecting the public from unreasonable risks of injuries or death associated with consumer products. The Commission has been effective in reducing consumer product-related injury and death rates by using a wide range of strategies to identify and address product safety hazards. This report is organized around the five strategies noted below:

- [Hazard Identification and Monitoring](#): collecting information and monitoring injury and death statistics related to the use of products under the CPSC's jurisdiction;
- [Safety Standards](#): participating in the development and strengthening of voluntary safety standards and developing mandatory standards;
- [Compliance and Enforcement](#): enforcing compliance with standards through compliance activities, such as recalls or other corrective actions, and litigating when necessary;
- [Public Outreach](#): educating consumers, families, foreign governments, and industry about product safety recalls, safety programs and alerts, emerging hazards, and safety standards; and
- [Intergovernmental Coordination](#): coordinating work on product safety issues with other governmental stakeholders.

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To view the electronic version of this document with active links throughout, visit the CPSC website at: [www.cpsc.gov/About-CPSC/Agency-Reports/Annual-Reports/](http://www.cpsc.gov/About-CPSC/Agency-Reports/Annual-Reports/)

## Hazard Identification and Monitoring

The Commission, in fulfilling its mission of keeping consumers safe, collects, reviews, and analyzes data on deaths, injuries, and societal costs associated with such products. This section describes the “Incidence of Injury and Effects to the Population” associated with products under the jurisdiction of the Commission. Four tables present summary data by totals and by age groups for:

- product-associated deaths;
- product-associated injuries;
- percent of emergency department visits involving product-associated injuries resulting in hospitalization; and
- estimated costs of product-associated injuries.

**Product-Associated Deaths** ([Table 1](#)). The CPSC collects mortality data through contracts with each state. The CPSC reviews about 8,000 death certificates each year, from all 50 states and the District of Columbia, covering unintentional product-related deaths. The CPSC purchases death certificates that have a high probability of consumer product involvement. However, due to resource constraints, we cannot purchase all product-related death certificates; and because the death certificates we purchase sometimes fail to identify the products involved, the total number of actual product-related deaths may be higher than the number we report. Although the deaths in this table represent product involvement, such involvement does not necessarily indicate causality.

**Product-Associated Injuries** ([Tables 2](#) and [3](#)). Each year, the CPSC collects information about product-associated injuries through its National Electronic Injury Surveillance System (NEISS). This unique system provides statistically valid national estimates of product-related injuries from a probability sample of hospital emergency departments (EDs); and NEISS is the foundation for many CPSC activities. These injury reports provide not only the means for estimating the magnitude of consumer product-related injuries in the United States, but also a resource for gathering additional information concerning the nature and potential cause of accidents. Annually, NEISS supplies information on almost 400,000 product-related cases from a sample of about 100 hospitals. The hospitals transmit incident information electronically; and in some cases, the data are available within 24 hours after an incident. Table 2 presents data on estimates of injuries associated with consumer products that resulted in hospital ED treatment. Table 3 presents estimates of the percent of such injuries that subsequently required hospitalization. Although the injuries in these tables represent product involvement, that involvement does not necessarily indicate causality.

**Cost of Product-Associated Injuries** ([Table 4](#)). To estimate costs of hospital ED-treated, consumer product injuries, the CPSC employs its Revised Injury Cost Model. The costs noted in this report do not include the costs of consumer product-related injuries treated elsewhere, such as in physicians’ offices, health maintenance organizations, and freestanding urgent care clinics. Estimates also do not include the economic losses of fatalities associated with the use of consumer products. These losses may be substantial. Furthermore, cost estimates are not available for many acute and chronic illnesses associated with exposure to chemical hazards. The number and costs of these illnesses are expected to be large.

Products are aggregated into 15 product groupings for the deaths, injuries, and cost data presented ([see pp. 7–8](#)). These products are described in the *NEISS Coding Manual*, Directorate for Epidemiology, U.S. CPSC. The *NEISS Coding Manual* can be found online at:

[https://www.cpsc.gov/s3fs-public/pdfs/blk\\_media\\_2016NonTraumaNEISSCodingManual.pdf](https://www.cpsc.gov/s3fs-public/pdfs/blk_media_2016NonTraumaNEISSCodingManual.pdf).

Additional data are collected and analyzed to develop more detailed estimates concerning products for which Commission remedial action has been considered. Based on interviews with victims or witnesses, the Commission identifies causes of incidents, including the interactions among the persons involved, the products, and the environment. Using all of the available data, Commission staff periodically prepares hazard analysis reports for selected products. To learn whether a hazard analysis report for any particular product is available, or to receive general injury data reports or more detailed data than are included in this section, please visit:

[www.cpsc.gov/en/Research--Statistics/Injury-Statistics](http://www.cpsc.gov/en/Research--Statistics/Injury-Statistics), or write to:

National Injury Information Clearinghouse  
U.S. Consumer Product Safety Commission  
4330 East West Highway, Bethesda, MD 20814

To query NEISS data or learn more about NEISS please visit:

[www.cpsc.gov/en/Research--Statistics/NEISS-Injury-Data](http://www.cpsc.gov/en/Research--Statistics/NEISS-Injury-Data).

**Table 1 - Deaths Associated with the Use of Certain Consumer Products****October 1, 2012–September 30, 2013**

This table presents the latest available estimates of deaths associated with, but not necessarily caused by, the use of consumer products. These estimates are derived from data taken from death certificates that the Commission purchases from the states. The time required for collection and processing varies by state, but the majority of death certificates are received within 2 years of the date of death.

Product Group	AGE GROUP*				
	Total	Under 5	5–24	25–64	65 and Over
<b>Child Nursery Equipment and Supplies</b>	48	48	0	0	0
<b>Toys</b>	12	9	1	2	0
<b>Sports and Recreational Activities and Equipment</b>	1,489	214	349	673	253
<b>Home Communication, Entertainment, and Hobby Equipment</b>	22	15	2	3	2
<b>Personal Use Items</b>	120	21	13	32	54
<b>Packaging and Containers for Household Products</b>	139	3	19	103	14
<b>Yard and Garden Equipment</b>	111	2	7	41	61
<b>Home Workshop Apparatus, Tools, and Attachments</b>	56	5	10	32	9
<b>Home and Family Maintenance Products</b>	188	3	27	145	13
<b>General Household Appliances</b>	38	3	3	15	17
<b>Space Heating, Cooling, and Ventilating Appliances</b>	62	0	4	35	23
<b>Housewares</b>	15	0	1	11	3
<b>Home Furnishings and Fixtures</b>	1,064	329	60	313	362
<b>Home Structures and Construction Materials</b>	558	39	25	127	367
<b>Miscellaneous</b>	68	1	8	43	16

Source: CPSC Death Certificate Project

Note: \*"Total" includes incidents where the age was not recorded. Therefore, the aggregated age groups may not equal the total.



**Table 2 - Estimates of Hospital Emergency Department-Treated Injuries  
Associated with the Use of Certain Consumer Products**

**October 1, 2014–September 30, 2015<sup>1</sup>**

This table presents the estimates of hospital emergency department-treated injuries associated with, but not necessarily caused by, the use of consumer products. It is based on data collected from a statistically representative sample of hospitals, as part of the Commission's NEISS. The NEISS hospital sample has been updated periodically to take into account changes that have occurred in the NEISS sampling frame of emergency departments over time (e.g., including hospital emergency departments opened after the initial sampling frame was constructed). In addition, over time, there have been modifications to the definition of "in-scope" injuries.

Product Group	Total	AGE GROUP*			
		Under 5	5–24	25–64	65 and Over
<b>Child Nursery Equipment and Supplies</b>	95,412	70,391	7,000	16,073	1,948
<b>Toys</b>	241,886	85,521	113,599	38,111	4,655
<b>Sports and Recreational Activities and Equipment</b>	4,205,021	160,515	2,706,000	1,152,918	185,588
<b>Home Communication, Entertainment, and Hobby Equipment</b>	216,542	24,202	57,144	101,091	34,105
<b>Personal Use Items</b>	756,627	156,531	202,536	281,559	116,001
<b>Packaging and Containers for Household Products</b>	433,416	39,547	90,766	238,531	64,572
<b>Yard and Garden Equipment</b>	323,550	6,027	46,491	196,309	74,723
<b>Home Workshop Apparatus, Tools, and Attachments</b>	343,441	10,657	55,360	224,552	52,872
<b>Home and Family Maintenance Products</b>	193,842	35,794	43,598	93,688	20,762
<b>General Household Appliances</b>	163,937	18,729	25,786	87,150	32,272
<b>Space Heating, Cooling, and Ventilating Appliances</b>	129,269	21,258	28,507	60,803	18,701
<b>Housewares</b>	738,100	41,938	198,010	414,037	84,115
<b>Home Furnishings and Fixtures</b>	3,079,712	543,852	501,829	1,130,718	903,313
<b>Home Structures and Construction Materials</b>	4,355,389	457,144	912,052	1,742,146	1,244,047
<b>Miscellaneous</b>	317,155	50,681	109,767	113,779	42,928

Note: \* "Total" includes incidents where the age was not recorded. Therefore, the aggregated age groups may not equal the total.

<sup>1</sup> Comparisons with previous Annual Report tables must be done with caution because the NEISS sample was updated on January 1, 1990, and again on January 1, 1997. Additionally, the definition of "in-scope" injuries has been modified over time.

**Table 3 – Percent of Hospitalized Emergency Department-Treated Injuries Associated with the Use of Certain Consumer Products**

**October 1, 2014–September 30, 2015<sup>2</sup>**

This table presents the estimated percent of emergency department-treated injuries associated with consumer products for which the injured people were subsequently hospitalized.<sup>3</sup> This table gives some indication of the severity of the injury for which treatment was sought.

Product Group	Total (%)	AGE GROUP <sup>‡</sup>			
		Under 5 (%)	5–24 (%)	25–64 (%)	65 and Over (%)
<b>Child Nursery Equipment and Supplies</b>	4	5	<1	1	14
<b>Toys</b>	2	2	2	3	10
<b>Sports and Recreational Activities and Equipment</b>	5	5	3	7	22
<b>Home Communication, Entertainment, and Hobby Equipment</b>	5	4	2	3	21
<b>Personal Use Items</b>	8	11	3	5	21
<b>Packaging and Containers for Household Products</b>	6	10	2	4	15
<b>Yard and Garden Equipment</b>	8	4	1	6	17
<b>Home Workshop Apparatus, Tools and Attachments</b>	5	5	4	5	10
<b>Home and Family Maintenance Products</b>	5	5	2	5	16
<b>General Household Appliances</b>	8	8	3	4	21
<b>Space Heating, Cooling and Ventilating Appliances</b>	6	3	2	6	14
<b>Housewares</b>	3	8	2	2	10
<b>Home Furnishings and Fixtures</b>	11	3	2	7	26
<b>Home Structures and Construction Materials</b>	13	4	3	8	32
<b>Miscellaneous</b>	8	7	4	8	16

Note: <sup>‡</sup>“Total” includes incidents where the age was not recorded. Therefore, the aggregated age groups may not equal the total.

<sup>2</sup> Ibid.

<sup>3</sup> The estimated number of injuries that resulted in hospitalization is listed as a percent of the total number of emergency room-treated injuries.

**Table 4 - Estimates of the Cost of Emergency Department-Treated  
Consumer Product Injuries**

**October 1, 2014–September 30, 2015**  
(in millions of dollars)

This table is derived by applying the Commission’s Revised Injury Cost Model<sup>4</sup> to the estimates of hospital emergency department-treated injuries calculated in Table 2.<sup>5</sup> Injury cost estimates are adjusted to 2014 price levels using the employment cost index and the per capita medical care consumption expenditure.

Product Group	Total	AGE GROUP <sup>‡</sup>			
		Under 5	5–24	25–64	65 and Over
<b>Child Nursery Equipment and Supplies</b>	\$5,591	\$4,811	\$164	\$469	\$147
<b>Toys</b>	\$8,023	\$2,853	\$3,563	\$1,422	\$185
<b>Sports and Recreational Activities and Equipment</b>	\$188,553	\$7,830	\$101,377	\$66,299	\$13,047
<b>Home Communication, Entertainment, and Hobby Equipment</b>	\$8,634	\$952	\$1,562	\$3,713	\$2,407
<b>Personal Use Items</b>	\$26,652	\$4,389	\$4,646	\$10,203	\$7,414
<b>Packaging and Containers for Household Products</b>	\$14,874	\$983	\$2,201	\$8,229	\$3,461
<b>Yard and Garden Equipment</b>	\$15,751	\$221	\$1,579	\$9,405	\$4,546
<b>Home Workshop Apparatus, Tools, and Attachments</b>	\$14,928	\$335	\$1,883	\$10,320	\$2,390
<b>Home and Family Maintenance Products</b>	\$5,492	\$705	\$835	\$2,954	\$998
<b>General Household Appliances</b>	\$7,903	\$1,015	\$931	\$3,802	\$2,155
<b>Space Heating, Cooling, and Ventilating Appliances</b>	\$5,846	\$862	\$946	\$2,975	\$1,063
<b>Housewares</b>	\$20,421	\$1,749	\$4,474	\$10,996	\$3,202
<b>Home Furnishings and Fixtures</b>	\$183,053	\$26,259	\$17,426	\$64,725	\$74,643
<b>Home Structures and Construction Materials</b>	\$297,417	\$26,150	\$33,602	\$113,746	\$123,919
<b>Miscellaneous</b>	\$17,464	\$3,141	\$4,749	\$6,701	\$2,873

Note: <sup>‡</sup>“Total” includes incidents where the age was not recorded. Therefore, the aggregated age groups may not equal the total.

<sup>4</sup> The 2000 Injury Cost Model on the CPSC’s website can be found at the following location:  
<http://www.cpsc.gov/pagefiles/100269/revised-injury-cost-model-120100.pdf>.

<sup>5</sup> Estimates are not comparable to estimates in previous reports because of changes in data and methodology.

### **Product Groups**

#### **1. CHILD NURSERY EQUIPMENT AND SUPPLIES**

Baby carriages, walkers, and strollers  
Cribs, playpens, and baby gates  
High chairs and youth chairs  
Miscellaneous

#### **2. TOYS**

Children's sports and hobby equipment  
Electric trains, cars, and accessories  
Projectile or flying toys  
Toy chests and boxes  
Tricycles (children's)  
Wagons and other ride-on toys  
Miscellaneous

#### **3. SPORTS AND RECREATIONAL ACTIVITIES AND EQUIPMENT**

Amusement rides  
Archery  
ATVs, mopeds, and minibikes  
Barbecue grills, stoves, and fuel  
Baseball/softball  
Basketball  
BB guns, BBs, and pellets  
Beach, picnic, and camping equipment  
Bicycles and accessories  
Billiards or pool  
Bowling  
Boxing  
Cheerleading  
Curling  
Dancing  
Darts  
Exercise equipment  
Fencing  
Fishing  
Football  
Golf  
Gymnastics and equipment  
Hockey, all kinds  
Horseback riding  
Horseshoes  
Ice or snow boating  
Lacrosse, rugby, and miscellaneous ball games  
Martial arts  
Mountain climbing  
Playground equipment  
Racquet sports  
Shuffleboard  
Skateboards, scooters  
Skating, all kinds  
Snowmobiles

Snow skiing and snowboarding  
Soccer  
Swimming activity, pools and equipment  
Toboggans, sleds, snow discs  
Track and field  
Trampolines  
Unicycles  
Volleyball  
Water skiing, tubing, and surfing  
Wrestling  
Miscellaneous

#### **4. HOME COMMUNICATION, ENTERTAINMENT, AND HOBBY EQUIPMENT**

Sound recording and reproducing equipment  
Television sets and stands  
Miscellaneous

#### **5. PERSONAL USE ITEMS**

Cigarettes, lighters, lighter fluids, and matches  
Clothing, all  
Coins  
Desk supplies  
Drug and cosmetic poisonings and chemical  
burns to children under age 5  
Grooming devices  
Holders for personal items  
Infrared lamps and saunas  
Jewelry, watches, keys, and key chains  
Massage devices  
Protection devices (eyes, ears)  
Razors, shavers, and razor blades  
Miscellaneous

#### **6. PACKAGING AND CONTAINERS FOR HOUSEHOLD PRODUCTS**

Cans and other containers  
Glass bottles and jars  
Paper, cardboard, and plastic products

#### **7. YARD AND GARDEN EQUIPMENT**

Chain saws  
Hand garden tools  
Hatchets and axes  
Lawn and garden care equipment  
Lawn mowers, all types  
Other power lawn equipment  
Outdoor electric lighting equipment  
Pumps  
Trimmers and small power garden tools

**8. HOME WORKSHOP APPARATUS,  
TOOLS, AND ATTACHMENTS**

Automotive accessories and chemicals  
Batteries, all types  
Battery chargers  
Chains  
Engines, nonautomotive  
Hoists, lifts, jacks  
Power home tools (excluding saws)  
Power home workshop saws  
Welding, soldering, cutting tools  
Wires, cords, not specified  
Workshop chemicals  
Workshop manual tools  
Miscellaneous

**9. HOME AND FAMILY  
MAINTENANCE PRODUCTS**

Cleaning agents (excluding soaps)  
Cleaning equipment, non-caustics  
Drain and oven cleaners and caustics  
Paints, solvents, and lubricants  
Polishes and waxes  
Soaps and detergents  
Miscellaneous

**10. GENERAL HOUSEHOLD  
APPLIANCES**

Cooking ranges, ovens  
Irons and clothes steamers  
Refrigerators and freezers  
Washers and dryers  
Miscellaneous

**11. SPACE HEATING, COOLING AND  
VENTILATING EQUIPMENT**

Air conditioners  
Chimneys and fireplaces  
Fans (excluding stove exhaust fans)  
Furnaces  
Heating stoves and space heaters  
Pipes (heating and plumbing)  
Radiators  
Water heaters  
Miscellaneous

**12. HOUSEWARES**

Cookware  
Drinking glasses  
Knives, unpowered  
Scissors  
Skewers and picks  
Small kitchen appliances  
Tableware and accessories  
Miscellaneous

**13. HOME FURNISHINGS AND  
FIXTURES**

Bathtub and shower structures  
Beds, mattresses, and pillows  
Blankets  
Carpets and rugs  
Chairs, sofas, and sofa beds  
Desks, cabinets, shelves, racks  
Drapery rods and accessories  
Electric fixtures, lamps, and equipment  
Fireplace equipment  
Holiday and party supplies  
Hot tubs, spas, and whirlpools  
Ladders and stools  
Mirrors and mirror glass  
Other miscellaneous furniture and accessories  
Scales (excluding baby scales)  
Sinks and toilets  
Tables  
Window, table, chair, and bed covers  
Miscellaneous

**14. HOME STRUCTURES AND  
CONSTRUCTION MATERIALS**

Automatic doors and door openers  
Cabinet or door hardware  
Ceilings and walls of a completed structure  
Counters and counter tops  
Fences  
Glass doors, windows, and panels  
Handrails, railings, and banisters  
Insulation  
Nails, carpet tacks  
Non-glass doors and panels  
Outside attached structures and materials  
Outside unattached structures  
Porches, open side floors  
Stairs, ramps, landings, and floors  
Window and door sills (including frames)  
Wood paneling and particleboard  
Miscellaneous

**15. MISCELLANEOUS PRODUCTS**

Alarms and escape equipment  
Business and office machines  
Dollies and carts  
Elevators, escalators, and other lifts  
Fireworks and flares  
Fuel-burning lighting equipment and fuels  
Gasoline and diesel fuels  
Generators  
Miscellaneous

## SAFETY STANDARDS

The Commission helps reduce consumer product hazards through the development of mandatory safety standards and staff involvement in the development and strengthening of voluntary safety standards. This section presents information about:

- mandatory safety standards in effect;
- voluntary safety standards for which staff provided monitoring or technical support; and
- research activities conducted by staff.

- 1) **Mandatory Safety Standards**: Mandatory standards are developed through rulemaking. Under most of the statutes the CPSC enforces, if a voluntary standard exists, then by law, the Commission may not issue a mandatory standard, unless it finds that the voluntary standard will not eliminate or adequately reduce the risk of injury or death, or determines that it is unlikely that there will be substantial compliance with the voluntary standard. During the rulemaking process, staff seeks input from all interested parties, including consumers, industry, and other government agencies. Mandatory standards generally are expressed in the form of performance requirements. Examples of products for which mandatory standards were under development in FY 2016 include: portable generators, table saws, and fireworks.

For more detail, visit the Electronic Code of Federal Regulations,  
Title 16 Chapter II<sup>6</sup> Web page (updated daily), at: <http://www.ecfr.gov><sup>7</sup>

Regulations, Mandatory Standards, and Bans are listed on the CPSC website at:  
<http://www.cpsc.gov/en/Regulations-Laws--Standards/Regulations-Mandatory-Standards-Bans/>

- 2) **Voluntary Safety Standards**: The CPSC's statutory authority requires the agency to rely on voluntary standards, rather than issue mandatory standards, whenever compliance with a voluntary standard would eliminate or adequately reduce the risk of injury identified, and it is likely there will be substantial compliance with the voluntary standard. CPSC staff actively engages with organizations that facilitate the development of voluntary standards, participating in the development of voluntary standards at a number of stages in the process. First, staff submits recommendations to voluntary standards organizations for new standards or modifications of existing standards. After receiving CPSC staff recommendations, organizations may conduct technical assessments (as appropriate); publish a proposal for public comment; receive and evaluate comments; or publish a standard. This process may take months to several years to complete. Staff participates in the process by providing expert advice, technical assistance, and information based on data analyses of how deaths, injuries, or incidents occurred. During FY 2016, a final rule lifting restrictions on staff voting on voluntary standard ballots and leading voluntary standard efforts was approved by the Commission and went into effect.
- 3) **Research Activities**: CPSC staff conducts and sponsors many research and study projects to further the agency's activities to improve product safety and reduce or eliminate potential hazards associated with consumer products. Staff may use the findings from these projects to develop and refine the agency's positions on voluntary and mandatory product safety standards. Examples include research on technology related to all-terrain vehicles, collaborative research with other federal agencies on nanotechnology, portable generators, smoke alarms, furniture and television tipovers, and crumb rubber used in playgrounds.

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<sup>6</sup> Does not include administrative or exemption rulemakings.

<sup>7</sup> This information is obtained from the U.S. National Archives and Records Administration.

**For more research activity, visit the CPSC website at:**  
<http://www.cpsc.gov/en/Research--Statistics/Injury-Statistics/>

## 1) Mandatory Safety Standards

### Mandatory Rulemaking Activity in 2016

Publication of the following final rules was approved by the Commission in 2016:

- [Garage Door Operators](#): On March 29, 2016, the Commission voted to approve publication of the draft final rule in the *Federal Register*, as drafted, that will revise Commission's garage door operator standard, 16 C.F.R. part 1211, to reflect changes UL has made to its standard UL 325, upon which the Commission standard was based.
- [Architectural Glazing Materials](#). On March 8, 2016, the Commission voted to approve publication in the *Federal Register* of the final rule, as drafted, to amend the Commission's regulations at 16 C.F.R. part 1201 by replacing the testing procedures provided at 16 C.F.R. § 1201.4, with the voluntary standard, ANSI 297.1-2015, American National Standard for Safety Glazing Materials Used in Buildings—Safety Performance Specifications and Methods of Test.
- [Voluntary Standards Participation](#). On January 27, 2016, the Commission voted to approve publication in the *Federal Register* of the final rule, as drafted, to amend 16 C.F.R. part 1031, Commission Participation and Commission Employee Involvement in Voluntary Standards Activities.
- [Burden Reduction Component Part Testing](#). On October 6, 2016, the Commission voted to approve publication in the *Federal Register* of the direct final rule, as drafted. The final direct rule clarifies when component part testing can be used and clarifies which textile products have been determined not to exceed the allowable lead content limits.
- Durable Infant or Toddler Products - The Danny Keysar Child Product Safety Notification Act, Section 104 of the CPSIA, requires the CPSC to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be “substantially the same as” applicable voluntary standards or more stringent than the voluntary standard if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. In 2016, the CPSC promulgated two safety standard for children’s products:
  - [Carriages and Strollers](#): On June 1, 2016, the Commission voted to approve publication in the *Federal Register* of the draft direct final rule that will establish a safety standard for carriages and strollers that revises the reference in CPSC's safety standard for carriages and strollers to refer to the revised ASTM standard for those products, ASTM F833, *Standard Consumer Safety Performance for Carriages and Strollers*. The revisions made to the safety standard are in accordance with the Danny Keysar Child Product Safety Act, section 104 of the CPSIA.
  - [Hook-On Chairs](#): On March 8, 2016, the Commission voted to approve publication in the *Federal Register*, as drafted, of the final rule establishing a mandatory safety standard for hook-on chairs pursuant to the Danny Keysar Child Product Safety Notification Act, section 104 of the CPSIA. The draft final rule incorporates by reference the applicable



voluntary standard, ASTM F1235-15, *Standard Consumer Safety Specifications for Portable Hook-On Chairs*, without any modifications. In addition, the final rule amends 16 C.F.R. part 1112 to include the mandatory safety standard for hook-on chairs in the list of Commission-issued notices of requirements (NOR).

Publication of the following proposed rules was approved by the Commission in 2016:

- [Baby Changing Products](#): On September 14, 2016, the Commission voted to approve publication of the draft Proposed Rule: *Safety Standard for Baby Changing Products*, as drafted.
- [Burden Reduction Specific Plastics](#): On August 9, 2016, the Commission voted to approve publication of the proposed rule in the *Federal Register*, as drafted, for determinations that certain plastics with specified additives would not contain the specified phthalates prohibited in children's toys and child care articles. Based on these determinations, the specified plastics with specified additives would not require third party testing for compliance with the mandatory phthalates prohibitions on children's toys and child care articles.
- [Adjudicative Proceedings](#): On March 21, 2016, the Commission voted to approve publication in the *Federal Register*, with changes, of an NPR that would amend 16 C.F.R. part 1025, the Commission's Rules of Practice for Adjudicative Proceedings (Rules) to align the Rules with the modern Federal Rules of Civil Procedure, and to reflect modern administrative and civil litigation practice.
- [High Chairs](#): On October 30, 2015, the Commission voted to approve publication in the *Federal Register*, as drafted, of the NPR that would establish a safety standard for high chairs under the Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008. The proposed rule would incorporate by reference the voluntary standard for high chairs into 16 C.F.R. part 1231 and impose more stringent requirements for rearward stability and warnings on labels and in instructional literature. In addition, the notice proposes to amend 16 C.F.R. part 1112 to include proposed 16 C.F.R. part 1231 in the list of NORs issued by the Commission.
- [Infant Bouncer Seats](#): On October 9, 2015, the Commission voted to approve publication in the *Federal Register*, as drafted, of the NPR that would establish a safety standard for infant bouncer seats under the Danny Keysar Child Product Safety Notification Act, section 104 of the CPSIA. The proposed rule would adopt the voluntary standard for infant bouncer seats, with several modifications to augment the effectiveness of the required warnings and instructions
- [Children's Folding Chairs and Folding Stools](#): On October 9, 2015, the Commission voted to approve publication in the *Federal Register*, as drafted, of the NPR that would establish a safety standard for children's folding chairs and folding stools under the Danny Keysar Child Product Safety Notification Act, section 104 of the CPSIA. In addition, the proposed rulemaking would amend 16 C.F.R. part 1112 to add the proposed standard (16 C.F.R. part 1232) for NOR purposes and amend 16 C.F.R. part 1130 to specify that children's folding stools are also considered a durable infant or toddler product.

Publication of the following petition actions was approved by the Commission in 2016

- [Methylene Chloride Petition](#): On August 23, 2016 the Commission voted to approve publication of a notice in the *Federal Register*, as drafted, for public comment on a petition (HP 16-1) from the Halogenated Solvents Industry Alliance, Inc., requesting that the Commission amend the 1987 Statement of Interpretation and Enforcement Policy regarding labeling of household products containing methylene chloride (Policy Statement) to address acute hazards from inhalation of methylene chloride vapors in addition to the chronic hazards addressed by the current Policy Statement.
- [Silk Petition](#): On April 12, 2016, the Commission voted to deny the petition requesting amendments to the test procedure in the *Standard for the Flammability of Clothing Textiles*, 16 C.F.R. part 1610. The petition, FF 15-1, was submitted by the International Association of Users of Artificial and Synthetic Filament Yams and of Natural Silk.
- [Floor Labeling Petition](#): On November 24, 2015, the Commission voted to approve publication of a notice in the *Federal Register*, as drafted, for public comment on a petition (CP 16-1) from the National Floor Safety Institute. The petition requests that manufacturers of floor coverings, floor coverings with coatings, and treated floor coverings be required to label their products to provide point-of-sale information regarding such products' degree of slip resistance, in accordance with the labeling requirements of the American National Standards Institute standard, ANSI B101.5-2014.
- [Vacuum Diffuser Petition](#): On March 25, 2016, the Commission voted to deny the petition and direct staff to draft a letter of denial to the petitioner, Paul C. McKain, Chief Executive Officer of PSD Industries, LLC.

Publication of the following mandatory standard-related items was approved by the Commission in 2016:

- [Fireworks Interpretations](#): On August 24, 2016, the Commission voted to approve publication in the *Federal Register*, as drafted, of the Notice of a Proposed Statement of Policy regarding the Commission's interpretation of the phrase "intended to produce audible effects" that appears in the Commission's fireworks regulations at 16 C.F.R. § 1500.17(a)(3).
- [Retrospective Rule Review](#): On April 1, 2016, the Commission voted to approve the Plan for Retrospective Review of Existing Rules, as drafted.
- [Retrospective Review Plan](#): On October 6, 2015, the Commission voted to approve a Plan for Retrospective Review of Existing Rules, as drafted, and the Commission voted to approve publication of the notice of availability of the Plan in the *Federal Register*, as drafted, seeking comments and information on the Plan.

## **2) Voluntary Safety Standards**

The CPSC issues the [Voluntary Standards Tracking and Access Report](#) (VSTAR) on a semi-annual basis. The report includes the objective of each standard under development, the name of the employee involved in the activity, the status of the standard, and the next step planned in the standard development process. A summary from the VSTAR FY 2016 annual report is provided below for convenience. The website address for the report is:

[https://cpsc.gov/s3fs-public/VoluntaryStandardsActivitiesFY2016AnnualReport\\_0.pdf](https://cpsc.gov/s3fs-public/VoluntaryStandardsActivitiesFY2016AnnualReport_0.pdf).

Forty new, revised, or reaffirmed<sup>8</sup> voluntary safety standards, for which CPSC staff provided technical support were approved during the period October 1, 2015 to September 30, 2016. These safety standards address: bassinets/cribles, bicycles (6), candles (2), changing tables, children's chairs and stools, clothes dryers, cribs (non-full-size /play yards), formaldehyde in MDF, formaldehyde in particleboard, garage door operators, gas ranges (controls), gates and enclosures, hand held infant carriers, helmets (recreational) (2), high chairs, infant inclined sleepers, infant bath tubs, infant bouncers, infant sling carriers, infant swings, nanotechnology, the national electric code, phthalates (testing methods), portable fireplaces, power equipment (table saws), recreational off-road vehicles (2), smoke alarms, soft infant and toddler carriers, stationary activity centers, strollers, toys and upholstered furniture.

From October 1, 2015 to September 30, 2016, CPSC staff provided technical support or was otherwise engaged in the development of voluntary safety standards for 71 different products, which are described in this report.

During the reporting period, CPSC staff's involvement in voluntary standards focused predominantly on voluntary standards activities associated with implementing the CPSIA. Voluntary standards development activities are handled primarily by three standards development/coordinating organizations: ASTM International (ASTM), the American National Standards Institute (ANSI), and Underwriters Laboratories Inc. (UL). The standards developed using the procedures of these three groups provide safety provisions that address potential hazards associated with consumer products found in homes, schools, and recreation areas.

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<sup>8</sup> Approved the existing standard without any changes.

### 3) **Research Activities**

Commission staff conducts studies and investigates deaths, injuries, diseases, and economic costs associated with consumer products. This research is used to identify hazardous products and design effective strategies to reduce product hazards. In 2016, CPSC staff conducted or participated in the following research.

***ATV Annual Data Update:*** Staff prepared the annual report on ATV-related deaths and injuries. The report includes data on reported deaths by state, relative risk of death by year, and injuries distributed by year and age grouping. The report is available on the CPSC website at: [https://www.cpsc.gov/s3fs-public/atv\\_annualreport2015.pdf](https://www.cpsc.gov/s3fs-public/atv_annualreport2015.pdf)

***Carbon Monoxide-Related Annual Updates:*** Staff prepared the annual report on carbon monoxide (CO) fatalities associated with consumer products. The report is available at: <https://www.cpsc.gov/s3fs-public/2013NonFireCODEathsFINAL.pdf>

Staff also completed the annual report on CO incidents associated with generators and engine-driven tools. It is available at: <https://www.cpsc.gov/s3fs-public/Generators%20and%20OEDT%20Fatalities%202005-2015.pdf>.

***Chemical Toxicity Assessments:*** In 2016, staff continued to study emissions from spray polyurethane foam insulation through an interagency agreement with the National Institute of Standards and Technology (NIST). Staff also continued research on human exposure to flame retardant chemicals, which included two contractor reports. Three contractor reports provided information on the occurrence of phthalates, lead, and other metals in various types of materials and products. These reports were done to support burden reduction activities. Staff participated in an inter-agency effort to assess the health effects associated with crumb rubber, with CPSC specifically focusing on crumb rubber used in playgrounds.

***Fireworks:*** Staff released its annual report on deaths and injuries associated with fireworks. The report, *2015 Fireworks Annual Report, Fireworks-Related Deaths, Emergency Department-Treated Injuries, and Enforcement Activities During 2015*, is available on the CPSC website at: [https://www.cpsc.gov/Global/Research-and-Statistics/Injury-Statistics/Fuel-Lighters-and-Fireworks/Fireworks\\_Report\\_2015FINALCLEARED.pdf](https://www.cpsc.gov/Global/Research-and-Statistics/Injury-Statistics/Fuel-Lighters-and-Fireworks/Fireworks_Report_2015FINALCLEARED.pdf)

Staff also submitted a briefing package to the Commission, with recommendations for updating the CPSC's fireworks regulations: [https://www.cpsc.gov/s3fs-public/pdfs/foia\\_FireworksRuleReviewInformational.pdf](https://www.cpsc.gov/s3fs-public/pdfs/foia_FireworksRuleReviewInformational.pdf). The Commission subsequently directed staff to submit an NPR implementing the recommendations. That package is anticipated to be delivered to the Commission in FY 2017.

#### **Nanotechnology:**

***Nanomaterials in Consumer Products (Exposure and Risk Assessment):*** In 2015, CPSC signed a Memorandum of Understanding (MOU) with the DOD/Army Corps of Engineers to provide additional support for this activity. DOD is completing the development of a computer model that predicts the potential health effects of nanomaterials. The DOD is working with Duke University to expand the potential of the DOD prioritization tool, to link this risk assessment tool to a Duke University tool which amalgamates toxicity data from high quality nanotoxicology publications.

***Environmental Health and Safety Implications from Engineered Nanomaterials (ENMs) Released from Nano-enabled Products (NEPs) During Consumer Use:***

***Case Study of Printer Emitted Engineered Nanoparticles (PEPs):*** Work continued under an interagency agreement with the National Institute for Occupational Safety and Health (NIOSH) investigating nanoparticle-enabled home office equipment. In collaboration with the Harvard University School of Public Health and West Virginia University, five peer-reviewed articles were published in 2016 on toxicological assessments on nanoparticles released from laser printers (Pirela et al., Pirela et al., Sisler et al., Lu et al., and Lu et al.).

***Nanomaterials in Surface Applications: Surface Coatings:*** CPSC signed an interagency agreement with the U.S. Environmental Protection Agency (EPA) to conduct preliminary research to improve the understanding of ENM surface coatings that are applied to outdoor surfaces for UV protection and preservation. Staff will characterize the behavior of the nanomaterial(s) products as a function of aging and exposure and will assess for toxicity of released nanomaterials.

***Airborne Nanoparticles from Consumer Products:*** Researchers from the National Institute for Standards and Technology (NIST) continue work on developing models to predict nanoparticle concentrations in indoor air, and resulting exposures to consumers. NIST researchers will work with other federal partners (*e.g.*, EPA, NIOSH) to identify approaches to integrating indoor particle transport simulation tools developed at NIST with those developed at other agencies, including EPA's exposure calculation MCCEM and SHEDS tools. NIST researchers continue to work with the ASTM Committee E56 on Nanotechnology to incorporate test methods into the voluntary standards that were developed from their efforts.

***Nanoparticle release from consumer sprays:*** CPSC entered into a contract agreement with Rutgers University staff to investigate the characteristics of nanoparticle release from nano-enabled consumer sprays. Particular focus will be on nanoparticle deposition on house dust and the behavior of the dust particles and resultant consumer exposure taking into account typical household activities. This work builds on research performed under the international agreement, the RAMNOC program, between the United States (EPA, CPSC) and the European Union.

***NanoWIR2ES: NanoWire intelligent re-design and recycling for environmental safety:*** CPSC entered into a contract agreement with the University of Florida. The University of Florida is the sole U.S.-based researcher in an international consortium supported by the US and the EU, the Safe Implementation of Innovative Nanoscience & Nanotechnology (SIINN) program. The work was selected by international peer review for funding under SIINN. The research project will be conducted by research groups at the University of Lille and the University of Grenoble Alps, in France, the Leitat Technology Center in Barcelona, Spain and the University of Florida. Together, the researchers in the consortium are investigating the release of silver nanowires from touchscreen displays, the toxicity of the silver nanowires to human and ecosystem health, and the mechanisms by which silver nanowires induce toxicity, with a specific focus on consumer protection.

***Systematic Literature Review of Select Nanomaterials:*** CPSC entered into a contract with Toxicology Excellent for Risk Assessment (TERA) to conduct a literature search and review of high-quality studies published from 2010 to 2016 regarding carbon

nanotubes (single- and multi-walled), nano silver, and nano titanium dioxide relevant to assessing toxicity to humans via oral, inhalation, and/or dermal exposure routes. The overall goal of the project is to determine if there are sufficient data and information to calculate an acceptable daily intake value for each material. This work is to build on a similar review performed by Versar in 2011.

***NEISS Data Highlights – 2015:*** Staff estimated national emergency department treated injuries by consumer product categories by age, gender, and disposition. Injuries estimates and rates per 100,000 individuals in the U.S. population in 2015 are presented on the CPSC website at: <https://www.cpsc.gov/s3fs-public/2015%20Neiss%20data%20highlights.pdf>.

***Nursery Products Annual Update:*** Staff completed its report on nursery product-related injuries and deaths of children under age 5. The report, *Injuries and Deaths Associated with Nursery Products Among Children Younger than Age Five*, is located on the CPSC website at: <https://www.cpsc.gov/s3fs-public/pdfs/NurseryProductsAnnualReport2015.pdf>

***Pediatric Poisonings:*** Staff completed its annual reports on unintentional pediatric poisonings, available at: <https://www.cpsc.gov/s3fs-public/PPPAInjury2014.pdf> and *Pediatric Poisoning Fatalities from 1972 through 2013* available at: <https://www.cpsc.gov/s3fs-public/PPPAMortality2013.pdf>

## COMPLIANCE AND ENFORCEMENT

The CPSC learns about potential product defects and risks from many sources, including incident reports, consumer complaints, the agency's Hotline, and SaferProducts.gov. In addition, firms are required legally to report to the Commission about potential product defects, hazards, or violations of standards. The Commission works with companies to remove products from the marketplace when the products violate mandatory safety standards or have a defect that creates a substantial risk of injury. This section presents:

- Voluntary recall orders taken by importers or manufacturers;
- Letters of Advice to importers and manufacturers; and
- Commission determinations and judicial actions.

- 1) **Voluntary Recall Orders Taken by Importers or Manufacturers:** Through investigations of potential product defects, CPSC headquarters and field staff identify defective products not covered by regulations. In addition, firms, by law, are required to report potential product hazards or violations of standards to the Commission. When a recall is necessary, Compliance staff negotiates with the responsible firm. In 2016, CPSC staff completed 428 cooperative recalls (100 percent voluntary) of products that either violated mandatory standards, or were defective and presented a substantial risk of injury to the public. If a firm refuses to recall a product voluntarily, the CPSC may file an administrative complaint seeking to require a recall.

The CPSC developed the Fast-Track program to streamline the process of recalls for firms willing and prepared to recall their products quickly. Because every defective product could present a risk of injury or death, removing hazardous products from the marketplace faster can prevent more injuries and save lives. In 2016, 231 of the total 428 recalls were under the Fast-Track program. Recalls under the Fast-Track program are conducted without the need for time-consuming hazard analyses. In 2016, Fast-Track recalls were initiated within 20 days of a firm's report to the CPSC 99.1 percent of the time.

For a detailed listing of all Recalls, visit the Recalls page of the CPSC website at:

<http://www.cpsc.gov/en/Recalls/>

- 2) **Letters of Advice to Importers or Manufacturers:** For products regulated by the CPSC, the Commission issues a Letter of Advice (LOA) when staff identifies a violation of a mandatory standard. LOAs advise the company of the violation and the nature of the necessary corrective action [to correct future production (CFP); to stop sale and CFP; or to recall, stop sale, and CFP]. LOAs sent to importers and manufacturers in 2016, in which the Commission received a response from the company confirming the violation, and the Commission decided that the company voluntarily completed corrective action to remedy the hazard are available on the CPSC website.

For a detailed listing of Letters of Advice, visit the Violations page of the CPSC website at:

<http://www.cpsc.gov/en/Recalls/Violations/>

- 3) **Commission Determinations and Judicial Actions:** When companies knowingly violate section 19 of the CPSA, the CPSC can seek civil penalties in U.S. courts. Examples of violations include, but are not limited to, failing to report potential product hazards or violations of standards to the Commission, as required by law; misrepresentations; selling recalled goods; and the unauthorized use of a certification mark. In 2016, the CPSC

negotiated out-of-court settlements in which four companies voluntarily agreed to pay a total of \$25.7 million in civil penalties to the U.S. Treasury.

**For a detailed listing of Civil and Criminal Penalties, visit the CPSC website at:**  
<http://www.cpsc.gov/en/Business--Manufacturing/Civil-and-Criminal-Penalties/>

Other tools used for enforcement may include: civil actions under either section 12 or section 15, and pursuing criminal cases, where appropriate. Enforcement and litigation activities are listed in several tables in [this section](#) of the report.



### **Commission Determinations and Judicial Actions**

The CPSC can seek civil penalties when companies knowingly fail to report to the Commission potential product hazards, unreasonable risks or a failure to comply with a rule, regulation, standard or ban, as required under section 15(b) of the CPSA, or knowingly violate any prohibited act in violation of section 19 of the CPSA. The Commission has the authority to compromise any civil penalty or file suit in federal court requesting that the U.S. Department of Justice seek a civil penalty or other relief. In 2016, the CPSC negotiated out-of-court settlements in which four companies voluntarily agreed to pay a total of \$25.7 million in civil penalties to the U.S. Treasury.

#### **Civil Penalty Settlements Accepted by the Commission**

<b>Firm</b>	<b>Fine</b>	<b>Act</b>	<b>Product</b>
<a href="#"><u>Philips Lighting North America</u></a>	\$2,000,000	CPSA	Light bulbs
<a href="#"><u>Gree Electric Appliances Inc.</u></a>	\$15,450,000	CPSA	Dehumidifiers
<a href="#"><u>Teavana Corporation</u></a>	\$3,750,000	CPSA	Glass tea tumblers
<a href="#"><u>Sunbeam Products Inc. d/b/a/Jarden Consumer Solutions</u></a>	\$4,500,000	CPSA	Coffee makers

The Commission has a variety of enforcement authorities, including the ability to take legal action under section 12 (to seize an imminently hazardous consumer product) or seek a mandatory order under section 15(c) or 15(d) of the CPSA (to protect the public from products that present a substantial product hazard or order a recall or other corrective action as appropriate, respectively). The Commission may also request that the U.S. Department of Justice pursue criminal penalties against offenders. Enforcement and litigation activities of the Commission are listed in several tables below.

#### **Lawsuits Filed Seeking Mandatory Recall Remedies Under Section 15 of the CPSA**

##### **In the Matter of Zen Magnets, LLC, CPSC Docket 12-2**

The case was initiated with a complaint filed on August 6, 2012, which sought a determination that the small, rare earth magnets constitute a substantial product hazard and also sought mandatory recall remedies for consumers. An administrative hearing was held from December 1-17, 2014, and parties filed post hearing briefs on March 16, 2015. An Initial Decision was issued by the Administrative Law Judge on March 25, 2016. Complaint Counsel filed a Notice of Intent to Appeal on March 29, 2016, and later filed an Appeal Brief on May 4, 2016. On May 6, 2016, Respondent filed a Motion to Disqualify the Commission or Some of its Members, and a Motion to Stay Complaint Counsel's Appeal of the Initial Decision. Complaint Counsel responded to the Motions on May 13, 2016, and Respondent filed a Motion to Withdraw the Motions, Without Prejudice. Respondent refiled the Motion to Disqualify and Motion to Stay on May 16, 2016, and on May 25, 2016, the Commission entered an order Denying Respondent's Motion to Stay and Setting a Briefing Schedule. Respondent filed an answering brief on June 13, 2016; Complaint Counsel filed a Reply Brief on June 27, 2016. On September 1, 2016, the Commission issued an

order denying Respondent's Motion to Disqualify. The matter is ongoing. For more information on this case, visit the CPSC website at:

[www.cpsc.gov/en/Recalls/Recall-Lawsuits/Adjudicative-Proceedings](http://www.cpsc.gov/en/Recalls/Recall-Lawsuits/Adjudicative-Proceedings).

### **Commission Determined Imminent Hazards - Section 12 of the CPSA**

There were no instances in FY 2016 where the Commission took action under section 12 of the CPSA.

#### **Completed or Pending Judicial Actions: Litigation and Settlements**

This section summarizes federal court cases, categorized by type, to which the Commission was a party or participated during 2016. Federal court cases include subpoena enforcement, civil penalty, seizure, injunction actions, cases with the Commission as defendant, and bankruptcy matters.

### **Federal Court Cases**

#### **Civil Penalty and Injunction Actions**

<b>Party</b>	<b>Summary</b>
<i>U.S. v. Spectrum Brands, Inc.</i> , Case No. 3:15-cv-00371 (W.D. Wisc.)	<p>Issue/Statute: Knowing failure to report information required by section 15(b) of the CPSA, 15 U.S.C. § 2064(b), in violation of 15 U.S.C. § 2068(a)(4), § 2069 and § 2071;</p> <p>Knowing sale of recalled products after a voluntary recall by the manufacturer, 15 U.S.C. § 2068(a)(2)(B), § 2069 and § 2071.</p> <p>The government filed a complaint for civil penalties and permanent injunctive relief on June 17, 2015, in the U.S. District Court for the Western District of Wisconsin. The government's complaint alleged from January 2008 through April 2012, Applica/Spectrum manufactured and distributed approximately 150,000 Black &amp; Decker® Spacemaker™ 12-Cup Programmable Under-the-Counter coffeemakers, which were sold to retailers nationwide. The handle of the glass carafe was defective and resulted in approximately 1,600 reports of carafe handles breaking, at least 60 reports of burn injuries, and three reports of lacerations. On August 14, 2015, Spectrum filed a motion to dismiss count IV of the government's complaint alleging a reasonable likelihood that Spectrum will continue to violate the CPSA and seeking permanent injunctive relief. On September 4, 2015, the government filed its opposition to the motion to dismiss. Spectrum filed its reply on September 14, 2015. A preliminary pretrial conference call was held with the magistrate on September 18, 2015. On February 19, 2016, Spectrum moved for leave to file a motion for partial summary judgment based on the statute of limitations defense</p>

without prejudice to filing a successive motion for summary judgment on other grounds. On February 23, 2016, the district court issued an order requiring the government to file any objection to Spectrum's motion for leave by February 29, 2016. On February 29, 2016, the government objected to Spectrum's request for leave. On February 29, 2016, the court granted Spectrum's motion, ruling that the motion and supporting materials must be filed on or before March 11, 2016. On March 11, 2016, Spectrum moved for partial summary judgment as to counts I and II of the government's complaint based on the statute of limitations defense. On April 1, 2016, the government filed an opposition to Spectrum's motion for partial summary judgment. On April 8, 2016, Spectrum filed a reply to the government's response. On May 6, 2016, the United States moved for summary judgment on all counts in the complaint. On May 6, 2016, Spectrum moved for partial summary judgment as to counts I and II of the government's complaint. On May 13, 2016, the Association of Home Appliance Manufacturers filed a motion for leave to file *amicus curiae* in support of the defendant's motion for partial summary judgment. On June 6, 2016, the government filed its brief opposing Spectrum's motion for partial summary judgment. On June 6, 2016, the defendant filed its opposition to the government's motion for summary judgment. On June 20, 2016, the government filed its reply in support of its summary judgment motion. Both parties filed motions to strike or limit the opposing party's expert witnesses. On June 21, 2016, the defendant filed its reply in support of its partial motion for summary judgment. Both parties filed motions to strike or limit the opposing parties' expert witnesses. On July 8, 2016, the defendants filed a motion to compel discovery on an interrogatory concerning the amount of civil penalty the government seeks. On July 15, 2016, the government filed its opposition to the motion to compel the discovery. Discovery closed on July 15, 2016. On July 20, 2016, the Court denied defendant's motion to compel, issuing a text order. On September 29, 2016, Spectrum filed an uncontested motion for entry of judgment as to liability on the count in the government's complaint charging the unlawful sale of recalled products. Trial was scheduled for November 7, 2016.

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*U.S. v. Michaels Stores, Inc., and Michael Stores Procurement Co., Inc., Civil No. 3:15-cv-1203 (N.D. Texas)*

Issue/Statute: Knowing failure to report information required by section 15(b) of the CPSA 15 U.S.C. § 2064(b), in violation of 15 U.S.C. § 2068(a)(4), § 2069 and § 2071;  
Knowing material misrepresentation under CPSA section 19(a)(13), 15 U.S.C. § 2068(a)(13), § 2069 and § 2071.

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The government filed a complaint for civil penalties and permanent injunctive relief on April 21, 2015. The complaint charges that Michaels knowingly violated the reporting requirements of the CPSA regarding glass vases that shattered in consumers' hands, sometimes as the consumer lifted the vase from the Michaels Stores shelf. As set forth in the complaint, Michaels imported and sold the vases, which caused serious injuries to consumers, including lacerations requiring stitches, permanent nerve damage, and surgery to repair severed tendons. The government also alleges that when Michaels finally notified the CPSC, it misled the Commission. On June 18, 2015, Michael's filed a partial motion to dismiss the complaint, based on the statute of limitations. The government filed its opposition to the motion on July 13, 2014. Defendants filed a reply brief on July 27, 2015. Defendants filed a notice of supplemental authority on September 2, 2015. On September 8, 2015, the government filed a motion for leave to file a response to the notice of supplemental authority. The government's motion was granted on September 9, 2015, and the government filed its response to defendant's notice of supplemental authority. on March 21, 2016. The district court judge denied Michaels' partial motion to dismiss. On April 7, 2016, Michaels filed a motion for certification of order for interlocutory appeal and memorandum in support. The government opposed the motion on April 28, 2016. On May 4, 2016, Michaels filed its answer to the government's complaint, while its motion for interlocutory appeal was pending. The court subsequently denied Michaels' motion for interlocutory appeal on May 31, 2016.

On May 25, 2016, the parties filed a joint status report on the case. On May 26, 2016, the Court issued an order establishing a discovery schedule and setting forth certain pretrial requirements. The parties have engaged in discovery since June 2016. The matter is ongoing.

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*U.S. v. Zen Magnets, LLC and Shihan Qu,*  
*Civil No. 1:15-cv-00955CMA-MJW (D. Co.)*

Issue/Statute: Knowing sale of recalled product in violation of Section 19(a)(2)(B) and (C) of the CPSA, 15 U.S.C. § 2068(a)(2)(B), § 2069 and § 2071.

On May 5, 2015, the government filed a complaint for permanent injunctive relief and civil penalties, along with a motion for preliminary injunction against the defendants. The court held a hearing on the motion for preliminary injunction on May 11, 2015. On May 14, 2015, the court issued an order, granting the

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government's motion for preliminary injunctive relief and prohibiting further sale of the recalled magnets.

On May 27, 2015, the defendants filed an answer to the complaint.

On June 3, 2015, the government filed a motion to extend the preliminary injunction until the case is decided on the merits. On June 11, 2015, the district court ordered that the preliminary injunction remain in effect until the case is resolved on the merits. On June 12, 2015, the defendants filed a motion to reconsider the court's order entered on June 11, 2015, preserving the preliminary injunction until a hearing on the merits. On June 12, 2015, the government filed a motion for summary judgment. On June 18, 2015, the court denied the motion for reconsideration. On July 1, 2015, the parties filed a joint motion to stay discovery pending resolution of the motion for summary judgment. On July 8, 2015, the defendants filed an opposition to the government's motion for summary judgment, and the court granted the parties' joint motion to stay discovery. On July 22, 2015 the government filed a reply to the defendant's opposition to the motion for summary judgment. On March 22, 2016, the district court granted the government's motion for summary judgment. The order granted permanent injunctive relief, ordered a recall of the Star magnets, ordered destruction and disposal of all Star magnets, found that the government had carried its burden to demonstrate knowing violations, and ordered the government to submit a brief on its recommendation for civil penalties by April 6, 2016. On April 5, 2016, the government filed a recommendation for civil penalties, and the defendant responded on April 21, 2016. The parties had until November 14, 2016, to complete discovery.

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*USA v. Brightstar Group, Inc., a corporation; and Sherry Chen, an individual, Case No. 2:15-cv-07822-ODW-JPR (C.D. California)*

Issue/Statute: Repeated pattern of regulatory violations under CPSA and FHSA.

A complaint seeking permanent injunctive relief for a repeated pattern of violations under the Consumer Product Safety Act and the Federal Hazardous Substances Act and consent decree of permanent injunction were filed in the district court on October 6, 2015. The consent decree was entered by the district court judge on November 9, 2015. A press release announcing the injunction can be found at: <https://www.cpsc.gov/newsroom/news-releases/2016/government-secures-injunctions-against-two-california-companies/>

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*USA v. Unik Toyz Trading, Inc., owner Julie Tran, and manager Kiet Tran, Case No.*

Issue/Statute: Repeated pattern of regulatory violations under CPSA and FHSA.

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<i>2:15-cv-07821 (C.D. California)</i>	<p>A complaint seeking permanent injunctive relief for a repeated pattern of violations under the Consumer Product Safety Act and the Federal Hazardous Substances Act and consent decree of permanent injunction were filed with the district court on October 6, 2015. The consent decree was signed by the district court judge on October 13, 2015. A press release announcing the injunction can be found at: <a href="https://www.cpsc.gov/newsroom/news-releases/2016/government-secures-injunctions-against-two-california-companies/">https://www.cpsc.gov/newsroom/news-releases/2016/government-secures-injunctions-against-two-california-companies/</a></p>
<i>USA v. Goodman Company, L.P., Case 4:16-cv-02720 (S.D. Texas)</i>	<p>Issue/Statute: Knowing failure to report information required by section 15(b) of the CPSA 15 U.S.C. § 2064(b), in violation of 15 U.S.C. § 2068(a)(4), § 2069 and § 2071; Knowing material misrepresentation under CPSA section 19(a)(13), 15 U.S.C. § 2068(a)(13), § 2069 and § 2071.</p> <p>On September 8, 2016, the government filed a complaint for civil penalties and permanent injunctive relief, alleging that the defendant knowingly failed to report information to the CPSC immediately, as required by federal law, that its packaged terminal air conditioners/heaters (PTACs) contained a defect that could create a substantial product hazard and created an unreasonable risk of serious injury or death to consumers. The complaint also alleged that when Goodman ultimately reported the fire risk to CPSC, the Firm misrepresented the number of fires that had occurred. Additionally, on September 8, 2016, the government filed a consent decree that settled the charges in the complaint. The consent decree includes an agreement by Goodman to pay a \$5.55 million civil penalty and submit to a permanent injunction. The court entered the consent decree on September 12, 2016. A press release announcing the terms of the consent decree can be found at: <a href="https://www.cpsc.gov/newsroom/news-releases/2016/goodman-co-agrees-to-pay-555-million-for-delay-and-misrepresentation-in-reporting-fire-hazard-involving-air-conditionersheaters">https://www.cpsc.gov/newsroom/news-releases/2016/goodman-co-agrees-to-pay-555-million-for-delay-and-misrepresentation-in-reporting-fire-hazard-involving-air-conditionersheaters</a></p>

**Cases against the Commission**

Party	Summary
<i>Zen Magnets LLC v. Consumer Product Safety Commission, Case No. 14-9610 (10th Cir.)</i>	<p data-bbox="493 331 1312 359">Issue/Statute: Petition for Review of Safety Standard for Magnet Sets.</p> <p data-bbox="493 396 1425 894">On December 2, 2014, Zen Magnets, LLC, filed a petition for review of the Safety Standard for Magnet Sets (Magnets Rule), 16 C.F.R. part 1240. On February 11, 2015, CPSC filed a certified list of the administrative record. On March 10, 2015, Zen moved to extend the time to file its opening brief until April 23, 2015. On March 10, 2015, the clerk granted the extension request, allowing Zen until April 22, 2015, to file its opening brief. On April 1, 2015, the Magnets Rule became effective. On April 1, 2015, petitioner filed a motion for stay of the Magnets Rule pending review of the rule. On the same day, the court issued a temporary order staying the Magnets Rule until further order of the court, and ordered a response to petitioner's stay motion to be filed on or before April 14, 2015. On April 14, 2015, CPSC filed an opposition to the motion to stay. On April 20, 2015, the U.S. Court of Appeals for the Tenth Circuit issued an order denying petitioner's motion for a stay, concluding that Zen had not satisfied the four factors governing a stay. The court lifted the temporary stay previously entered.</p> <p data-bbox="493 932 1425 1062">Zen filed its opening brief on April 22, 2015. CPSC filed a brief in opposition on June 25, 2015. Zen filed its reply brief on July 20, 2015. The government filed the Administrative Record on July 30, 2015. Briefing is complete. The matter is ongoing.</p>
<i>Public Employees for Environmental Responsibility v. U.S. Consumer Product Safety Commission, Case No. 1:15-cv-00250-RC (D.D.C.)</i>	<p data-bbox="493 1100 1425 1163">Issue/Statute: Action under Freedom of Information Act, 5 U.S.C. 552, seeking records from CPSC.</p> <p data-bbox="493 1201 1425 1535">On February 19, 2015, plaintiff filed a lawsuit seeking documents relating to crumb rubber and artificial turf requested under FOIA. On March 2, 2015, plaintiff served the U.S. Attorney. On March 25, 2015, the court granted an extension of time until May 14, 2015 for CPSC to respond to the complaint. CPSC produced documents in response to the FOIA request on March 13, March 26, April 21, May 15, and June 11, 2015. On June 15, July 13 and August 13, September 14, October 12, November 13 and December 16, 2015, the court granted motions extending time for 30 days for plaintiff to further review the productions and for the parties to meet and confer. On February 9, 2016, the district court dismissed the action on motion of the plaintiff.</p>
<i>Public Employees for Environmental Responsibility v. U.S. Consumer Product Safety Commission, Case No. 1:15-cv-01341-RBW (D.D.C.)</i>	<p data-bbox="493 1640 1425 1703">Issue/Statute: Action under Freedom of Information Act, 5 U.S.C. 552, seeking records from CPSC.</p> <p data-bbox="493 1740 1425 1900">On August 19, 2015, plaintiff filed a lawsuit seeking documents relating to agency reports and documents on carbon monoxide emissions requested under FOIA. On August 25, 2015, plaintiff served the U.S. Attorney. On September 2, and October 22, 2015, CPSC staff produced to plaintiff documents that were responsive to the FOIA request. On September 25, October 23, and December</p>

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	3, 2015, the court granted motions extending the time to respond to the complaint so that CPSC could produce additional documents. On March 1, 2016, the court granted the parties additional time to April 1, 2016, to respond in light of the continuing processing of documents. CPSC produced additional documents responsive to the FOIA request. The parties filed a joint stipulation of dismissal, and the court dismissed the action on March 21, 2016.
<i>Jordan et al. v. U.S. Consumer Product Safety Commission, Case No. 3:16-cv-00643-CWR-FKB (S.D. Miss.).</i>	<p>Issue/Statute: Action under Freedom of Information Act, 5 U.S.C. 552, seeking records from CPSC</p> <p>On August 19, 2016, plaintiff filed a lawsuit seeking documents relating to Maxfield and Oberton Holdings, LLC, and small, high-powered magnet sets, pursuant to the FOIA. On September 6, 2016, the government filed a consent motion for extension of time.</p>

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### Criminal Cases

Party	Penalty	Reason(s) for Penalty	Product
<i>USA v. Chenglan Hu, Guan Jun Zhang, Hua Fei Zhang, Jun Wu Zhang, Xiu Lan Zhang, Family Product USA Inc., H.M. Import USA Corp., ZCY Trading Corp., Zone Import Corp., and ZY Wholesale Inc.</i> , Case No. 1:13-cr-00068 (E.D.N.Y.)	<p>On February 6, 2013, the five defendants and five corporations were charged in a 24-count indictment in the U.S. District Court for the Eastern District of New York. The individuals pled not guilty on all counts and were released on bond. Information on the sentencing of other corporate and individual defendants is noted in the CPSC’s 2015 Annual Report. The remaining individual defendants who pled guilty have been, or will be sentenced :</p> <ul style="list-style-type: none"> <li>• Jun Wu Zhang pled guilty on July 24, 2014, to count 1 of the indictment—conspiracy to import violative consumer products into the United States (products that contained small parts, exceeded total lead content limits and phthalate level limits, and contained accessible battery compartments). Zhang also pled guilty to count 2 of the indictment—conspiracy to commit copyright infringement and traffic in counterfeit goods. On September 27, 2016, the court sentenced defendant Zhang to four years of probation, restitution of \$417,082, joint and several with corporate defendants, and no fine due to priority of restitution.</li> <li>• Guan Jun Zhang pled guilty on July 14, 2014, to count 8 of the indictment—illegal importation and distribution of violative consumer products (products which exceeded total lead content limits). Mr. Zhang also pled guilty to count 15, criminal copyright infringement. On September 1, 2015, the district court judge adopted the recommendation of the magistrate judge and accepted the guilty plea of the defendant.</li> </ul>	Conspiracy to traffic and smuggle children’s products in violation of the CPSA and FHSA and counts for smuggling, money laundering and structuring relating to trafficking in counterfeit goods.	Repeated pattern of violations under CPSA and FHSA of small parts regulations, lead content limits, limits on phthalates, and accessible battery compartments. Other violations relating to conspiracy, intellectual property rights, smuggling and money laundering.

## PUBLIC OUTREACH

The Commission communicates with the public about product-related hazards through print, broadcast, online and social media; its Hotline; Neighborhood Safety Network and other listservs; partnerships and events; and other outreach activities. The Commission also meets with stakeholders to discuss matters related to the mission of the CPSC. This section presents information on many of the activities used to provide safety information to consumers, industry and other stakeholders in 2016 through:

- consumer outreach;
- dissemination of technical information; and
- cooperation between Commission officials and stakeholders.

1) **Consumer Outreach:** The CPSC alerts the public through more than 300 recall announcements each year, print and video news releases, social media, public service announcements, publications, national and local television and radio appearances, the CPSC Hotline, Neighborhood Safety Network (NSN), and listservs. The CPSC also communicates with the public through various online media, including:

- CPSC websites: [www.CPSC.gov](http://www.CPSC.gov), [www.SeguridadConsumidor.gov](http://www.SeguridadConsumidor.gov), [www.Recalls.gov](http://www.Recalls.gov) (a joint site with other federal agencies), [www.PoolSafely.gov](http://www.PoolSafely.gov), [www.SaferProducts.gov](http://www.SaferProducts.gov), and [www.AnchorIt.gov](http://www.AnchorIt.gov);
- CPSC education centers (15 centers including: [cribs](#), [CO](#), [fireworks](#), [in-home drowning](#), [magnets](#), [poison prevention](#), [resale/thrift stores](#), [window coverings](#));
- OnSafety blog [OnSafety.CPSC.gov](http://OnSafety.CPSC.gov);
- And social media sites ([Google+](#), [Twitter](#), multiple accounts; [YouTube](#), English and Spanish channels; [SlideShare](#),).

The number of visits to CPSC's website has increased to tens of millions per year, thanks to the agency's social media and Hispanic outreach initiatives.

CPSC's Neighborhood Safety Network (NSN) is a grassroots program that provides timely, lifesaving information to more than 8,600 respected organizations and individuals who, in turn, share our content with underserved consumers who otherwise might be unlikely to hear or receive this information.

CPSC's Hotline is a toll-free service that allows consumers to report product complaints or product-related injuries, learn about recalls and safety hazards, and obtain safety publications by phone or email. In FY 2016, the Hotline received more than 74,000 calls; 2,173 incidents were reported; requests for more than 255,000 publications were fulfilled; and 6,845 e-mails were processed.

The National Injury Information Clearinghouse provides data to the public in response to more than 500 requests each year. It also alerts manufacturers to potential hazards associated with their products, providing them with consumer complaints, reported incidents, and incident investigations involving their products.

Since 2010, CPSC has run the federal government's largest and longest running public education campaign aimed at preventing fatal and nonfatal child drowning and drain entrapments. The *Pool Safely* campaign is a key component of the agency's continuing

implementation of the Virginia Graeme Baker Pool and Spa Safety Act (VGB Act). CPSC has awarded an annual contract to develop and implement *Pool Safely*'s comprehensive information and education campaign that teaches pool and spa safety steps that stress prevention by engaging stakeholders as partners at the national and grassroots levels. Child safety experts work on public and residential drowning prevention programs for parents and children, and industry organizations share VGB compliance information with pool and spa owners and operators.

- 2) **Dissemination of Technical Information:** As part of the CPSC's research activities and other support work, the Commission develops many technical reports and presentations to present findings and share ideas. These documents are very useful to other researchers and industry. The reports listed in this section were developed in FY 2016 and are available on the CPSC's website.

For a detailed listing of Technical Reports, visit the CPSC website at:

<https://www.cpsc.gov/Research--Statistics/Technical-Reports>

- 3) **Cooperation between Commission Officials and External Stakeholders:** In the course of the year, the Commissioners and staff at the CPSC held meetings with consumers, industry, and the public on matters related to the mission of the CPSC. CPSC's Meetings Policy defines "substantial interest" as "any issue that is likely to be the subject of a regulatory or policy decision by the Commission." The Meetings Policy requires CPSC staff and Commissioners to: (1) announce meetings in advance on the Public Calendar; (2) hold meetings that are open to the public unless certain specified exceptions apply; and (3) submit meeting summaries to the Office of the Secretary. To access the Public Calendar, visit: [www.cpsc.gov/Newsroom/Public-Calendar/](http://www.cpsc.gov/Newsroom/Public-Calendar/).

## 1) Consumer Outreach

### **Reached Consumers on Product-Related Hazards**

In FY 2016, CPSC obtained audience impressions at the following levels:

#### ***Import Safety***

About 2.5 billion impressions related to messages on import safety were achieved through print, broadcast, and online media outreach, excluding recall announcements.

#### ***Fire Hazards***

About 1.7 billion impressions related to fire safety messages were achieved through newspaper stories, radio stories, social media outreach, TV appearances and video broadcasts, excluding recall announcements.

#### ***Carbon Monoxide (CO) Hazards***

About 228 million impressions related to carbon monoxide safety messages were achieved through newspaper stories, radio stories, social media outreach, TV appearances and video broadcasts, excluding recall announcements.

#### ***Children's and Other Hazards***

About 5 billion impressions related to children's product safety messages were achieved through newspaper stories, radio stories, social media outreach, TV appearances, and video broadcasts, excluding recall announcements.

#### ***Product Recalls***

About 39 billion impressions related to CPSC announcements about recalled products involving imports, fire, CO, and children and other were achieved through print, broadcast and online media coverage.

### **Conducted Public Information Efforts**

In FY 2016, CPSC staff conducted the following public information efforts:

***ATV Safety:*** CPSC urged riders to keep off-road vehicles off roads. An OnSafety blog included a new NSN poster that combined the safety tips for ATVs and ROVs. Media outreach secured stories in multiple outlets about the dangers of riding on paved roads. Twitter graphics with ATV safety messaging were shared during National Farm Safety and Health and the fall riding season. Another social graphic highlighted the five states with the most ATV-related deaths. CPSC's outreach efforts on ATV safety earned 52.9 million audience impressions.

***Back-to-School Safety:*** In August 2016, CPSC launched its back to school safety campaign—"Safety is the New Cool." CPSC posted a blog with important safety tips for parents to keep in mind as children headed back to school. Tweets and an NSN poster were also posted. Media outreach resulted in dozens of news stations doing back to school safety stories focusing on one or several CPSC safety warnings. Helmet safety for sports and playground safety were among the more popular story lines.

***Bicycle/Helmet Safety:*** CPSC staff worked with the National Safety Council, NHTSA, and other state and local partners to disseminate bicycle and bicycle helmet safety information and recalls.

CPSC's bicycle and bicycle helmet safety publications, including "Sprocketman" comic book and "Which Helmet for Which Activity" were distributed to school administrators and parents' associations by agency staff at school, daycare, and minority outreach conferences including visits to Orlando, Baltimore and Washington, D.C., social service organizations and hospitals and health departments. CPSC staff exhibited at the Major League Baseball's All-Star Fanfest with over 10,000 visitors and distributed bicycle and helmet safety resources. CPSC issued bicycle/helmet and bicycle accessory recall press releases and posted and distributed bicycle/helmet safety blogs and tweets.

**CO Alarms:** Throughout 2016, CPSC stressed the importance of installing CO alarms and replacing batteries in them annually. In connection with Daylight Saving Time, CPSC posted tweets, blogs and a Neighborhood Safety Network poster urging consumers to install CO alarms and to replace batteries annually to keep CO alarms working properly.

**Community/Minority Campaign:** In 2016, CPSC's Community Outreach Resource (COR) team continued to strengthen and expand agency messaging to seniors, underserved and minority populations with a focus on the four COR team topics: Safe to Sleep®, furniture/TV tip-over prevention, drowning prevention and poison prevention campaigns to raise awareness. Recalls, window covering safety, fireworks and holiday safety education and outreach were also included. Collaboration included federal, state and local governments, community and faith-based organizations, schools, hospitals, health departments along with national advocacy organizations including: National Urban League, LULAC and the National Hispanic Medical Association. Training seminars were conducted in association with NICHD's National Fatherhood Initiative Safe to Sleep® outreach for African-American men/fathers. The COR team traveled to Knoxville, Tenn. and Lansing, Mich. for exhibits and training. Staff attended additional conferences including: Major League Baseball (MLB) Fanfest (San Diego, Calif.) National Urban League (Baltimore, Md.), National Association of Black/Hispanic Journalist (Washington, DC), National Hispanic Medical Association (NHMA) (Washington, D.C.), LULAC (Washington, D.C.) and the Tom Joyner Family Expo (Orlando, Fla.). Staff provided attendees with more than 15,000 CPSC safety resources. Campaign highlights in 2016 included the *AnchorIt!* safety campaign and dresser recalls and Twitter chats on Safe to Sleep® with the Young Invincibles reaching more than 2.8 million consumers. The COR team provided presentation materials for CPSC's State Designee training workshop in New Mexico, reaching more than 40 fire, injury prevention, EMS and Indian Health Service officials. The COR team signed up more than 450 new Neighborhood Safety Network members. The minority outreach audience impressions exceeded 565 million for the fiscal year.

**Fireworks Safety:**

On June 30, 2016, CPSC kicked off its annual fireworks safety campaign on the National Mall in Washington, D.C. Communication efforts included a newly-released fireworks public service announcement (PSA) involving Chairman Kaye and NFL New York Giants defensive end Jason Pierre-Paul, who suffered a severe fireworks-related hand injury in 2015. The #FireworksHurt PSA had nearly 600,000 views. In addition, a press release was issued with new death and injury data that showed an estimated 12,000 consumers were injured by fireworks in 2015. There were also 11 firework-related fatalities reported in 2015. CPSC held a news conference on the grounds of the National Mall in Washington, D.C. to demonstrate the dangers associated with fireworks through mannequin simulations involving bottle rockets, sparklers, M-80's and M-1,000's. CPSC's video news release (VNR) with footage from the event was made available to television news stations nationwide via satellite on June 30 and July 1, 2016. The VNR was widely used by stations and reached an estimated 21.8 million viewers. Prior to the news conference, Chairman

Kaye conducted a live interview with Good Morning America's weather anchor Ginger Zee on fireworks safety. The interview and a fireworks demonstration reached a television audience of more than 6 million viewers.

**Halloween Hazards:** The Office of Communications developed a new data poster to warn about the hazards associated with Halloween decorations and costumes. The poster was distributed to the members of the Neighborhood Safety Network, posted on the OnSafety blog and distributed to the agency's listservs. In addition, staff did interviews with NBC Newschannel, USA Today, Telemundo and Univision resulting in more than 12 million audience impressions. The safety messaging was highlighted on the homepage of CPSC.gov, on CPSC's YouTube channel and via @USCPSC.

**Holiday Cooking Safety:** CPSC issued a Thanksgiving cooking safety blog and tweets prior to the holiday in November 2016. Since cooking fires triple on Thanksgiving Day, CPSC urged consumers to use safe cooking practices, including keeping turkey fryers outside and away from the house, not to overfill the oil in the turkey fryer and not to leave any cooking unattended.

**Holiday Decorating Safety:** In December 2015, CPSC distributed a blog and hosted a press conference warning of fire dangers associated with Christmas trees, candles and other holiday decorations. Representatives from the National Fire Protection Association (NFPA) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) joined CPSC Commissioner Robert Adler at the media event. News media, including the TODAY Show, Washington Post, Univision and others, used video from CPSC's event. CPSC also joined NFPA, Safe Kids Worldwide, the Federal Emergency Management Agency and others for a #WinterSafety Twitter chat.

**Holiday Shopping/Toy Safety:** CPSC's annual holiday toy safety campaign was launched on November 19, 2015, during a tri-lateral safety summit with Mexico and Canada with the release of a nationally- distributed toy safety press release titled, "Collaborating Across Borders: North American Regulators Working Together to Protect Children from Harmful Toys." Additionally, the Office of Communications released a new toy safety video and blog, "3 Toy Tips to Keep Your Child Safe This Holiday Season." The toy safety video received more 68,000,000 YouTube and online impressions and was awarded the Communicator's Top Award for Online video. A new injury and death report was posted, along with the "Play It Safe" Neighborhood Safety Network poster and toy recall infographic. OCM staff conducted local and national toy safety interviews, including responding to the annual Trouble in Toyland report and authored an article with Media Planet distributed in USA Today's online edition reaching more than 750,000 readers. All toy safety information was distributed in both English and Spanish. In addition, CPSC staff attended and participated in a toy safety education meeting at the Toy Industry Association's annual Toy Fair conference in New York in February 2016.

**Home Heating (CO hazards):** In connection with Daylight Saving Time, CPSC posted tweets, a blog and an NSN poster urging consumers to replace batteries in their CO alarms. CPSC also issued a blog in October 2016 with tips to help consumers safeguard against CO poisoning with portable generators during winter months. CPSC reminded consumers that nearly half of the reported generator-related fatalities happen in the coldest months of the year, November through February.

**Home Heating (Fire hazards):** CPSC tweeted about home fire safety, including dryer fire prevention, throughout the year and the importance of having working smoke alarms. The agency also issued home heating-related product recalls.

***In-Home Drowning*** – CPSC produced and disseminated 60-second public service announcements in English and Spanish on in-home drowning prevention. Staff created and developed an Education Center on CPSC.gov to coincide with the launch, and developed and implemented a social media outreach on YouTube and Twitter. The PSA won a Bronze Telly Award and an Hermes Creative Award Honorable Mention.

***Poison Prevention:*** The third week of March is designated as National Poison Prevention Week. A blog post identifying the top 10 products associated with pediatric poisonings and tips to avoid them was posted to OnSafety.gov and distributed to CPSC’s listservs. CPSC staff drafted and submitted a Presidential Proclamation and contributed to the Poison Prevention Week Council’s social media campaign, including daily themed Twitter messages and Facebook posts, using hashtag #PreventPoison. CPSC’s safety messaging on poison prevention received nearly 8 million audience impressions.

***Portable Gas Generators:*** CPSC issued a blog and tweets with tips to help consumers safeguard against CO poisoning with portable generators during winter months. Staff also tweeted generator safety tips in response to various power outages and hurricanes.

***Tip-Overs/AnchorIt!:*** *Anchor It!*, the nation’s leading tip-over prevention campaign, continued in FY16 with outreach efforts to the media, collaborators and parents. The campaign successfully placed multiple rapid response letters to the editor in newspapers following tip-over incidents in cities, including Indianapolis and Kokomo. The campaign’s viral tip-over demonstration video had more than 2.8 million views. In addition, print and video PSA distribution continued during the fiscal year and generated more than 1.1 billion impressions. The *Anchor It!* campaign announced collaborations with more than 20 *Anchor It!* advocates and community leaders. The campaign won the PRSA-NCC Thoth Certificate of Excellence for its Op-Ed program and the Thoth Award for best public service campaign. The *Anchor It!* campaign video featuring three moms who lost children as a result of tip-over incidents won the PR Daily Video Award for Best Safety Video. *Anchor It!* also won the Holmes Report Sabre Award for Best Public Education Campaign.

***SaferProducts.gov:*** CPSC staff promoted the use of incident data on SaferProducts.gov with the media and encouraged consumers via tweets throughout the year to report incidents using SaferProducts.gov. Staff distributed SaferProducts.gov publications to targeted audiences, including first responders and health professionals at events.

***Safety Publication Update:*** The CPSC issued eight new or revised safety publications, including 4 Quarters of Football Helmet Safety (English/Spanish), Kid *Pool Safely* Pledge Card, Adult *Pool Safely* Pledge Card, Take the Pool Safely Pledge flyer, *Pool Safely* Posters, Water Watcher cards (English/Spanish), Consumer *Pool Safely* brochure (English/Spanish) and *Pool Safely* Children’s Educational flyer.

***Smoke Alarms:*** In April 2016, CPSC teamed up with the U.S. Fire Administration (USFA), NFPA and Campus Firewatch for “See It Before You Sign It,” an off college campus housing fire safety campaign. The message was concise: don’t sign a lease before you tour the property and look for working smoke alarms and escape routes. This campaign included a blog post, tweets and an NSN poster/infographic. CPSC also posted tweets and an NSN poster for Daylight Saving Time—Change Time, Change Batteries. In November 2015, CPSC posted a Thanksgiving cooking safety blog “Stand by your Pan,” as well as tweets and NSN messaging. In January 2016,

CPSC joined with USFA and NFPA to remind consumers that there are only minutes to escape during a fire and that working smoke alarms can save lives. “Hear the Beep Where You Sleep” encouraged consumers to make sure they have a working smoking alarm in every bedroom.

**Window Covering Cords:** CPSC staff promoted window covering safety during the fiscal year through several outreach efforts. OCM staff wrote and distributed an OnSafety blog in October 2015 on window coverage safety to the national media and agency listservs. In March 2016, CPSC hosted a press event with Health Canada at the ICPHSO conference promoting cordless and inaccessible-cord window covering options currently in the marketplace. Chairman Elliot Kaye was joined at the press event by a senior official in Health Canada’s Consumer Product Safety Directorate. In June, CPSC led the international social media campaign to prevent window-covering cord strangulations by hosting the resource page for the international effort on CPSC.gov. CPSC staff also provided content to HUD for the HealthyHomes.gov website to be promoted during Healthy Homes month in June.



## Informed the Public about Pool and Spa Safety

In 2016, the CPSC informed the public about pool and spa safety through:

**Consumer Outreach:** In 2016, the CPSC reached more than 1.5 billion impressions by:

- A pre-Memorial Day First Splash launch was held on May 24, 2016 with a Satellite Media Tour and Radio Media Tour (SMT/RMT) with Chairman Kaye.
- Launched a redesigned website on May 19, which includes partner highlights, new blog page and ability to order *Pool Safely* materials online. The redesign makes the website easier to navigate, and highlights new events and activities.
- Promoted the @PoolSafely Twitter handle, which was retweeted 2,442 times during FY 2016 and gained 1,086 new followers.
- Continued to promote the *Pool Safely* Pledge for children and adults in English and Spanish, available in print and online. The Pledge was taken by more than 20,000 people during FY 2016.
- A Spanish RMT in August, resulting in 3.5 million media impressions.
- Attended 8 major industry-association events:
  - October 2015: American Academy of Pediatrics Conference (Washington, DC); Widmeyer
  - October 2015: The World Aquatic Health Conference (Scottsdale); Widmeyer and CPSC
  - October 2015: Water Safety USA Meeting (Scottsdale); Widmeyer and CPSC
  - November 2015: International Pool, Spa and Patio Expo (Las Vegas); Widmeyer
  - January 2016: The Northeast Spa and Pool Association Show (Atlantic City); Widmeyer
  - March 2016: NDPA (Phoenix); Widmeyer and CPSC
  - June 2016: World's Largest Swimming Lesson (Houston); Widmeyer and CPSC
  - June-July 2016: Olympic Trials for Swimming (Omaha); Widmeyer and CPSC
- Produced a TV public service announcement (PSA) that debuted during the 2016 Summer Olympics in Rio. The PSA aired in 25 Comcast media markets 6,049 times during the Olympic Trials. The PSA was also uploaded to the *Pool Safely* YouTube Channel, where it was viewed more than 2,500 times.
- Worked closely with NBC Sports to promote drowning prevention during the summer Olympics. NBC Sports produced a PSA with Katie Ledecky on *Pool Safely*, which they tweeted and posted to Facebook.
- Produced a digital video in English and Spanish that launched via social media during the Summer Olympics.
- Hosted a webinar with partner organization Children's Safety Network (CSN).
- Campaign awarded the PRSA 2016 Bronze Anvil Award of Commendation for Creative Tactics and the PRSA 2016 Silver Anvil Award of Excellence for Public Service, Government.

**Public Information and Education Campaign:** In 2016, the CPSC conducted the following information and education activities to address child drowning and entrapment:

- A pre-Memorial Day First Splash launch with a Satellite Media Tour with Chairman Kaye.
- Sponsorship of the World's Largest Swimming Lesson in Houston, Texas, in conjunction with *Pool Safely* partners Texas Swim Academy and Salvation Army Boys & Girls Club, on Thursday, June 24, 2016. The event targeted minority populations in the Houston

metropolitan area. *Pool Safely* materials were also sent to other locations across the country for WLSL events.

- Working in partnership with children's singer/song writer Laurie Berkner, CPSC continued to promote the water safety song created especially for children: the *Pool Safely* song. The song and music video are posted on the *Pool Safely* YouTube channel and on Laurie Berkner's YouTube channel and Facebook page. In FY 2016, Berkner included the song on her newly-released DVD.
- During Pool Safely Pledge Week July 18-22, 2016, the campaign created, planned and executed the *Pool Safely* Pledge Week Twitter chat with partner co-hosts Safer 3 and Families United to Prevent Drowning; conducted targeted outreach to partners to further involve them in taking and sharing the Pledge; drafted and distributed a targeted email that included a template toolkit for partners to use and educated them about the activities; and distributed materials to partners participating in Pledge Week.
- *Pool Safely* released updates to the Adventures of Splish & Splash smartphone app for both Apple and Android devices. Featuring the popular children's characters Splish and Splash, this educational tool is the first app launched by CPSC. The app was viewed 193,884 times in the iTunes and Google Play stores and downloaded 1,236 times.
- A late summer Spanish RMT on August 4, with participation by CPSC's Spanish spokesperson.

***PoolSafely.gov Website Development:*** In 2016, a redesigned *Pool Safely* website launched on May 19 that implemented changes and updates for both content and usability. In late summer, CPSC added a blog page to the new website. The agency also redesigned the *Pool Safely* newsletter, and created a Spanish Water Watcher card.

***Out of Home PSAs:*** Efforts continued to focus on placement of *Pool Safely* billboard PSAs in markets with high drowning rates.

## Informed the Public about Safe Sleep Environments

In 2016, CPSC informed the public about safe sleep environments for babies through:

***Safe Sleep for Babies:*** CPSC continued to educate parents, caregivers and stakeholders on best practices for Safe to Sleep® for babies with safety organizations, state and federal collaborators, including the National Institute of Health (NIH) Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD) and Health Resources and Services Administration (HRSA). Additional collaboration included the National Action Partnership to Promote Safe Sleep (NAPSS) and the National Coordinated Child Safety Initiative (NCCSI) workgroups. This collaboration extends safe sleep messaging beyond crib safety to include new communication efforts on safe sleep environments, including the dangers of infants on air mattresses, play yards, bassinets and other durable nursery products. Communication efforts included CPSC's collaboration with the NIH SID/SUID work group and safety organizations in the public and private sector to provide lifesaving information to new and expectant parents. In addition, CPSC disseminated the "10 Tips for Baby Safety" video through the Newborn Channel Network reaching more than 3 million audience impressions. Additional Safe to Sleep® outreach included presentations at the national Zero to Three conference to more than 100 child care professionals, tribal leaders and state and local child safety professionals. OCM disseminated safety information through social media using #BabySafety during Baby Safety Month; presented on First Candle's health professional webinar reaching more than 675 health professionals; and disseminated children's recalls and Safe to Sleep® resources through child care and Neighborhood Safety Network listservs, social and mainstream media. OCM staff exhibited at national conferences distributing more than 5,000 safe sleep publications including the National Urban League and La Raza. Additional organizations receiving CPSC safe sleep resources included churches and faith-based organizations such as Catholic Charities; hospitals, health departments, non-profits and health and safety organizations.

***Reaching Consumers on Safe Sleep:*** CPSC's Safe to Sleep® outreach achieved nearly 85 million audience impressions through television, radio, print and social media outlets, including blogs and tweets.

## 2) **Dissemination of Technical Information**

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[Consumer Reports Release Potential for Carbon Nanotubes Used in Children's](#)

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[CPSC Staff Statement on the Report, “Testing of Ignition Prevention Capabilities of a Pan Temperature Control System in a Gas Cooktop”](#)

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[AHAM Comments on 2015 Report on Refinement of Temperature-Limiting Controls for Cooktops](#)

[Briefing Package: Request for Information Regarding Crib Bumpers](#)

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[Supplemental Memos Regarding Some of the Hazards Associated with Engine-Driven Generators, 2004-2014](#)

[Dynamic Occupant Protection Performance Tests for Recreational Off-Highway Vehicles \(ROVs\)](#)

[All-Terrain Vehicle \(ATV\) Attribute Modification Study Results of Baseline Vehicle Testing for CPSC conducted by SEA Limited \(SEA\) and CPSC statement](#)

[CPSC Staff Response to the Record of Commission Action on Crib Bumpers](#)

[Memos on Full-Scale Testing of Upholstered Furniture, 2014-2015](#)

[Staff Briefing Package on Furniture Tipover](#)

## INTERGOVERNMENTAL COORDINATION

The Commission works with many agencies over the course of a year. This section describes the significant coordination the CPSC has had with other governmental organizations. Specifically, this section provides information on: (1) a major state-supported safety initiative for the Virginia Graeme Baker Pool and Spa Safety Act and Recall Effectiveness Check Program; (2) the Commission's efforts coordinating with state and local programs; and (3) significant communication with other governmental agencies and offices, including any notification under section 218 of the CPSIA.<sup>9</sup> In 2016, no state or local official filed a written notice to the Commission under section 218 of the CPSIA.

### 1) Major State-Supported Safety Initiatives

**Virginia Graeme Baker Pool and Spa Safety Act ("VGBA"):** The VGBA affects public pools and spas nationwide, and the Commission's enforcement of the Act requires the cooperation of state and local agencies. In 2015, states worked cooperatively with the CPSC to conduct inspections of pool sites to verify compliance with the Act.

**Recall Effectiveness Check Program:** The Consumer Product Safety Improvement Act of 2008 (CPSIA), PL 110-314, amended Section 19 of the Consumer Product Safety Act (CPSA). It is a prohibited act to sell, offer for sale, manufacture for sale, distribute in commerce, or import a product that has been subject to a voluntary corrective action about which the Commission has notified the public. In 2016, state and local officials conducted inspections of distributors and retailers to determine compliance with the corrective action plan.

### 2) State and Local Programs

Section 29(a) of the Consumer Product Safety Act requires that the Commission establish a program to promote federal-state cooperation for the purpose of carrying out the Act. The goal of the program is to reduce consumer product related deaths and injuries by leveraging CPSC resources through cost-effective cooperation with state and local governments. In 2016, activities included the following:

- Assigning compliance and enforcement activities to the states. The table below provides the number of CPSC assignments to state officials made during the year;
- Supporting states through technical assistance and participation in conferences;
- Monitoring industry's compliance with CPSC mandatory laws;
- Engaging in outreach and dissemination of information through multiple venues, such as journal, print, electronic media, and presentations sharing product safety research;
- Hosted the 2016 State and Local Workshop, field staff conducted training for states, and hosted conference calls for State Designees.

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<sup>9</sup> [Section 218 of the CPSIA amends the CPSA, Prohibited Acts, allowing] the attorney general of a state, or other authorized state officer, alleging a [specified] violation ... of the Act, ... on behalf of the residents of the state, ... to obtain appropriate injunctive relief. [The Act requires] a state [to] provide written notice to the Commission [prior] to initiate[ing] civil action by filing a complaint, ... at least 30 days before [unless] ... immediate action is necessary. The Commission may intervene in such civil action.

- Working to meet or exceed annual performance goals. In 2016, states conducted product safety activities and inspections in cooperation with state and local governments. States completed 100 percent of recall effectiveness checks within 90 or fewer days after assignment.

**Distribution of CPSC Assignments  
To State Officials Completed in 2016**

Type of Assignments	No. of Assignments
State Inspections	1,191
State Recall Checks	600
<b>Total</b>	<b>1,791</b>

**3) Significant Communication with Other  
Governmental Agencies and Offices**

The Commission receives many requests for information and requests for coordination and notification of action relating to its jurisdiction. This correspondence is tracked through the Office of the Secretary. The list below presents the most substantial communications, including any/all notifications under section 218 of the CPSIA.

**Significant Communication,  
Including Notification of Action Required Under Section 218**

Organization	City, State	Significant Communication
U.S. Department of Labor	Chicago, IL	Complaint of Discrimination; United Health Group, Inc.
Office of Management and Budget	Washington, DC	Annual Information Quality and Peer Review Officers
State of New York – Office of Attorney General	Albany, NY	Request for National Recall of Cra-Z-Art Children's Products Lead
U.S. Department of Homeland Security	Washington, DC	Binding Directive 16-01: Securing High Value Assets
U.S. Department of Labor (OSHA)	Philadelphia, PA	Complaint of Retaliation – Baltimore Aircoil Company
Office of Government Information Services	College Park, MD	Privacy Act Issue – How the OGIS Carries Statutory Duties
Ministry of Health	Jerusalem	Comment – Flame Retardants in Hospital Mattresses and Textiles
Air Resources Board	Sacramento, CA	Request – CPSC Consider Federal Regulation to Limit and/or Prohibit the Sale of Ozone-Generating Air Cleaners
U.S. Homeland Security	Washington, DC	Binding Operational Directive 16-02 – Threat of Network Infrastructure Devices



#### 4) International Training Activity

As part of a strategy for addressing the growing complexity and risk entailed within additional global sources of production, the CPSC's Office of International Programs works to prevent hazardous and noncompliant consumer products from being exported to the United States through outreach and training abroad. The CPSC works with U.S. trading partners at the outset of the manufacturing process to increase their ability to produce products that comply with U.S. safety requirements. The agency also trains buyers and sourcing professionals who procure for U.S. importers. Outreach activities also include training foreign regulators on best practices to help them eliminate unsafe products from their jurisdictions, thus reducing the chances those products will find their way to the United States. The list below is a summary of international training activities completed in 2016.

<b>2016 International Training / Briefings Activities Summary</b>	
Number of different trainings / briefings conducted for foreign groups / audiences	39
Number of trainings / briefings for industry abroad	24*
Number of trainings / briefings for foreign government entities	24*
Number of private sector representatives trained / briefed	1,353
Number of government officials trained / briefed	348
Number of people trained / briefed	1,701
Number of different foreign jurisdictions trained / briefed	20
Number of trainings / briefings conducted abroad	25 (14 different locations)
Number of trainings / briefings held offsite in Washington, D.C.	1
Number of trainings / briefings held offsite in the United States	0
<i>*Includes 9 events attended by both government and industry</i>	

Note: Staff logged 55 additional meetings with foreign entities for official purposes (typically exchange of information) but which were not specifically briefings or trainings.

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**U.S. CONSUMER PRODUCT SAFETY COMMISSION**  
**BETHESDA, MD 20814**