



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

This document has been electronically  
approved and signed.

**DATE:** June 6, 2018

## BALLOT VOTE SHEET

**TO:** The Commission  
Alberta E. Mills, Secretary

**THROUGH:** Patricia H. Adkins, Executive Director  
Patricia M. Hanz, General Counsel

**FROM:** Patricia M. Pollitzer, Assistant General Counsel  
David M. DiMatteo, Attorney, OGC

**SUBJECT:** Draft *Federal Register* Notice: "Recall Effectiveness: Announcement of Request for Information Regarding the Use of Direct Notice and Targeted Notices During Recalls"

BALLOT VOTE DUE: Tuesday, June 12, 2018

The U.S. Consumer Product Safety Commission (CPSC) held a Recall Effectiveness Workshop in July 2017. CPSC staff seeks to further investigate issues raised during the workshop, by requesting comments on a series of questions regarding direct notice and other forms of customer notice. The comments should help to inform CPSC's efforts to further improve recall effectiveness. The Office of the General Counsel has prepared a draft *Federal Register* notice for a Request for Information (RFI) for stakeholders to provide information for future work on recall effectiveness.

Please indicate your vote on the following options:

- I. Approve publication of the attached notice in the *Federal Register*, as drafted.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

CPSC Hotline: 1-800-638-CPSC(2772) ★ CPSC's Web Site: <http://www.cpsc.gov>

II. Approve publication of the attached notice in the *Federal Register*, with changes as specified.

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

III. Do not approve publication of the attached notice in the *Federal Register*.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

IV. Take other action specified below.

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\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Attachment: Draft *Federal Register* Notice: “Recall Effectiveness: Announcement of Request for Information Regarding the Use of Direct Notice and Targeted Notices During Recalls”

**CONSUMER PRODUCT SAFETY COMMISSION**

**Recall Effectiveness: Announcement of Request for Information Regarding the Use of Direct Notice and Targeted Notices During Recalls**

**[Docket No. CPSC-2017-0027]**

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Notice of request for information.

**SUMMARY:** To advance the concepts discussed during the U.S. Consumer Product Safety Commission's (CPSC) Recall Effectiveness Workshop in 2017, the CPSC announces a Request for Information (RFI) from stakeholders to provide information critical to future work on Recall Effectiveness. CPSC asks for responses on a series of questions addressing direct notice and other forms of customer notice. The information provided will help inform CPSC's efforts to further improve the effectiveness of recalls.

**DATES:** Submit comments by [Insert date 75 days after date of publication in the *Federal Register*].

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2017-0027, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (e-mail), except through [www.regulations.gov](http://www.regulations.gov). The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Written Submissions:* Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504-7923.

*Instructions:* All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: [www.regulations.gov](http://www.regulations.gov). Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

*Docket:* For access to the docket to read background documents or comments received, go to: [www.regulations.gov](http://www.regulations.gov), and insert the docket number CPSC-2017-0027, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Joseph F. Williams, Compliance Officer, the Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, 4330 East West Hwy., Bethesda, MD 20814; telephone: 301-504-7585; email: [jfwilliams@cpsc.gov](mailto:jfwilliams@cpsc.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

#### *A. Recall Effectiveness Workshop*

On July 25, 2017, the CPSC hosted a Recall Effectiveness Workshop. The goal of the workshop was to explore and develop proactive measures that CPSC and

stakeholders can undertake to improve recall effectiveness. Seventy-nine external stakeholders attended the workshop, including various retailers, manufacturers, law firms, consumer interest groups, third party recall contractors and consultants, testing laboratories, and other interested parties. CPSC staff facilitated an open discussion among these participants about ways to increase recall effectiveness and also gathered feedback on how CPSC can potentially improve its recall efforts. Additional details may be found here: <https://www.cpsc.gov/Recall-Effectiveness>.

*B. Recall Effectiveness Report*

Following the workshop, CPSC staff prepared a report, which was released on February 22, 2018. The report stated that the CPSC staff intends to prioritize stakeholders' suggestions to:

- collaborate on ways to improve direct notice to consumers; and
- collaborate with firms to explore how technology can be used to enhance recall response.

The report stated:

*“Direct notice recalls have proven to be the most effective recalls. We intend to work with consumer and industry stakeholders on registration methods or other improvements (e.g., retailer opt-in at checkout, home voice assistants, photo texting, QR codes, and incentives for product registration) to promote direct notice recalls.”*

*“We will continue to explore how technology can be used to enhance recall response in appropriate cases, including enhancing firms’ recall marketing strategies, use of social media, and improved*

*methods for in-store communication. We intend to identify and share examples of future recall marketing strategies that are innovative and/or successful.”*

The full Recall Effectiveness Report may be found here:

[https://www.cpsc.gov/s3fs-public/Recall\\_Effectiveness\\_Workshop\\_Report-2018.pdf?R1VyLltrl8M\\_id.2vkAkIHoUZjaSCab](https://www.cpsc.gov/s3fs-public/Recall_Effectiveness_Workshop_Report-2018.pdf?R1VyLltrl8M_id.2vkAkIHoUZjaSCab)

## **II. Information Requested**

This document announces CPSC’s plan to obtain information on current methods and systems that recalling firms use to assist in providing direct notice to consumers. The CPSC also requests certain information regarding the use of targeted notices to reach consumers who may have purchased a recalled product.

### *A. Direct notice*

1. What methods are available to companies or what method(s) does your company use to directly notify consumers of recalls? (*e.g.*, mail, email, text)
2. If you use direct notice for recalls, what is your average response rate? Can you explain why you receive that level of response? Do you follow up with additional direct notice if a customer does not respond? How often?
3. Do other companies or your company use all direct notice capabilities during every product recall? If not, why not?
4. Do e-commerce retailers/third party platforms use direct notice capabilities for every recall of products sold through their site/platform? If not, why not?

5. What are the costs associated with sending direct notice?
6. What challenges and barriers prevent companies from pursuing or improving direct notice? Please address:
  - a. Legal barriers
  - b. Technological challenges
  - c. Privacy challenges
  - d. Security challenges
  - e. Cost challenges
  - f. Other challenges
7. What technologies exist or are being developed that would assist a recalling company to acquire direct contact information or capabilities to contact purchasers and/or issue direct notice for recalls?
8. Have any companies worked with a third party entity (*e.g.* credit card or payment processing companies, product registries, data collection platforms, online retailers) to identify or contact consumers who previously purchased a product undergoing a recall? If so, how, and with what types of companies did you work?
9. For retail stores that have information on their consumers (*e.g.* retail credit/debit cards, loyalty program, membership registration), customer information be accessed through purchase data to provide direct notice?
10. What would make direct notice more effective (*e.g.*, notice type, number of touches)?
11. How can the CPSC help facilitate direct notice to consumers?

*B. Product registration*

1. What product registration methods are used today to collect consumer information and track purchased/registered products?
2. Why do companies offer product registration? Are product registration programs due to mandatory requirements by CPSC or other agencies, or for other reasons?
3. What are participation rates in product registration?
4. What type of information is collected during product registration?
5. Is product registration more or less successful if marketing information is not collected at the same time? Why?
6. What methods are in use or are being developed to increase responses to product registration (*e.g.*, warnings, incentives, voice assistant technology)?
7. When does the personal information collected for product registration get used for marketing purposes?
  - a. Are opt-in/opt-out choices provided to consumers for marketing?  
Describe.
8. What technologies exist or are being developed to advance product registration?
9. What would make product registration more effective?
10. How can the CPSC help facilitate or improve product registration?

*C. Targeted Notice*

A targeted notice is a notice aimed at a particular group of likely affected consumers, but not at a specific consumer like Direct Notice (*e.g.*, targeted search engine

ads, paid social media, micro marketing, such as Internet radio and targeted use of voice assistant technologies).

1. How successful are the types of targeting listed above? Have you used any of the targeted methods listed above or others to reach consumers? How successfully? What success have you seen?
2. Do companies use the information previously collected to assist in issuing targeted recall notices when announcing recalls?
3. What costs are generally associated with targeted methods, including targeted search engine ads, paid social media, micro marketing, such as Internet radio, and voice assistant technologies?
4. What challenges and barriers prevent companies from pursuing targeted notices for recalls?
  - a. Legal barriers
  - b. Technological challenges
  - c. Privacy challenges
  - d. Security challenges
  - e. Cost challenges
  - f. Other challenges
5. What technologies exist or are being developed that can advance targeted notice?
6. How can the CPSC help facilitate new or improved targeted recall notice campaigns?

7. Are there other forms of recall notice that are worth exploring for more discussion?

*D. For companies that work with the CPSC*

Would your company be interested in working directly with the CPSC to explore the implementing product registration, improving current direct notice capabilities, or exploring targeted notices?

**III. Confidentiality**

All data submitted is subject to Section 6 of the Consumer Product Safety Act (15 U.S.C. Section 2055) and may be considered confidential, except to the extent otherwise provided by law. Please identify any portion of your submission that you believe is confidential.

Dated: \_\_\_\_\_

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Alberta E. Mills, Secretary  
Consumer Product Safety Commission