

# U.S. Consumer Product Safety Commission

## Staff Presentation to ISPA

### ShopTalk

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Presented by

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Views expressed in this presentation are those of the staff and do not necessarily represent the views of  
the Commission

# The Commission

- Independent Federal Regulatory Agency  
Responsible for the safety of consumer products used in and around the home, recreation and otherwise
- Current Budget of around \$63 million
- Headquarters Staff of Compliance Officers, Attorneys, Engineers, Epidemiologists, Scientists, Physiologists, Psychologists



# The Commission

- Field Investigators in over 48 locations around the U.S.
- Responsible for investigating product incidents
- Inspections of manufacturers, importers, distributors and retailers
- Sample collections
- Work with U.S. Customs and Border Protection to identify incoming products



# The Office of Compliance & Field Operations

- Enforce CPSC mandatory rules and regulations
- Inspect the industries that we regulate
- Seek recalls for defective or violative products
- Investigates product related incidents
- Coordinate enforcement efforts with Customs and Border Protection
- Develop guidance and advice on the regulations



# Reporting Obligations

- Section 15 of the Consumer Product Safety Act (CPSA)
  - Manufacturers (Including Component Manufacturers)
  - Importers
  - Distributors
  - Retailers
- Section 37 of the CPSA
  - Manufacturers – 3 lawsuits in specified two year periods (1/1/07 – 12/31/08)



# Lawsuit Reporting Requirement

- Section 37 of the Consumer Product Safety Act imposes a separate reporting requirement relating to lawsuits
- Manufacturers must report if they settle or lose three cases involving death or grievous injury caused by a particular model of a consumer product within any two-year period beginning on January 1 of odd-numbered years



# Penalties

- Any person who *knowingly* commits a violation is subject to a civil penalty of \$8,000 for each violation
- The maximum civil penalty for a related series of violations is capped at \$1,825,000
- Criminal penalties (including imprisonment) are also possible for *willful* violations



# Corrective Actions/Recalls

- The Commission may order the manufacturer, distributor or retailer to notify the public of the problem and/or to take corrective action
- The manufacturer (importer), distributor or retailer may choose whether to offer a free repair, to replace the product at no charge or to refund the purchase price (less an allowance for use)





# What exactly is a recall?

Recall is a generic term, and can involve:

- Repair product
- Replace product
- Refund purchase price of product



# Implementing a Product Safety Recall

## Stop Production

- Redesign/Repair/Disposal

## Stop Distribution

- Replace/Repair/Disposal

## Stop Retail Sales

- Replace/Repair/Disposal

## Consumer Notification

- Replace/Repair/Refund
- Incentives/Disposal



# Recall Notification

GOAL: To reach as many of the owners of the recalled products as possible and provide incentive for them to stop using defective products



# Recall Notification for Customers

Joint press release

Clear/concise/informative

Video news release

- Broadcast version of written release
- Over 50% of population receive news through broadcast media



# Recall and Press Release Search



## U.S. Consumer Product Safety Commission



▶ Consumer Safety

▶ About CPSC

▶ Library - FOIA

▶ Business

HELP | ADVANCED SEARCH

[ESPAÑOL](#)

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[PRESS ROOM](#)

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### Search CPSC Recalls & Press Releases Only.



HELP | ADVANCED SEARCH

→ [Report an Unsafe Product](#)

→ [Products not under our jurisdiction](#)

→ Email for further assistance:  
[info@cpsc.gov](mailto:info@cpsc.gov)

### Recalls and Product Safety News

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products. You can find information on over 4,000 product recalls using the various searches on this page.

Recent Recalls: → [February 2004](#)

→ [January 2004](#)

Find Recalls by: → Month & Year

January ▲  
February ▲  
March ▼

2004 ▲  
2003 ▲  
2002 ▼

Go!

→ [Product Type](#)

→ [Company](#)

→ [Product Description](#)

→ **Product Category:**

- [Child products \(not including toys\)](#)
- [Toys](#)

- [Outdoor products](#)
- [Sports & Recreation products](#)

# Avoiding Problems with CPSC

- Comply with Mandatory and Voluntary Standards
- Conduct Appropriate Tests
- Report if you learn about a safety problem



# When does it all begin?

Enforcement begins July 1, 2007

- Domestic manufacturers
- Importers
- Retailers
- Renovators



# Inspectional Authority

- Section 5 (c) and (d) of the Flammable Fabrics Act and Sections 6 and 9 of the FTC Act.
- Reasonableness





# Inspections

- Are they announced?
- How does one begin?
- How long does an inspection last?



# How long will it take?



# Inspections

- *What is the follow-up to the inspection?*
- *What happens to my records?*
- *What about confidential information?*
- *Can another company get access to my records?*
- *What about samples? Who pays?*



# Collection of Information

Investigators obtain information regarding:

- production
- inventory
- testing
- distribution, sale
- transportation, importation, or receipt of any product fabric or related material
- The organization, business, conduct, practices, and management of any person, sole proprietorship, partnership or corporation being inspected and its relation to any person, sole proprietorship, partnership or corporation



# What is involved ?

- Have access to and copy: all records, reports, books, documents, papers or labeling required by the Commission to be established, made or maintained; all documents showing or relating to the production inventory, testing , distribution, sale, transportation, importation or receipt of any product, fabric or related material.



# Refusal

- Denying access to inspection is a violation of the law.
- An inspection warrant may be obtained if we are refused access or if the firm refuses to provide information which we are authorized by statute to obtain.



# After the Inspection

- If a sample has been collected, it will be tested and the results will be conveyed to the firm via letter from the Office of Compliance.
- If the mattress set meets the requirements of the standard, the letter will state this. If not, the violation will be addressed and remedial action will be requested.



# Additional Information

- Web page
- Update to the Q&A
- Seminar information in the FR and on the website





# www.cpsc.gov/businfo/mattress.html



US Consumer Product Safety Commission

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## Mattress Flammability Information

Last updated February 15, 2007

The links contained on this page are to be used as a tool to help easily access an overview of mattress flammability information. Much more information and many additional links are available on the CPSC site and can be located by conducting a [search](#).

**Understanding 16 CFR 1633:  
Standard for the Flammability (Open Flame) of Mattress Sets**

**On July 1, 2007, the new mattress standard will be in effect.  
Are you ready?**

[Click here!!](#)

### Standard for the Flammability of Mattresses and Mattress Pads - 16 CFR 1632

- [Regulation 1632](#)
- [Test Manual](#)
- [Regulatory Summary for Mattresses](#)
- [Interim Enforcement Policy](#)
- [Regulation 1633](#)

### New Standard: Standard for the Flammability (Open Flame) of Mattress Sets - 16 CFR 1633

- New!** [CPSC Staff Mattress Seminars](#)
- [Interim Enforcement Policy](#)
- [Presentation given to International Sleep Products Association on Mattress Set Flammability](#)
- [Test and Recordkeeping Forms](#)
- New!** [Questions and Answers: Standard for the Flammability \(Open Flame\) of Mattress Sets](#)



# Industry Seminar

## CPSC Staff Mattress Seminars

### Understanding 16 CFR 1633: Standard for the Flammability (Open Flame) of Mattress Sets

On July 1, 2007, the new mattress standard will be in effect.  
Are you ready?

The U.S. Consumer Product Safety Commission (CPSC) staff is hosting two one-day seminars to help manufacturers, importers and retailers prepare for the Open Flame Mattress Standard. The seminar consists primarily of three panel presentations, followed by some time for smaller breakout sessions. CPSC staff will be available at the seminar location on the following day to answer questions specific to your product area. If you would like to schedule a meeting, send an email to [mattresseminar@cpsc.gov](mailto:mattresseminar@cpsc.gov) with the subject title "Meeting Appointment". Please see below for more additional information.

#### Call for Presenters:

CPSC staff seeks individuals with subject matter expertise to serve as presenters on the panels listed below. Each panel presentation will have three presenters, each of whom will make a 15 minute presentation.

- **Panel 1: Prototyping - Building a Compliant Mattress**  
How to develop a plan, component selection, and production
- **Panel 2: Quality Control**  
Ensuring compliance through production; electronic records and record keeping
- **Panel 3: Testing**  
Working with a lab; how to locate a lab; what to ask the lab

There will be two seminars; one in Bethesda, MD and the other in San Diego, CA. Presenting organizations must be willing to offer the presentation at both seminars. To apply to be a presenter, please submit your information using our [online presenter registration form](#) AND e-mail a copy of your presentation slides or an outline of your presentation to [mattresseminar@cpsc.gov](mailto:mattresseminar@cpsc.gov) on or before February 26, 2007. Please use the subject line "Presenter" and include which panel you are requesting to serve on. Selected presenters will be notified on or before March 7.

#### Call for Table-Top Displays:

Display hosts must be willing to display at both seminars. Persons/organizations who would like to request to set up a table-top display with information that could assist manufacturers in complying with the Open Flame Mattress Standard may apply for space using our [online table-top display registration form](#) and by sending a description of your display to [mattresseminar@cpsc.gov](mailto:mattresseminar@cpsc.gov). Please use the subject line "Displays". Selected display presenters will be notified on or before March 7.

#### Dates, Locations, and Registration:



# Industry Guidance

[www.cpsc.gov](http://www.cpsc.gov)

- Business Section

*Monitor CPSC Activities through:*

- Recall Announcement Subscriptions
- Public Calendar Subscriptions
- CPSC Electronic Reading Room Inquiries
- Seminar Attendance



# Labels for Domestic Mattress with Foundation

Stitch Line

Manufactured by:  
Company Name  
Street  
City, State ZIP

Date of Manufacture:  
MM/YYYY

Model: <Model ID>

Prototype ID: <Prototype ID>

This mattress meets the requirements of  
16 CFR §1633 (federal flammability  
(open flame) standard for mattress sets)  
when used with foundation <ID> .

THIS MATTRESS IS INTENDED TO  
BE USED WITH FOUNDATION(S):

**<FOUNDATION ID>**

**Mattress Label**

Stitch Line

Manufactured by:  
Company Name  
Street  
City, State ZIP

Date of Manufacture:  
MM/YYYY

Model: <Model ID>

Prototype ID: <Prototype ID>

**Foundation ID: <ID>**

**Foundation Label**



# Labels for Imported Mattress with Foundation

Stitch Line

Manufactured by:  
Foreign Company Name  
Street  
City, State  
Country

Date of Manufacture:  
MM/YYYY

Importer/U.S. Records Location:  
Importer Name  
Street  
City, State ZIP

Model: <Model ID>

Prototype ID: <Prototype ID>

This mattress meets the requirements of  
16 CFR §1633 (federal flammability  
(open flame) standard for mattress sets)  
when used with foundation <ID>.

THIS MATTRESS IS INTENDED TO  
BE USED WITH FOUNDATION(S):

**<FOUNDATION ID>**

**Mattress Label**

Stitch Line

Manufactured by:  
Foreign Company Name  
Street  
City, State  
Country

Date of Manufacture:  
MM/YYYY

Importer/U.S. Records Location:  
Importer Name  
Street  
City, State ZIP  
Model: <Model ID>

Prototype ID: <Prototype ID>

**Foundation ID: <ID>**

**Foundation Label**



# Labels for Domestic and Imported Mattresses Alone

Stitch Line

Manufactured by:  
Company Name  
Street  
City, State

Date of Manufacture:  
MM/YYYY

Model: <Model ID>

Prototype ID: <Prototype ID>

This mattress meets the requirements of  
16 CFR §1633 (federal flammability  
(open flame) standard for mattress sets)  
when used without a foundation

**THIS MATTRESS  
IS INTENDED TO BE USED  
WITHOUT A FOUNDATION**

**Domestic Mattress**



Stitch Line

Manufactured by:  
Foreign Company Name  
Street  
City, State  
Country

Date of Manufacture:  
MM/YYYY

Importer/U.S. Records Location:  
Importer Name  
Street  
City, State ZIP

Model: <Model ID>

Prototype ID: <Prototype ID>

This mattress meets the requirements of  
16 CFR §1633 (federal flammability (open  
flame) standard for mattress sets) when  
used without a foundation.

**THIS MATTRESS  
IS INTENDED TO BE USED  
WITHOUT A FOUNDATION**

**Imported Mattress**

# Labels for Domestic and Imported Mattresses Alone and with Foundation

Stitch Line

Manufactured by:  
Company Name  
Street  
City, State

Date of Manufacture:  
MM/YYYY

Model: <Model ID>

Prototype ID: <Prototype ID>  
<Prototype ID>

This mattress meets the requirements of 16 CFR §1633 (federal flammability (open flame) standard for mattress sets) when used without a foundation or with foundations <ID>

**THIS MATTRESS  
IS INTENDED TO BE USED  
*WITHOUT A FOUNDATION*  
OR  
WITH FOUNDATION(S):  
**<FOUNDATION ID>****

Stitch Line

Manufactured by:  
Foreign Company Name  
Street  
City, State  
Country

Date of Manufacture:  
MM/YYYY

Importer/U.S. Records Location:  
Importer Name  
Street  
City, State ZIP

Model: <Model ID>

Prototype ID: <Prototype ID>  
<Prototype ID>

This mattress meets the requirements of 16 CFR §1633 (federal flammability (open flame) standard for mattress sets) when used without a foundation or with foundations <ID>

**THIS MATTRESS  
IS INTENDED TO BE USED  
*WITHOUT A FOUNDATION*  
OR  
WITH FOUNDATION(S):  
**<FOUNDATION ID>****



**Domestic Mattress**

**Imported Mattress**

# Contact Information:

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**[www.cpsc.gov](http://www.cpsc.gov)**

