



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

BALLOT VOTE SHEET

Date: **MAY 20 2009**

TO : The Commission
Todd Stevenson, Secretary

THROUGH: Patricia Semple, Executive Director *TS*

FROM : Cheryl Falvey, General Counsel *CAF*
Philip L. Chao, Assistant General Counsel, RAD *PLC*
Patricia M. Pollitzer, Attorney *MP*

SUBJECT : Requirements for Consumer Registration of Durable Infant or Toddler Products; Notice of Proposed Rulemaking

MAY 28 2009

Ballot Vote Due: _____

Section 104(d) of the Consumer Product Safety Improvement Act ("CPSIA") directs the Commission to issue a rule requiring manufacturers of durable infant or toddler products to provide consumers with registration forms with each such product, keep records of consumers' contact information, and permanently mark their products with identifying information. Attached is a staff briefing memo discussing the CPSIA registration requirements and the staff's recommendation that the Commission issue a notice of proposed rulemaking ("NPR") proposing a rule under section 104(d) of the CPSIA. The Office of the General Counsel is forwarding separately a draft NPR for your consideration.

Please indicate your vote on the following options.

- I. Approve the draft *Federal Register* notice as drafted.

Signature

Date

- II. Approve the draft *Federal Register* notice with changes (please specify changes):

Note: This document has not been
reviewed or accepted by the Commission.
Initials RA Date 5/20/09

Page 1 of 2

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

CPSA 600(1) CLEARED for PUBLIC
NO MFRS/PRVT LBS OR
PRODUCTS IDENTIFIED *8/20/09*
EXCEPTED BY: PETITION
RULEMAKING ADMIN. PRCDG
WITH PORTIONS REMOVED: _____

Signature

Date

III. Do not approve the draft *Federal Register* notice.

Signature

Date

IV. Take other action (please specify):

Signature

Date



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Memorandum

Date: MAY 20 2009

TO : The Commission
Todd A. Stevenson, Secretary

THROUGH: Cheryl A. Falvey, General Counsel *CAF*
Patricia Semple, Executive Director *PS*

FROM : Robert J. Howell, Assistant Executive Director, Office of Hazard Identification and Reduction *RJH*
Celestine T. Kiss, M.A., Engineering Psychologist, Division of Human Factors, Directorate for Engineering Sciences *CTK*

SUBJECT : Consumer Product Safety Improvement Act of 2008 (CPSIA) Consumer Registration of Durable Nursery Products.

Introduction

The Consumer Product Safety Improvement Act of 2008 (CPSIA) states in Sec. 104(d)(1)(A) that no later than August 14, 2009, the Commission shall issue a final consumer product safety rule requiring that each manufacturer of a durable infant or toddler product must provide consumers with a postage-paid consumer registration form with each such product. In addition, manufacturers are to maintain a record of the names, addresses, e-mail addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and to permanently place the manufacturer's name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product. [Sec. 104(d)(1)(B) and (C)]

Section 104(f) of the law defines a durable infant or toddler product as a durable product intended for use or that may be reasonably expected to be used by children under the age of 5 years; and includes –

- A. Full-size cribs and nonfull-size cribs;
- B. Toddler beds;
- C. High chairs, booster chairs, and hook-on chairs;
- D. Bath seats;

Note: This document has not been
reviewed or accepted by the Commission.
Initials RH Date 5/26/09

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

CPSA 6(b)(1) CLEARED for PUBLIC
5/20/09
— NO MFRS/PRVT LBS OR
PRODUCTS IDENTIFIED
X EXCEPTED BY: PETITION
RULEMAKING ADMIN. PRCDG
— WITH PORTIONS REMOVED: _____

- E. Gates and other enclosures for confining a child;
- F. Play yards;
- G. Stationary activity centers;
- H. Infant carriers;
- I. Strollers;
- J. Walkers;
- K. Swings; and
- L. Bassinets and cradles.

Staff notes that products that are not explicitly listed may still be durable infant or toddler products under the definition and may fall within the registration requirement.

The CPSIA does not define “durable,” but Webster’s dictionary defines “durable goods” as “goods usable for a relatively long time.” In the economic or financial context, durable goods are generally considered to be ones that have a useful life of three or more years. Similarly, the Bureau of Economic Analysis, in the Department of Commerce, defines “durable goods” as “Tangible products that can be stored or inventoried and that have an average life of at least three years” (see Bureau of Economic Analysis, Department of Commerce, Glossary definition of “durable goods,” accessed on the Internet at www.bea.gov/glossary/glossary.cfm?letter=D on May 20, 2009). The economic opposite term of durable goods is nondurable goods, a category that includes such items as food, clothing, drugs and services. These definitions give some guidance on what would be a durable infant or toddler product. Thus, clothing, blankets, and such textile products would not be considered durable infant or toddler products.

Additional guidance comes from considering the product examples in the statute and the ASTM voluntary standard subcommittees that cover such items. The product list, though not exclusive, illustrates the types of products covered. Thus, while a changing table is not listed, it is similar to other nursery products, such as cribs and cradles, which are listed, and it is under the same ASTM subcommittee (F15.18) as cribs, toddler beds, play yards, bassinets and cradles. Similarly, although an infant sling is not listed, it could be considered a type of infant carrier, a category that is listed. Bed rails are not listed, but they are similar to “gates and other enclosures for confining a child,” an enumerated category. Some other types of products, such as sports equipment, playground equipment, or toys would not appropriately be considered durable infant or toddler products. These are broad categories of products that are not like the nursery-type of products specified in the examples.

Infant carriers that are used as car seats are already subject to registration requirements issued by the National Highway Transportation and Safety Administration (NHTSA) that are similar to the registration requirements in the CPSIA. The staff recommends that the proposed rule would exempt from the rulemaking car seats that are subject to NHTSA registration requirements.

The law sets forth requirements for the registration form, discussed below, and it gives the Commission the option of specifying the exact text and format for the registration form. In the following discussion, CPSC staff has created an example of what a manufacturer’s card should

look like (see attachment A) along with rationale for the design. The law states that, in addition to the registration card, consumers should be given the option to register their products on-line. Therefore, CPSC staff provides guidance for how the on-line registration should be created. This section of the law also requires the manufacturer's name and contact information, model name and number, and the date of manufacture be permanently placed on the durable infant and toddler product.

Discussion and Recommendations

The following discussion addresses the staff's recommended format and text for the product registration card and on-line registration, and the rationale for the staff's recommendations.

Prescribe Text

The CPSIA states that the Commission may prescribe the exact text and format of the required registration form. Commission staff recommends doing so because it provides consistency across all manufacturers and products. This in turn allows consumers to readily identify the new registration cards and provides assurance that their information will only be used to contact them in the event of a safety alert or recall. The staff's recommended prescribed text is discussed later in this memo under the heading "Message."

Sufficiently Large Space

The requirements stated in the law for the registration form [Sec.104 (d) (2)] are fairly specific. The law states "include space sufficiently large to permit easy, legible recording of all desired information" [Sec.104 (d) (2) (B)]. In order to determine exactly how much space is sufficient to allow for easy, legible recording of information, staff looked at research regarding legible print for reading. In the Handbook of Warnings, (Edited by Wogalter, 2006), Grether and Baker (1972) indicated that the recommended letter size depends on the viewing distance and the illumination conditions. For a typical viewing distance of 70 cm, they recommended a letter size height of 5 mm. Also cited in the Handbook of Warnings, the U.S. Military Standard 1472B (Section 5.5.5.12 and Table X, cited by Smith, 1984), recommends character heights of 3.0 to 5.0 mm for a high-luminance level, and 5.0 to 7.5 mm for low-light intensity, considering a viewing distance of 710 mm. Sanders and McCormick suggest that for comfortable reading one should consider a 20/40 vision standard, that is twice as large a visual angle as that required by normal vision, as defined by the Snellen chart. This results in type sizes of 3.5 to 4.6 to 5.8 mm per meter of viewing distance, depending on whether the stroke width-to-height ratio is 1:6, 1:8, or 1:10, respectively (Sanders & McCormick, 1993)¹

Staff also considered other government documents that require consumers to provide legibly written contact information. The U.S. State Department's Official Passport Application, which requires legible writing in order to receive an accurate passport, provides blocks that measure 5 mm wide by 7 mm high for consumers to fill in their contact information.

Staff recommends using blocks that measure 5 mm wide by 7 mm high. This is consistent with the research discussed above.

¹Wogalter, M.S. (Ed.). (2006). Handbook of Warnings. Mahwah, NJ: Lawrence Erlbaum Associates.

Font Size/Typeface

The terms font size and typeface are often used interchangeably but font size actually refers to the size of the typeface. Research shows that typically 12-point font size is preferred for instructions and long passages.² All typefaces are placed in two groups: serif, which have small projections at the ends of the letters, and sans-serifs, which do not.³ Commonly used typefaces are Times New Roman (serif) and Arial (sans serif). Adults typically do not notice a difference between the two types, however, serifs are said to help the reader's eye distinguish individual letters.⁴

Staff recommends the type be at least 12-point for the purpose message and no less than 10-point for the line identification on the portion of the card filled out by the consumer.

Arial Black is the recommended typeface to make it more prominent on a white card.

Size of Postcard

According to the U.S. Postal Services website, the standard size postcard is about six inches wide by four and one-quarter inches high. Based on the font size, typeface, and number of blocks recommended, this size should be adequate to provide sufficient space for legible writing.

Attached to Surface

The objective of the requirement in the regulation to place the postcard on the product is to force purchasers to interact with it and thereby increase the likelihood that it will be filled out and returned. There are a wide variety of durable infant and toddler products covered under this statutory provision. Therefore, manufacturers should determine, for each of their products, the most appropriate place to attach the postcard so consumers must interact with it before using the product. For products in which infants or toddlers are intended to sit or lie, the most suitable location would be a surface that consumers are likely to face and attend to when placing the child into the product. For example, when consumers put a child in a swing, they would most likely face the part of the seat where the child's head will rest when the swing is in use. Therefore, in this example, the postcard should be attached to the upper front face of the seat back. Staff recommends that the card be separate from the instructions so it does not get misplaced. The card should be in a prominent place on the product.

Design to Encourage Consumers to Complete/Incentives

Currently, many product registration cards are filled with personal questions regarding consumers' buying habits and personal income. Many consumers avoid filling out the cards

² Singer, J.P. Balliro, G.M. & Lerner, N.D. (2003, October). In T. Smith (Ed.), Manufacturer's guide to developing consumer product instructions. Bethesda, MD: U.S. Consumer Product Safety Commission.

³ Cooper, S. & Page, M. (1989). Instructions for consumer products: Guidelines for better instructions and safety information for consumer products. Prepared for the Department of Trade and Industry by The Institute for Consumer Ergonomics. London: Her Majesty's Stationery Office.

⁴ Schriver, K. A. (1977). Dynamics in document design. New York, NY: John Wiley & Sons, Inc.

because of these additional questions. As the regulation states, product registration cards for durable infant and toddler products should include a statement that they will not be used for any reason except to notify the owner in case of a safety alert or recall.

Some companies have started offering sweepstakes or other similar promotions with their product registration cards. However, CPSC staff was unable to find any documented information about the effectiveness of this practice in terms of actual increased return rates for registrations. Regardless, staff does not recommend this as a way of enticing consumers to fill out the form. The sweepstake would mean the information provided would be used for some other reason than safety alert or recall purposes, in violation of the statute.

CPSC staff's recall effectiveness research derived from consumer feedback indicates that consumers just want the facts presented to them in a clear and straightforward manner. According to participants in four focus groups⁵ conducted on two specific product recalls, recall notices that have too much information are not helpful. When recall notices clearly state the facts, consumers can quickly evaluate the situation and make a decision about what to do. Staff work on recall effectiveness also indicates that messages that have a personal appeal to the consumer have a more favorable response.

To encourage consumers to complete the card, staff recommends appealing to the consumer's desire for privacy and making the request from the company have a personal feel as if coming from one person to another.

Message

Staff recommends the message on the card read:

"PRODUCT REGISTRATION FOR SAFETY ALERT OR RECALL

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

Postcard Format

The staff recommends that the postcard be divided into four parts, top and bottom divided by perforations for easy separation, and front and back (See Attachment A for a sample).

- The top portion of the card will be kept by the consumer, so the front should have the purpose statement for the card (see *Message* above).
- The back of the top portion should have the manufacturer's name and contact information including a United States phone number, toll-free if available, website address, if available, product model name and number, and manufacture date. A rectangular box

⁵ <http://www.cpsc.gov/Library/FOIA/FOIA08/os/carseat.pdf> and <http://www.cpsc.gov/Library/FOIA/FOIA08/os/battery.pdf>

should be placed around model name, model number, and manufacture date to help draw the consumers' attention to the information. This should be the same information that is provided on the *Manufacturer's Contact Information* (see discussion below), so consumers can easily identify the information they need for contacting the company. Another reason for the contact information to be on the card is that the card may be easier to refer to than the product when contacting the manufacturer. For example, if the product is a large item that is not easily moved (e.g., a crib or toddler bed), having the card in hand to refer to would be more convenient.

- The front of the bottom portion of the card should have the consumer contact information. Staff recommends that the consumer information portion of the card that will be returned to the manufacturer meet the following requirements:
 - The blocks provided for the consumer's contact information should be 5 mm wide and 7 mm high.
 - There should be at least 29 blocks on each of the two lines provided for the consumer's name and mailing address. This number is based on the size of the blocks, the size of the postcard, and estimated length of an address.
 - At least 15 blocks should be provided for city, 2 for state and 9 for zip code.
 - There should be 10 blocks for the phone number with a dash already provided after the area code and between the third and fourth blocks for the rest of the phone number.
 - At least 29 blocks should be provided for the email address. This number is based on the size of the blocks, the size of the postcard, and estimated length of an address.
 - The product information should be pre-printed by the manufacturer below the customer information. Manufacturers have the option of printing right on the card or applying a pre-printed label with the required information. A blank rectangular box should be provided for the manufacturer's label or printing space.
- The back side of the bottom portion of the card should be pre-addressed with the manufacturer's name and United States contact address. It must be postage-paid by the manufacturer as mandated by the law.

Manufacturer's Contact Information

The law states that the manufacturer's name and contact information, product model name and number, and the date of manufacture must be permanently placed on each durable infant or toddler product. In addition, the information must be in English, in contrasting color(s), and printed in a minimum 12-point font size. The purpose of providing this information is to enable consumers to easily identify the manufacturer and product information regarding the specific product. Once identified, the consumer should be able to contact the manufacturer; therefore, this information shall have a United States contact address and phone number.

Staff recommends that due to the wide variety of durable infant and toddler products covered by this law, manufacturers should determine, for each of their products, the most appropriate

location to permanently place their contact information. Consumers should be able to easily find and use the information in the event they need to contact the manufacturer.

On-line Registration

The statute requires an option for consumers to register their product on-line. The staff recommends that wording similar to that recommended for the card should be used on the website where consumers register. In addition, the manufacturer's website should be designed with a link clearly identified on the main page as "Product Registration." The registration page should have the following information at the top:

"PRODUCT REGISTRATION FOR SAFETY ALERT OR RECALL

We will use the information provided on this page to contact you only if there is a safety alert or recall for this product. We will not sell, rent, or share your personal information. If you register on this website you do not need to fill out the card that came with your product."

If the manufacturer wants to provide the consumer an opportunity to create an account to receive email notices of new products or other information not specifically associated with the recall registration, the site must be designed so that the user must navigate to another link on the website not associated with the product registration.

Manufacturer's Consumer Database

The statute in Sec.104(d)(3) requires the manufacturer to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. The database must be maintained for a minimum of 6 years after the date of manufacture of the product. As the law requires, and as stated on the proposed registration card and website registration page, the consumer information collected by a manufacturer may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

Consumer Address Updates

The on-line registration could also be set up to allow consumers to notify the manufacturer of a change of address for products previously registered. The registration page would be designed with a box that can be checked to indicate the consumer is updating their address. When the box is checked a new screen would pop up asking for the old address and new address and allow consumers to list all product names previously registered, without having to re-record model numbers.

Staff recommends that the database should be created so information can be sorted by customer name, address, product, and model. By doing this, if a customer wants to provide a new address, their information for all their registered products could be quickly updated. One difficulty

manufacturers experience with recall notification is that consumers move and do not update their contact information. By providing consumers with a means for updating their address on-line, manufacturers can reduce the number of notices sent to old addresses.

Conclusions

Section 104(d) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) was enacted to improve the safety alert and recall process for durable infant and toddler products. In order to encourage and promote a higher return rate of product registrations and in turn provide better notification for product owners, manufacturers of durable infant or toddler products must provide consumers with a postage-paid consumer registration form with each such product. In addition, manufacturers are to maintain a record of the contact information of consumers who register their ownership of such products with the manufacturer; and to permanently place the manufacturer's name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

Commission staff recommends the card and website instructions discussed in this briefing package, with exact text and format specified, be accepted by the Commission. The staff's draft proposal will provide consumers with a uniform product registration card that can be easily identified across all durable infant and toddler products.

Attachment A – Sample Product Registration Card

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

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



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 1234 ALEXANDRIA, VA

POSTAGE WILL BE PAID BY ADDRESSEE

MR JOHN SMITH
MANUFACTURES ASSOCIATION
300 MAIN ST
ALEXANDRIA VA 22314-9801



