

2017



2017
ANNUAL
REPORT
TO THE PRESIDENT
AND CONGRESS

United States
Consumer Product
Safety Commission

United States Consumer Product Safety Commission



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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 2017 (2017). 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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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 consumer 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 they also constitute a resource for gathering additional information about 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 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 physicians’ offices, health maintenance organizations, and freestanding urgent care clinics. Estimates also do not include the economic losses of fatalities associated with using 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/2017NEISSCodingManualCPSCOnlyNontrauma.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:

<https://www.cpsc.gov/Research--Statistics/NEISS-Injury-Data>, 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 to learn more about NEISS, please visit:

www.cpsc.gov/en/Research--Statistics/NEISS-Injury-Data.

Table 1 - Deaths Associated with the Use of Certain Consumer Products**October 1, 2014–September 30, 2015**

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 collecting 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
Child Nursery Equipment and Supplies	69	66	3	0	0
Toys	3	1	2	0	0
Sports and Recreational Activities and Equipment	1,485	147	320	693	325
Home Communication, Entertainment, and Hobby Equipment	19	12	3	2	2
Personal Use Items	105	28	14	14	49
Packaging and Containers for Household Products	166	10	12	135	9
Yard and Garden Equipment	113	0	3	30	80
Home Workshop Apparatus, Tools, and Attachments	49	0	8	24	17
Home and Family Maintenance Products	238	2	23	207	6
General Household Appliances	36	1	0	12	23
Space Heating, Cooling, and Ventilating Appliances	80	3	7	38	32
Housewares	10	0	1	4	5
Home Furnishings and Fixtures	1,164	443	51	320	350
Home Structures and Construction Materials	562	48	11	121	382
Miscellaneous	101	0	23	66	12

Source: CPSC Death Certificate Project, as of 3/31/18

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, 2016–September 30, 2017¹

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
Child Nursery Equipment and Supplies	97,530	71,972	7,057	15,392	3,108
Toys	249,673	88,478	112,275	42,010	6,910
Sports and Recreational Activities and Equipment	4,168,461	170,718	2,598,354	1,184,046	215,342
Home Communication, Entertainment, and Hobby Equipment	233,482	23,634	57,295	108,106	44,447
Personal Use Items	820,035	151,120	203,401	323,985	141,528
Packaging and Containers for Household Products	455,294	40,676	94,015	247,241	73,362
Yard and Garden Equipment	335,545	5,718	42,714	195,159	91,954
Home Workshop Apparatus, Tools, and Attachments	367,668	14,631	56,447	235,129	61,462
Home and Family Maintenance Products	212,112	34,660	45,958	104,793	26,700
General Household Appliances	177,580	17,718	28,955	89,487	41,421
Space Heating, Cooling, and Ventilating Appliances	131,431	21,469	27,047	60,571	22,344
Housewares	767,185	43,217	207,900	423,473	92,596
Home Furnishings and Fixtures	3,317,724	537,608	491,673	1,203,534	1,084,909
Home Structures and Construction Materials	4,581,373	452,801	907,881	1,838,660	1,382,031
Miscellaneous	337,353	49,535	109,533	126,501	51,785

Note: [‡]“Total” includes incidents where the age was not recorded. Therefore, the aggregated age groups may not equal the total.

¹ 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, 2016–September 30, 2017²

This table presents the estimated percent of emergency department-treated injuries associated with consumer products requiring hospitalization for the injured.³ This table indicates the severity of the injuries for which treatment was sought.

Product Group	Total (%)	AGE GROUP [‡]			
		Under 5 (%)	5–24 (%)	25–64 (%)	65 and Over (%)
Child Nursery Equipment and Supplies	5	5	3	3	22
Toys	3	3	2	4	16
Sports and Recreational Activities and Equipment	6	5	3	8	24
Home Communication, Entertainment, and Hobby Equipment	7	2	2	6	19
Personal Use Items	9	10	3	6	22
Packaging and Containers for Household Products	6	6	3	5	13
Yard and Garden Equipment	9	7	3	7	16
Home Workshop Apparatus, Tools and Attachments	6	9	4	5	8
Home and Family Maintenance Products	6	5	3	6	14
General Household Appliances	8	4	3	5	21
Space Heating, Cooling and Ventilating Appliances	9	4	3	8	20
Housewares	4	7	2	3	11
Home Furnishings and Fixtures	14	3	2	9	29
Home Structures and Construction Materials	15	4	3	11	33
Miscellaneous	9	8	4	8	21

Note: [‡]“Total” includes incidents where the age was not recorded. Therefore, the aggregated age groups may not equal the total.

² Ibid.

³ 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, 2016–September 30, 2017
(in millions of dollars)

This table is derived by applying the Commission’s Revised Injury Cost Model⁴ to the estimates of hospital emergency department-treated injuries calculated in Table 2.⁵ Injury cost estimates are adjusted to 2014 price levels using the Bureau of Labor Statistics’ employment cost index and the Bureau of Economic Analysis’ personal consumption expenditures index for health.

Product Group	AGE GROUP [‡]				
	Total	Under 5	5–24	25–64	65 and Over
Child Nursery Equipment and Supplies	\$6,041	\$5,110	\$268	\$475	\$188
Toys	\$8,597	\$3,046	\$3,577	\$1,605	\$369
Sports and Recreational Activities and Equipment	\$198,328	\$8,273	\$101,095	\$72,022	\$16,937
Home Communication, Entertainment, and Hobby Equipment	\$10,484	\$857	\$1,686	\$5,179	\$2,762
Personal Use Items	\$30,390	\$3,965	\$4,746	\$11,974	\$9,705
Packaging and Containers for Household Products	\$16,709	\$1,044	\$2,405	\$9,393	\$3,867
Yard and Garden Equipment	\$16,872	\$295	\$1,570	\$9,570	\$5,438
Home Workshop Apparatus, Tools, and Attachments	\$15,723	\$500	\$2,267	\$10,374	\$2,582
Home and Family Maintenance Products	\$6,678	\$699	\$948	\$3,841	\$1,190
General Household Appliances	\$9,010	\$817	\$1,229	\$4,045	\$2,919
Space Heating, Cooling, and Ventilating Appliances	\$7,249	\$956	\$1,045	\$3,733	\$1,514
Housewares	\$22,519	\$1,774	\$4,719	\$12,324	\$3,702
Home Furnishings and Fixtures	\$218,260	\$26,278	\$17,966	\$78,059	\$95,957
Home Structures and Construction Materials	\$333,680	\$26,142	\$35,575	\$129,728	\$142,235
Miscellaneous	\$19,072	\$3,074	\$4,971	\$7,265	\$3,762

Note: [‡]“Total” includes incidents where the age was not recorded. Therefore, the aggregated age groups may not equal the total.

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

⁵ 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 by developing mandatory safety standards and involving staff in developing and strengthening voluntary safety standards. This section presents information about:

- mandatory safety standards which were adopted;
- mandatory safety standards which became effective;
- voluntary safety standards for which staff provided monitoring or technical support; and
- research activities conducted by staff.

- 1) **Mandatory Safety Standards**: CPSC develops mandatory standards through rulemaking. Under most of the statutes that 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 2017 include: furniture tipover, table saws, and fireworks.

For more detail, visit the **Electronic Code of Federal Regulations, Title 16 Chapter II⁶ Web page (updated daily)**, at: <http://www.ecfr.gov>⁷

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 suggests modifications to existing standards. After receiving CPSC staff's 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. Since FY 2016, CPSC staff has also led voluntary standards development efforts and/or voted on voluntary standard ballots.
- 3) **Research Activities**: CPSC staff conducts and sponsors many research and study projects to augment 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 high-energy rechargeable batteries, all-terrain vehicles, collaborative research with other federal agencies on nanotechnology, portable generators, smoke alarms, furniture and television tipovers, and crumb rubber use on playgrounds.

⁶ Does not include administrative or exemption rulemakings.

⁷ 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 2017

The Commission approved publication of the following final rules in FY 2017:

- [Freedom of Information Act](#). On August 1, 2017, 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 1015 to conform to the amendments of the FOIA Improvement Act of 2016.
- [Protection of Human Subjects](#). On August 8, 2017, the Commission voted to approve publication in the *Federal Register* of the final rule, as drafted, to amend 16 C.F.R. part 1028 to adopt the Federal Policy for the Protection of Human Subjects, as proposed to be amended by the U.S. Department of Health and Human Services (HHS), through cross-reference to HHS's regulations at 45 C.F.R. part 46, subpart A.
- [Protection of Human Subjects](#). On September 12, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of the final rule that amends the Commission's regulations at 16 C.F.R. part 1028, Protection of Human Subjects. The final rule codifies the text of the Federal Policy for the Protection of Human Subjects at 45 C.F.R. part 46, subpart A (referred to as the "Common Rule").
- 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 2017, the CPSC promulgated four safety standards for children's products:
 - [Toy Standard](#): On January 26, 2017, the Commission voted to approve publication in the *Federal Register* of the draft direct final rule that revises the reference in CPSC's safety standard for toys to refer to the revised ASTM standard for those products, ASTM F963, *The Standard Consumer Safety Specification for Toy Safety*, and to amend the notice of requirements (NOR) in 16 C.F.R. part 1112 to reflect the revisions in ASTM F963.
 - [Infant sling carriers](#): On January 11, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of the final rule establishing a mandatory safety standard for slings. The draft final rule incorporates by reference the applicable voluntary standard, ASTM F1235-15, ASTM 2907-15, *Standard Consumer Safety Specification for Sling Carriers*, with modifications.
 - [Infant Bath Tubs](#): On March 24, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of the final rule establishing a mandatory safety standard for infant bath tubs. The draft final rule incorporates by reference the applicable voluntary standard, ASTM F2670-17, *Standard Consumer Safety Specification for Infant Bath Tubs*, without any modifications. In addition, the final rule amends 16 C.F.R. part 1112 to include the mandatory safety standard for infant bath tubs in the list of Commission-issued NORs.
 - [Infant Bouncer Seats](#): On September 1, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of the final rule establishing a mandatory safety standard for infant bouncer seats. The draft final rule

incorporates by reference the applicable voluntary standard, ASTM F2167-17, *Standard Consumer Safety Specification for Infant Bouncer Seats*, with modifications.

In 2017, the Commission approved publication of the following proposed rules:

- [Portable Generators](#): On November 4, 2016, the Commission voted to approve publication of the draft proposed rule, *Safety Standard for Portable Generators*, with one amendment.
- [Freedom of Information Act](#): On December 20, 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 1015 to conform to the amendments of the FOIA Improvement Act of 2016.
- [Infant Inclined Sleep Products](#): On March 31, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of the proposed rule that would establish a safety standard for infant inclined sleep products. The proposed rule would incorporate by reference ASTM F3118-17, *Standard Consumer Safety Specification for Inclined Sleep Products*, with a modification to the standard's definition of "accessory." In addition, the proposed rule would amend 16 C.F.R. part 1112 to include the mandatory standard for inclined sleep products in the list of NORs issued by the Commission.
- [Table Saws](#): On April 27, 2017, the Commission voted to approve publication in the *Federal Register*, of the proposed rule that would establish a safety standard for table saws. The Commission voted to include three amendments: one to analyze and provide the Commission with a report on a study of the type of table saw involved in 2016 incidents; a second to analyze and seek public comment on the Table Saw Study started in January 2017, and the third to amend the draft NPR to include language about the patent policy of the American National Standards Institute.
- [Booster Seats](#): On May 9, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of the proposed rule that would establish a safety standard for booster seats 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 ASTM F2640-17, *Standard Consumer Safety Specification for Booster Seats*, without modification. In addition, the proposed rule would amend 16 C.F.R. part 1112 to include the mandatory standard for booster seats in the list of NORs issued by the Commission.
- [All-Terrain Vehicles \(ATVs\)](#): On September 6, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of a proposed rule amending the Commission's mandatory ATV standard to reference ANSI/SVIA 1-2017, *American National Standard for Four-Wheel All-Terrain Vehicles Equipment Configuration and Performance Requirements*, pursuant to section 232 of the CPSIA.
- [Fireworks](#): On January 25, 2017, the Commission voted to approve publication in the *Federal Register*, as drafted, of a proposed rule amending the Commission's mandatory Fireworks standard.

In 2017, the Commission voted to approve or deny publication of the following petition actions:

- [Floor Labeling Petition](#): On December 13, 2016 the Commission voted to deny a petition requesting labeling of floor coverings and coatings to address slip hazards. The National Floor Safety Institute submitted the petition, CP 16-1.

- [Residential Elevators](#): On March 24, 2017, the Commission voted to deny a petition requesting that the Commission issue a safety standard for residential elevators to address an entrapment hazard between the elevator car door and hoistway door. The Safety Institute, Carol Pollack-Nelson, and Cash, Krugler & Fredericks, LLC, submitted the petition, CP 15-1.
- [Supplemental Mattresses](#): On May 25, 2017, the Commission voted to grant the petition, CP 15-2, submitted by Joyce Davis, president of Keeping Babies Safe. Accordingly, the Commission directed staff to initiate a rulemaking under section 104 of the Consumer Product Safety Improvement Act to promulgate a mandatory safety standard and to amend the product registration card rule. The Commission directed staff to include in the scope of the rule crib mattresses, as well as supplemental and aftermarket mattresses, used in play yards and portable cribs.
- [Labeling of Household Products Containing Methylene Chloride](#): On June 2, 2017, the Commission voted to grant the petition and direct staff to draft a policy statement that addresses labeling for acute hazards from inhalation of methylene chloride vapors. The petition, HP 16-1, was from the Halogenated Solvents Industry Alliance, Inc.
- [Additive, Non-Polymeric Organohalogen Flame Retardants](#): On September 20, 2017, the Commission voted to grant the petition, HP 15-1, submitted by Earthjustice and the Consumer Federation of America. Accordingly, the Commission directed staff to initiate a rulemaking under the Federal Hazardous Substances Act, and convene a Chronic Hazard Advisory Panel pursuant to section 28 of the Consumer Product Safety Act to assess and issue a report on the risks to consumers' health and safety.

In 2017, the Commission approved publication of the following mandatory standard-related items:

- [Crib Bumpers](#): On November 3, 2016, the Commission voted to withdraw the ballot vote on the Statement of Policy Regarding Crib Bumpers. Instead, Chairman Kaye and Commissioners Adler, Robinson and Mohorovic issued a *Joint Statement Recommending Parents and Caregivers Not Use Padded Crib Bumpers*.
- [Magnet sets](#): On March 1, 2017, the Commission voted to remove the Magnet Set Rule from the Code of Federal Regulations.
- [Residential Garage Door Operators](#): On January 18, 2017, the Commission voted to allow certain revisions to UL 325, *Standard for Safety for Door, Drapery, Gate, Louver, and Window Operators and Systems*, to be included in the Commission's automatic residential garage door standard, 16 C.F.R. part 1211.
- [Residential Garage Door Operators](#): On July 11, 2017, the Commission voted to allow certain revisions to UL 325, *Standard for Safety for Door, Drapery, Gate, Louver, and Window Operators and Systems*, to be included in the Commission's automatic residential garage door standard, 16 C.F.R. part 1211.
- [Recreational Off-Highway Vehicles](#): On January 25, 2017, the Commission voted not to terminate the rulemaking associated with Recreational Off-Highway Vehicles. The Commission also voted in favor of a motion to direct staff to conduct a retrospective review of the voluntary standards, ANSI/ROHVA 1-2016, *American National Standard for Recreational Off-Highway Vehicles*, and ANSI/OPEI B71.9-2016, *American National Standard for Multipurpose Off-Highway Utility Vehicles*, no later than two years after the effective dates and assess and report to the Commission on the effectiveness of the standards with specific parameters listed in the amendment.

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 2017 annual report is provided below for convenience. The website address for the report is:

<https://www.cpsc.gov/s3fs-public/VoluntaryStandardsActivitiesFY2017AnnualReport.pdf>.

Twenty-one new, revised, or reaffirmed⁸ voluntary safety standards, for which CPSC staff provided technical support, were approved during the period October 1, 2016 to September 30, 2017. These safety standards are detailed in Table 1.

Table 1: New, Revised or Reaffirmed Voluntary Standards Approved

October 2016– September 2017 SDO	Standard	Product	Approval	Publication Date (Month/Year)
ASTM	F3186-17	Adult Bed Rails	8/1/2017	Aug-17
ANSI/SVIA	ANSI/SVIA 1-2017	ATVs	6/30/2017	Jun-17
ASTM	F2388-17	Baby Changing Tables	6/1/2017	Aug-17
ASTM	F2640-16	Booster Seats	12/1/2016	Mar-17
ASTM	F2640-17	Booster Seats	3/1/2017	Mar-17
ASTM	F2640-17e1	Booster Seats	3/1/2017	Apr-17
ASTM	F2613-17	Children's Chairs and Stools	6/15/2017	Aug-17
ASTM	D3475-17	Child-Resistant Packages	3/1/2017	Apr-17
UL	2034 (Ed 4)	CO Alarms	3/31/2017	Mar-17
CANENA/UL	66335-2-24	Flammable Refrigerants (Refrigerators)	4/28/2017	Apr-17
ASTM	F404-17	High Chairs	2/1/2017	Mar-17
ASTM	F1148-17	Home Playground Equipment	3/1/2017	Apr-17
ASTM	F2670-17	Infant Bath Tubs	1/1/2017	Jan-17
ASTM	F2167-17	Infant Bouncer Seats	4/1/2017	Jul-17
ASTM	F3116-16a	Infant Inclined Sleep Products	10/1/2016	Oct-16
ASTM	F3118-17	Infant Inclined Sleep Products	1/1/2017	Mar-17
ASTM	F2369-16	Non-Integral Firearm Locking Devices*	10/1/2016	Oct-16
ASTM	F1487-17	Playground Equipment for Public Use	2/15/2017	Apr-17

⁸ Approved the existing standard without any changes.

Safety Standards

October 2016– September 2017 SDO	Standard	Product	Approval	Publication Date (Month/Year)
ASTM	F1292-17	Playground Surfacing/Impact Attenuation	5/1/2017	May-17
UL	2272 (Ed 1)	Self-Balancing Scooters	11/21/2016	Nov-16
UL	217 (Ed 8)	Smoke Alarms	11/21/2016	Nov-16
ASTM	F1821-16	Toddler Beds	10/1/2016	Oct-16
ASTM	F963-16	Toys	8/1/2016	Oct-16
ASTM	F963-17	Toys	6/1/2017	Aug-17
ASTM	F2456-16	Youth-Resistant Firearm Containers*	10/1/2016	Oct-16

From October 1, 2016 to September 30, 2017, CPSC staff provided technical support, or was otherwise engaged in, developing voluntary safety standards for 76 different products, which are described in this report.

During the reporting period, CPSC staff focused 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.

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 FY 2017, 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://cpsc.gov/s3fs-public/atv_annual_report_2016_0.pdf?ntwycn8wu3ITrXLnLC49kn_lxxDASq5e

ATV Testing: Staff conducted research and collaborated with industry and stakeholders, testing vehicles to study the effects of rider load (1 and 2 occupants on ATV), rider lean-in turn, driving surface (asphalt and dirt), and vehicle attributes (front/rear stiffness, center of gravity location, and steering geometry) on the steering and stability characteristics of ATVs. Staff also conducted research on the feasibility of child-resistant ATV ignition prototypes. Report on “Vehicle Characteristics Measurements of All-Terrain Vehicles” is available at:

https://www.cpsc.gov/s3fs-public/SEA_Report_to_CPSC_Vehicle_Characteristics_Measurements_of_All_Terrain_Vehicles.pdf.

Report on “Effects on Vehicle Characteristics of Two Persons Riding ATVs” is available at:

https://www.cpsc.gov/s3fs-public/SEA-Final-Report-to-CPSC-2-Rider-ATV-Study.pdf?V0ixJO3o_kbtSMIBeKUIInRAFx6hVocs5. Report on Child-Resistant ATV Ignition is available at: <https://www.cpsc.gov/s3fs-public/ATV-CR-Ignition-Final-Report-with-cover-letter.pdf?G5GBk9Q7fNrrKuoNcffU8sqBD.law1Uh>.

Age Determination Guidelines Update: Staff continued their work with the National Institute of Child Health and Human Development (NICHD) under an interagency agreement to update the 2002 Age Determination Guidelines. NICHD conducted a literature review, formulated and executed a study design that could rigorously evaluate the age appropriateness of toys, which involved observing 243 children interact with toys in nine different categories.

Batteries: Staff entered into an interagency agreement with the Naval Surface Warfare Center Carderock Division, an information-sharing agreement under section 29(f) of the CPSA with the FDA, and participated in interagency working groups, voluntary standards development organizations, and industry groups to study safety issues related to high-energy rechargeable battery packs, cells, battery management systems, chargers and end-product systems that include those components.

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/Non-Fire-Carbon-Monoxide-Deaths-Associated-with-the-Use-of-Consumer-Products-2014-Annual-Estimates.pdf?VzenVwwwL5p7j_Mt0WrQvZkchDBFCM48

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/Non-Fire-Carbon-Monoxide-from-Engine-Driven-Generators-2005-2016-June%202017.pdf?FL5ZFHu050hLH_NGRwJtpM2EE4JHeveV

Chemical Toxicity Assessments: In 2017, a contractor reports on mold (“Tool for Assessing Mold Exposure”) and a “CPSC Guide to Assessing Mold Exposure” were completed. These reports will assist staff in identifying the mold species in mold-contaminated products and also in assessing whether the mold present on the product may present a hazard to consumers. Staff evaluated emissions from 3D printers, and presented the results at a conference in 2017. Staff continued as national Co-Chair for the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), which oversees the development of new toxicological test methods to reduce or eliminate animal testing. Staff also participated as members of ICCVAM working groups. Staff continued to participate in an inter-agency effort to assess the health effects associated with crumb rubber, with CPSC specifically focusing on crumb rubber used in playgrounds (See below, under *Playgrounds*). In December 2016, staff from CPSC, ATSDR, and EPA released a “Status Report on the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds” (https://www.epa.gov/sites/production/files/2016-12/documents/federal_research_action_plan_on_recycled_tire_crumb_used_on_playing_fields_and_playgrounds_status_report.pdf)

CPSC entered into a contract with the University of Cincinnati to conduct a literature search and toxicity review of several possible substitutes for dialkyl ortho-phthalates (phthalates). The goal of the work is to identify commonly used phthalate substitutes that may be used in children’s products and other consumer products and to identify and summarize physicochemical, toxicological, exposure, and risk information. The information will be used by CPSC staff in future work to identify and evaluate the potential for harm to consumers. The work will be completed in mid-FY 2018.

Fireworks: Staff released its annual report on deaths and injuries associated with fireworks. The report, *2016 Fireworks Annual Report, Fireworks-Related Deaths, Emergency Department-Treated Injuries, and Enforcement Activities During 2016*, is available on the CPSC website at: https://www.cpsc.gov/s3fs-public/Fireworks_Report_2016.pdf?t.YHKjE9bFiabmirA.4NJST.5SUWIQJ.

Human Factors Standard Practice: Engineering Sciences Human Factors staff worked to develop a Human Factors best practices document to guide manufacturers in how to integrate human factors methodology into product design and development process to reduce use-related hazards. The contractor delivered an annotated bibliography and a draft document at the end of FY 2017. Staff, in coordination with Health Canada, is currently revising the document.

Nanotechnology:

Nanomaterials in Consumer Products (Exposure and Risk Assessment): Work continued in 2017, which started in 2015, under a CPSC Memorandum of Understanding (MOU) with the DOD/Army Corps of Engineers. DOD is studying the release of nanomaterials from consumer products. This work includes emissions of nanomaterials from 3-D printers and from abrasion of nano-enabled products.

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

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 use these data to characterize the behavior

of the nanomaterial(s) products as a function of aging and exposure and will assess for toxicity of released nanomaterials.

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. In FY17 CPSC entered into a contract with NIST researchers to develop methods to measure and characterize nanomaterials in house dust. In addition, NIST researchers are assessing the validity of current toxicity test methods for their applicability to assess nanomaterial toxicity. 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.

NanoWIRES: NanoWire intelligent redesign 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 United States and the European Union, the Safe Implementation of Innovative Nanoscience & Nanotechnology (SIINN) program. Research groups will conduct the project 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. In 2017, researchers studied the health effects of nanowires on animal cells.

Systematic Literature Review of Select Nanomaterials: CPSC entered into a contract with Toxicology Excellence 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 builds on a similar review performed by Versar in 2011, and will be completed in FY 2018.

Nanomaterial Toxicity and Metrology Databases: CPSC entered into a contract with the University of Cincinnati to conduct data and literature searches and develop databases to complete data gaps identified in a previously developed screening and prioritizing tool for nano-enabled consumer products. CPSC staff will use the completed tool and databases to screen more efficiently and prioritize nano-enabled consumer products based on potential health hazard and risk. Staff will complete the work in mid-FY 2018.

Nanomaterial Commercialization Report: CPSC entered into a contract with the University of Cincinnati to obtain and summarize market information on nanomaterials. CPSC staff will use the work to track emerging nanomaterials and new uses of nanomaterials in consumer products and evaluate potential human health risks. Staff will complete the work in mid-FY 2018.

Risk Assessment for Manufactured Nanoparticles Used in Consumer Products: Work continues on a contract with Rutgers University to develop methods to assess the release of nanomaterials during consumer use of nano-enabled products, in particular nano-enabled spray

products, as well as the deposit and resuspension of the particles on home surfaces.

National Smoke and CO Alarm Survey- CPSC, along with other federal agencies and other fire safety advocates and organizations, entered into a contract with Eurekafacts to conduct and develop a nationally representative, probabilistic in-home survey to gather information on use patterns and operability of actual installed smoke and CO alarms across the United States. The survey data will answer several questions. First, it will update national estimates of smoke alarm and carbon monoxide alarm operability based on direct observation. In addition it will help create a demographic profile of groups that do not have operable smoke alarms and/or carbon monoxide alarms. This profile includes measures from the perspective of household members lacking operable alarms and why the household lacks ready alarms. This will allow for better targeting of policy, messaging and interventions to improve the operability rate of these alarms.

NEISS Data Highlights – 2016: Staff estimated national emergency department-treated injuries by consumer product in categories by age, gender, and disposition. We present injury estimates and rates per 100,000 individuals in the U.S. population in 2016, on the CPSC website at: <https://www.cpsc.gov/s3fs-public/2016%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/Nursery-Products-Annual-Report-2017_0.pdf?iVo_dIqsrWuAep2RzahKbFcsiCfXZhK.

Pediatric Poisonings: Staff completed its annual report on unintentional pediatric poisonings. The [2014 Mortality report](https://www.cpsc.gov/es/content/pediatric-poisoning-fatalities-for-1972-through-2014-%E2%80%93-june-2017) (Pediatric Poisoning Fatalities for 1972 through 2014) is located at: <https://www.cpsc.gov/es/content/pediatric-poisoning-fatalities-for-1972-through-2014-%E2%80%93-june-2017>

The unintentional poisoning injury report for 2016 is located at: https://www.cpsc.gov/s3fs-public/PPPA-Injury-2016.pdf?1fftdlW4md8rVY5TZ_p5IXJruPgeixpF

Playgrounds: Staff entered into a contract with the University of Northern Iowa to assess the general safety status of public playground equipment and surfacing throughout the United States. In addition, the contract would evaluate the impact attenuation characteristics of playground surfacing materials using a nationally representative sample. In FY 2017, the contractor developed a test plan outlining the methodology of a nationally representative sample of public playgrounds and the protocol for data collection; created a safety checklist for identifying the safety concerns of playground equipment and surfacing; developed an impact-attenuation field test data collection sheet; and completed on-site surface impact attenuation testing and evaluation of playground equipment of 103 playgrounds (out of a final sample of 400 sites) using a nationally representative sample of public playgrounds.

As part of the interagency Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds (FRAP) with the U.S. EPA and CDC/ATSDR, CPSC's HS and HF staff have continued work to improve our understanding of children's exposures to recycled tire rubber in playground surfacing. In 2017, these activities included conducting focus groups and developing the National Playground Survey. The focus groups were completed in March and April with the assistance of a contractor and consisted of guided conversations with small groups of parents, child caregivers, and certified playground inspectors in the Washington, D.C.,

Metropolitan area. The focus groups covered patterns of playground use, children's behaviors on playgrounds, hygiene and eating habits, and participants' observations and opinions of playground maintenance and hazards. Information learned in the focus groups was used (with other resources) to develop a national survey of parents, which is expected to be administered to as many as 2,200 parents across the United States in mid-2018, pending OMB approval. We anticipate that the survey results will provide qualitative and quantitative data to help in developing exposure scenarios and models for evaluating the risk to children from the chemicals found in playground surfacing made from recycled tire rubber. The FRAP partner agencies are expected to release a final report of their chemical and exposure characterization studies of recycled tire rubber used in synthetic turf athletic fields. This information will be essential to CPSC's efforts to understand risks of similar rubber materials used in playground surfacing.

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 2017, CPSC staff 381 cooperative recalls or corrective actions.

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 2017, 208 recalls were under the Fast-Track program. Recalls under the Fast-Track program are conducted without the need for time-consuming hazard analyses. In 2017, Fast-Track recalls were initiated within 20 working days of a firm's report to the CPSC 98 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]. A list of LOAs sent to importers and manufacturers in 2017, 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 2017, the CPSC negotiated out-of-court settlements in which six companies voluntarily agreed to pay a total of \$29.4 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 failure to comply with a rule, regulation, standard or ban, as required under section 15(b) of the CPSA, or knowingly commit 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 2017, the CPSC negotiated out-of-court settlements in which six companies voluntarily agreed to pay a total of \$29.4 million in civil penalties to the U.S. Treasury.

Civil Penalty Settlements Accepted by the Commission

Firm	Fine	Act	Product
Home Depot U.S.A., Inc.	\$5,700,000	CPSA	Various
Kawasaki Heavy Industries, Ltd.	\$5,200,000	CPSA	ROVs
Middleby Corp. and Viking Range LLC	\$4,650,000	CPSA	Gas Ranges
Keurig Green Mountain Inc.	\$5,800,000	CPSA	Coffee Brewing Systems
PetSmart Inc.	\$4,250,000	CPSA	Fish Bowls
Best Buy Co. Inc.	\$3,800,000	CPSA	Various

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. On June 7, 2017, the Commission held oral

arguments on Complaint Counsel’s appeal. The matter is ongoing. For more information on this case, visit the CPSC website at:

www.cpsc.gov/en/Recalls/Recall-Lawsuits/Adjudicative-Proceedings.

Commission Determined Imminent Hazards - Section 12 of the CPSA

There were no instances in 2017 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 2017. 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

Party	Summary
<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 & Decker® Spacemaker™ 12-Cup Programmable Under-the-Counter coffeemakers, which were sold to retailers nationwide. The government alleged that 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. 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</p>

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. 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. On November 17, 2016, Judge Conley issued an Opinion and Order, reported at 218 F .Supp. 3d 784 (2016), granting the United States' motion for summary judgment, finding Spectrum liable on Count I that it did not file a timely section 15 report; granting Spectrum's unopposed motion for entry of judgment as to its liability on Count III-selling recalled coffeemakers; denying Spectrum's motion to dismiss challenging CPSC's request for injunctive relief; and denying Spectrum's partial motion for summary judgment challenging the statute of limitations. The Court held a 1-day evidentiary hearing on February 21, 2017. On September 29, 2017 the District Court issued an opinion ordering Spectrum to pay a \$821,675 civil penalty for defendant's failure to timely file a Section 15 report and to pay a \$1,115,000 penalty for selling recalled coffeemakers. The Court also issued a permanent injunction pursuant to Federal Rule of Civil Procedure 65.

U.S. v. Michaels Stores, Inc., and Michael Stores Procurement Co., Inc., Civil Action 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.

The government filed a complaint for civil penalties and permanent injunctive relief on April 21, 2015. The complaint alleged 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 March 31, 2017 the government filed an unopposed motion for leave to amend the complaint to withdraw count III (material misrepresentation to CPSC). The parties filed Summary Judgment motions along with supporting briefs and declarations in May and June 2017.

U.S. v. Zen Magnets, LLC and Shihan Qu,
Civil Action 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 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. On November 23, 2016, the parties filed a joint motion to enter a consent judgment and a proposed consent judgment agreeing that defendant Zen shall pay a civil penalty of \$5.5M for violating the CPSA, with \$5.490M suspended. On November 30, 2016, the court entered an order granting the parties' joint motion for judgment and consent judgment. On April 26, 2017, with prior CPSC approval, Zen destroyed the magnets that were subject to the Court's Orders.

*U.S.A. v. Everbright Trading Inc.,
Yuan Xiang Gao, and
Ruby Qing Xu a/k/a Ruby XU,*
Civil Action No. 17 –cv-0375-
LDH-RLM (E.D.N.Y.)

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

On June 21, 2017, the government filed a complaint for permanent injunctive relief for the repeated pattern of violation. On August 3, 2017, the Court entered a Consent Decree of Permanent Injunction against the firm and

*Lily Poplar Varieties & Gifts, Inc.,
and Great Great Corp., Li Jing and
Cheng Feng You, Civil Action
No. CV-17-3751 (E.D.N.Y)*

individual defendants. The government issued a press announcement of the Consent Decree at:
<https://www.justice.gov/opa/pr/district-court-enters-permanent-injunctions-against-new-york-companies-and-individuals>

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

On June 21, 2017, the government filed a complaint seeking permanent injunctive relief for the violations. On July 14, 2017, the court entered a consent decree and judgement against the firm and individuals. The government issued a press announcement of the consent decree at:
<https://www.justice.gov/opa/pr/district-court-enters-permanent-injunctions-against-new-york-companies-and-individuals>.

Cases against the Commission

Party	Summary
<i>Zen Magnets LLC v. Consumer Product Safety Commission, Case No. 14-9610 (10th Cir.)</i>	<p>Issue/Statute: Petition for Review of Safety Standard for Magnet Sets.</p> <p>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>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. On November 22, 2016 the Court issued an order and opinion vacating and remanding the magnet set safety standard to the Commission for further proceedings consistent with the Court’s opinion. On December 19, 2016, the government filed a motion to extend time to file a petition for rehearing until January 13, 2017, which the Court granted. On January 17, 2017 the Tenth Circuit issued the mandate remanding the case back to the CPSC.</p>
<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. The Court granted the CPSC’s motion on September 7, 2016. The CPSC sought two additional extensions of time that were granted by the Court. CPSC processed responsive documents to the FOIA request for Plaintiff. On January 24, 2017, on Plaintiff’s motion, the Court issued an Order dismissing the action with prejudice.</p>
<i>NRDC v. U.S. Consumer Product Safety Commission Case No. 1:16-cv-09401-PKC (S.D.N.Y)</i>	<p>Issue/Statute: Action for declaratory and injunctive relief under the Administrative Procedure Act and the Consumer Product Safety Act for failure of the CPSC to promulgate a final rule on phthalates.</p> <p>On December 6, 2016, Plaintiff filed a lawsuit alleging that CPSC did not meet its statutory deadline to promulgate a final rule relating to phthalates, as required by the CPSA, and asking the court to order CPSC to promulgate a final rule by a deadline that is as soon as possible. An answer to the complaint was</p>

filed on February 7, 2017. A joint status report was submitted on February 14, 2017. The Court held a pretrial conference on February 22, 2017. On March 10, 2017 the National Association of Manufacturers (NAM) filed a pre-motion letter notifying the District Court Judge that it intended to seek leave to propose a briefing schedule for a motion to intervene as of right and to move to dismiss the complaint.

On March 16, 2017, the government filed its opposition to NAM's pre-motion letter. NRDC also filed an opposition to NAM's pre-motion on March 16, 2017. On April 6, 2017 NAM filed a motion to intervene and a motion to dismiss. A case management conference was held on April 7, 2017 and the Court ordered both NRDC and CPSC to respond to NAM's motions. The government filed an opposition to NAM's motion to intervene and motion to dismiss on April 28, 2017. On May 8, 2017 NAM filed a reply to the government's opposition. On April 18, 2017 NRDC filed an opposition to NAM's motion to dismiss and on April 20, 2017 filed an opposition to NAM's motion to intervene. NAM filed a reply to NRDC's opposition to motion to dismiss on April 25, 2017 and filed a reply to NRDC's opposition to motion to intervene on April 27, 2017. On August 18, 2017 the Court issued a Memorandum and Order denying NAM's motion to intervene and concluding that the court had subject matter jurisdiction over the NRDC's claims. The court dismissed the claims of the Environmental Health Alliance for Chemical Policy Reform and The Breast Cancer Fund for making no showing in support of standing. The Court ordered that the proposed Consent Decree issue and ordered the relief stated therein. The Court also endorsed the parties Stipulation and Order on August 18, 2017 agreeing that the CPSC pay \$7500.00 to the NRDC.

Trish Naldony and Philadelphia Media Network, PBCI v. U.S. Consumer Product Safety Commission, Case No. 2:16-cv-6113-MMB (E.D. Pa.)

Issue/Statute: Action under Freedom of Information Act, 5 U.S.C. 552, seeking records from CPSC

On November 21, 2016, plaintiff filed a lawsuit under the FOIA, seeking documents relating to a product recall and alleging failure to respond to nine different Freedom of Information Act requests made to the CPSC. On December 21, 2016, the parties stipulated to extend the time to process the documents, hold the matter in abeyance, and report back to the Court. On February 1, 2017, the Plaintiff voluntarily dismissed the suit pursuant to Fed. R. Civ. P. 41.

Criminal Cases

Party	Penalty	Reason(s) for Penalty	Product
<p><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., Case No. 1:13-cr-00068 (E.D.N.Y.)</i></p>	<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 and 2016 Annual Report. The remaining individual defendant who pled guilty has been sentenced :</p> <ul style="list-style-type: none"> • 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. The Court sentenced defendant Zhang on October 18, 2016 to five years probation, \$891 restitution and a \$5,000 fine. 	<p>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.</p>	<p>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.</p>

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 2017 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:

- CPSC websites: www.CPSC.gov, www.SeguridadConsumidor.gov, www.Recalls.gov (a joint site with other federal agencies), www.PoolSafely.gov, www.SaferProducts.gov, and www.AnchorIt.gov;
- CPSC education centers (17 centers including: [cribs](#), [CO](#), [fireworks](#), [in-home drowning](#), [magnets](#), [poison prevention](#), [resale/thrift stores](#), [window coverings](#));
- OnSafety blog OnSafety.CPSC.gov;
- And social media sites ([Twitter](#), Facebook, Google+ multiple accounts; [YouTube](#), English and Spanish channels; [SlideShare](#)).

CPSC's Neighborhood Safety Network (NSN) is a grassroots program that provides timely, lifesaving information to more than 8,000 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 safety complaints or product-related injuries, learn about recalls and safety hazards, and obtain safety publications by phone or email. In FY 2017, the Hotline received more than 76,000 calls; received 1,760 reported incidents; fulfilled requests for about 156,700 publications; and processed more than 5,500 e-mails.

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 incidents 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. Staff developed the reports listed in this section in FY 2016, they 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 Among Commission Officials and External Stakeholders:** In FY 2017, CPSC Commissioners and staff held meetings with consumers, industry, and the public on matters related to the agency’s mission. 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 Division of the Secretariat. To access the Public Calendar, visit: www.cpsc.gov/Newsroom/Public-Calendar/.

1) Consumer Outreach

Reached Consumers on Product-Related Hazards

In FY 2017, CPSC reported the following audience impressions and engagement:

Fire Hazards

About 1.6 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 198 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 1.2 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 14.7 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.

Social Media Engagement

About 285,000 stakeholder engagements with CPSC safety messages on Twitter, Instagram, Facebook and Google+.

Conducted Public Information Efforts

In FY 2017, CPSC staff's public information efforts included the following:

ATV Safety: CPSC highlighted the five states with the most ATV-related deaths and tips for safe riding in the agency's OnSafety blog and conducted media outreach in these states. CPSC's media outreach resulted in stories in multiple media markets on this issue. CPSC also produced social media graphics with ATV safety messaging for use on CPSC's social media channels. CPSC's outreach efforts on ATV safety earned 63.1 million audience impressions.

Back-to-School Safety: In August 2017, CPSC launched its back-to-school safety campaign "Shine Bright! Be a School Safety Star!" The campaign featured a blog with safety tips for parents as children headed back to school. Tweets and an NSN poster were also posted. CPSC outreach to media resulted in dozens of news stations doing back-to-school safety stories focusing on CPSC's safety messages. Playground safety was among the more popular story lines. In addition to a blog "Playgrounds Shouldn't Hurt," CPSC produced an NSN poster entitled "Defeat the Villains of Playground Safety." Villains included "The Strangler" and "Distractatron" to emphasize dangers on playgrounds.

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. CPSC issued bicycle/helmet and bicycle accessory recall press releases and posted and distributed bicycle/helmet safety blogs and tweets. In May, during Bicycle Safety Month, CPSC featured a blog and NSN poster, "Take a Ride, on the Safe Side," aimed at reducing the more than 450,000 emergency room-treated injuries associated with bicycles annually.

CO Alarms: Throughout FY 2017, CPSC stressed the importance of installing CO alarms and replacing their batteries regularly. In connection with Daylight Saving Time, beginning in the spring and ending in the fall, CPSC posted tweets, blogs, and a Neighborhood Safety Network poster, urging consumers to install CO alarms and to replace their batteries annually to keep CO alarms working properly. During winter months, CPSC posted a blog and NSN poster titled, "Put the Freeze on CO Poisoning."

Community/Minority Campaign: In FY 2017, CPSC's Community Outreach Resource (COR) team focused on four COR team topics: Safe to Sleep®, furniture/TV tip-over prevention, drowning prevention, and poison prevention campaigns to raise awareness. Collaboration included federal, state and local governments, community and faith-based organizations, schools, hospitals, health departments, fire and EMS departments with national advocacy organizations including: National Urban League, Cribs for Kids and Safe Kids. 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 Jackson, MI, College Park, MD, and Orlando, FL, for exhibits and training. The team provided attendees with more than 10,000 CPSC safety resources and signed up nearly 500 new Neighborhood Safety Network members. The COR team, along with CPSC's State Designee lead, initiated a new collaboration between CPSC and the FTC's military connection website. Together, they disseminated a military family/checklist blog to thousands of military families and posted the blog on CPSC.gov.

Fidget Spinners: Fidget spinners became extremely popular in FY 2017. In light of incidents involving fires and children swallowing small parts of fidget spinners, CPSC issued safety information, a press release, blog, launched a new safety education center, and created new guidance for businesses.

Fireworks Safety: CPSC held its annual fireworks safety press conference on the National Mall in Washington, D.C., on June 27, 2017. Acting Chairman Ann Marie Buerkle attended the press conference and professionals offered live fireworks demonstrations to illustrate the dangers associated with fireworks. Fireworks simulations involved bottle rockets, sparklers, M-80s and M-1,000s. CPSC broadcast the event live on Facebook. CPSC released new death and injury data showing an estimated 11,100 consumers were injured by fireworks in 2016, and four reported firework-related fatalities. CPSC made its video news release (VNR) with footage from the event available to television news stations nationwide, along with a fireworks safety infographic. Television stations used the VNR extensively. Before the news conference, Acting Chairman Buerkle participated in a live interview with Good Morning America on fireworks safety. The interview and fireworks demonstrations received more than 200 impressions.

Halloween Hazards: The Office of Communications developed a new poster to warn consumers 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. The safety messaging was highlighted on the homepage of CPSC.gov, on CPSC's YouTube channel and via @USCPSC.

Holiday Cooking Safety: CPSC hosted a press conference at its National Product Testing and Evaluation Center in Rockville, MD, featuring then-CPSC Chairman Elliot Kaye, NFPA President Jim Pauley, Jerome Grant, Executive Chef of Sweet Home Café at the new National Museum of African American History and Culture, and a cooking fire victim. The press conference featured demonstrations of turkey fryer, oven, and stovetop fires. Part of the turkey fire demonstration was live streamed on ABC.com. In addition, CPSC posted a blog and NSN poster on holiday cooking safety. CPSC urged consumers to use safe cooking practices, including keeping turkey fryers outside and away from the house, not to overfill the oil in a turkey fryer and not to leave any cooking unattended. Cooking fires triple on Thanksgiving Day.

Holiday Decorating Safety: In December 2016, CPSC distributed a blog, tweets, an NSN poster and a video warning of fire dangers associated with Christmas trees, candles, ladders and holiday decorations. CPSC Chairman conducted media interviews on this topic and staff did interviews with Telemundo and Univision. Many of the holiday decorating injuries involved falls, with falls from ladders accounting for about half of those incidents. CPSC's safety messaging was featured on CPSC.gov's home page, on CPSC's YouTube channel and via @USCPSC on social media.

Holiday Shopping/Toy Safety: CPSC's launched its annual holiday toy safety campaign on November 17, 2016. The agency released a press release "Safer Together: CPSC and CBP Collaborate to Keep Unsafe Toys Off Store Shelves, a blog titled, "Top Toy Lists Start with Safety," and an NSN poster. CPSC also took part in a Twitter chat with Moms Rising. CPSC helped to coordinate a local toy safety press conference held by Rep. Scott Peters of California's 52nd Congressional District in San Diego, California on December 13, 2016. 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 2017.

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 January 2017, CPSC reminded consumers about space heater safety in a blog "Your Space Heater Needs Space."

Poison Prevention: During National Poison Prevention Week in March 2017, CPSC urged consumers to "Think Outside the Box" to prevent child poisonings. CPSC safety messages included traditional tips on keeping medicine in childproof containers and out of sight and hazardous chemicals locked up and away from young children. Messaging also included advice on protecting loved ones from deadly carbon monoxide poisoning from furnaces, cars, and portable generators. CPSC staff submitted a Presidential Proclamation and contributed to the Poison Prevention Week Council's educational outreach efforts.

Portable 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 Hurricane Irma.

Tip-Overs/AnchorIt!: Anchor It!, CPSC's furniture and television tip-over prevention campaign, continued in FY 2017 with outreach efforts to the media, collaborators and parents. The campaign held a satellite media tour during the 2016 holiday shopping season and a radio media tour during

the Super Bowl TV buying season in January 2017. Earned media and video PSA distribution of the Anchor It! safety message generated more than one billion impressions.

Smoke Alarms: In April 2017, CPSC joined with the United States Fire Administration, the National Fire Prevention Association and Campus FireWatch to launch “See It Before You Sign It!” a fire safety campaign for college students in off-campus housing. CPSC posted the group’s collaborative fire safety toolkit for parents and students and issued a blog stressing the importance of parents and students making sure off campus housing has working smoke alarms, fire sprinklers, two ways out of each room, and windows and doors that open easily before signing a lease.

Informed the Public about Pool and Spa Safety

In FY 2017, CPSC informed the public about pool and spa safety throughout the year.

Consumer Outreach: In FY 2017, CPSC’s Pool Safely outreach had more than 1.8 billion audience impressions. Highlights during the fiscal year include:

- May 2017: Participated in a satellite media tour with Acting Chair Buerkle, which resulted in nearly 28 million impressions.
- July 2017: Participated in a Spanish-language radio media tour with CPSC Spanish-language spokesperson Carla Coolman, which earned more than 3 million impressions.
- Attending the following events:
 - October 19-21, 2016: World Aquatic Health Conference (Nashville)
 - November 2-4, 2016: International Pool Spa Patio Expo (New Orleans)
 - November 4-7, 2016: National Association of REALTORS Annual Conference (Orlando)
 - April 11-14, 2017: National Drowning Prevention Alliance Educational Conference (Pittsburgh)
 - July 22-25, 2017: NAACP Annual Convention (Baltimore)
- Promoted the @PoolSafely Twitter handle, which grew to 9,562 total followers during FY 2017.
- 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 19,000 people during FY 2017.
- Compiled and sent 12 newsletters and grew the newsletter subscriber list by more than 2,700 people in FY 2017.

Public Information and Education Campaign: In FY 2017, CPSC conducted the following information and education activities to address child drowning and drain entrapment:

- May 2017: Participated in a press event with D.C. Mayor Muriel Bowser and CPSC Executive Director Patricia Adkins to kick off the summer swim season.
- May 20, 2017: Traveled to Chicago to host an event with the Michael Phelps Foundation, the Boys and Girls Club of Chicago, the Special Olympics, and the Joshua Collingsworth Memorial Foundation.
- June 22, 2017: Supported *Pool Safely* partner Maryland-National Capital Park & Planning Commission Department of Parks & Recreation’s World’s Largest Swimming Lesson (WLSL) event where more than 100 children participated in a swim lesson and

- took the *Pool Safely* Pledge in Seat Pleasant, Maryland. The event targeted minority populations in the area. *Pool Safely* materials were also sent to other participating locations across the country for WLSL events.
- July 17- 23, 2017: Hosted the 4th annual *Pool Safely* Pledge week, which resulted in 236 total signed Pledges and participation from high profile campaign partners, including the Michael Phelps Foundation, Walmart, Safe Kids Worldwide and the Association of Pool and Spa Professionals.
 - August 8, 2017: Supported CPSC at the ZAC Camp at Andrews Air Force Base in Maryland.
 - Supported the Drowning Prevention Collation of Palm Beach County at the South Florida Fair in January 2017 by providing materials for its booth where it collected thousands of *Pool Safely* Pledges during the two-week fair.
 - Continued to promote the Adventures of Splish & Splash smartphone app for both Apple and Android devices. The app was viewed 1,744 times in the iTunes and Google Play stores and downloaded nearly 470 times during FY 2017.
 - Continued to promote the *Pool Safely* song on YouTube, resulting in more than 56,000 views in FY 2017.
 - Secured 124 new *Pool Safely* partners in FY 2017, who share the campaign’s water safety information in communities across the country.

Out of Home PSAs: Worked with NCM to place *Pool Safely* PSAs at 200 theaters across locations in the campaign’s target states. Placed nearly 150 signs and billboards in the campaign’s target states of Arizona, California, Florida and Texas.

Informed the Public about Safe Sleep Environments

In FY 2017, 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 Bare is Best, the dangers of infants on pillows, 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 continues to disseminated the “10 Tips for Baby Safety” video through the Newborn Channel Network OCM disseminated safety information through social media using #BabySafety during Baby Safety Month; disseminated 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 Safe Kids conferences. 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 145 million audience impressions through television, radio, print, blogs and social media outlets.

2) Dissemination of Technical Information

Dermal Transfer and Environmental Release of CeO₂ Nanoparticles Used as UV Inhibitors on Outdoor Surfaces: Implications for Human and Environmental Health. Clar JG, Platten WE, Baumann E, Remsen A, Harmon S, Bennett-Stamper C, Thomas TA, Luxton TP. Manuscript submitted and accepted to Science of the Total Environment, September 2017.

Consumer Exposure to Airborne Nanoparticles Released from Nanotechnology-Enabled Clothing, preliminary findings, report to National Science Foundation (NSF), NSF-CBET-1236508. Mainelis, G, Lee, KB.

Characterization Methods for Nanomaterial Release during a 3D Printing Process. FY16 Progress Report to the U.S. Consumer Product Safety Commission, October 3, 2016; Scott K, Norris S.

Joint CPSC and FDA Nanotechnology Regulatory Science Research Food Contact Products Containing Nanomaterials Study, Susana Addo Ntim, Ph.D. and Gregory O. Noonan, Ph.D.; US Food and Drug Administration, August 2017.

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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.⁹ In 2017, 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 2017, 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 2017, 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 2017 State Workshop, field staff conducted training for states, and hosted conference calls for State Designees.

⁹ [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 2017, 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 2017**

Type of Assignments	No. of Assignments
State Inspections	349
State Recall Checks	609
Total	958

**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
Office of Management and Budget	Washington, DC	FY 2016 Information Quality and Peer Review Data Call

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 2017.

2017 International Training / Briefings Activities Summary	
Number of different trainings / briefings conducted for foreign groups / audiences	22
Number of trainings / briefings for industry abroad	11*
Number of trainings / briefings for foreign government entities	12*
Number of private sector representatives trained / briefed	1201
Number of government officials trained / briefed	514
Number of people trained / briefed	1,715
Number of different foreign jurisdictions trained / briefed	27
Number of trainings / briefings conducted abroad	19 (10 different locations)
Number of trainings / briefings held offsite in Washington, D.C.	0
Number of trainings / briefings held offsite in the United States	0
<i>*Includes 3 events attended by both government and industry</i>	

Note: Staff logged nine 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**