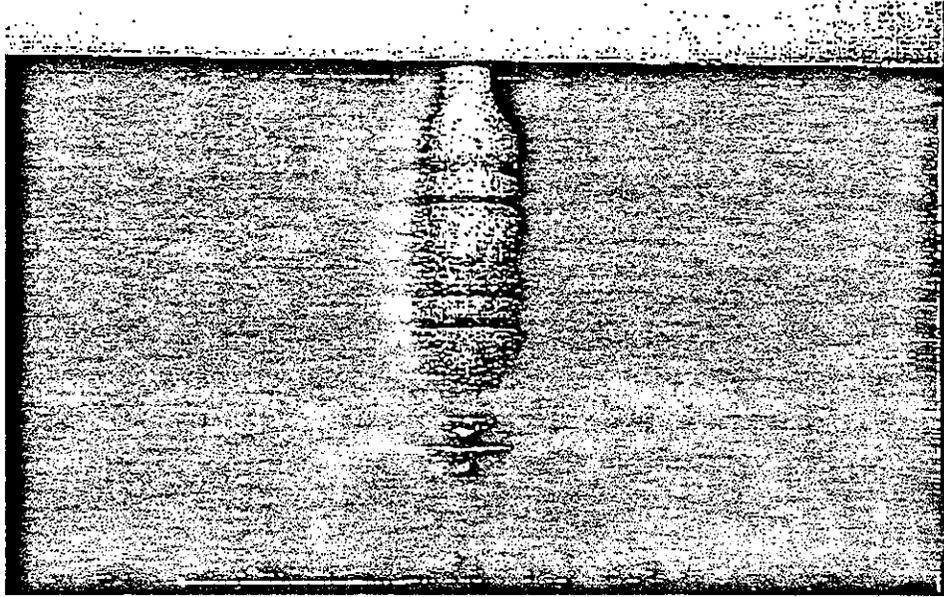


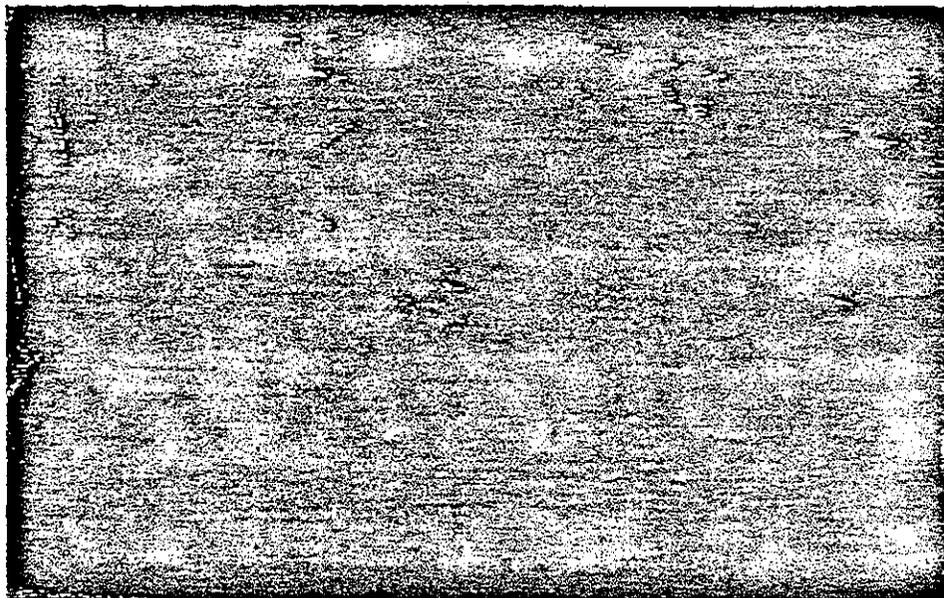
APPENDIX C

990914CAA3479



PHOTOGRAPH 11:

The decorative spindles can also serve as an identification. The spindle is 3-3/4 high by 3/4 inches wide in the middle.

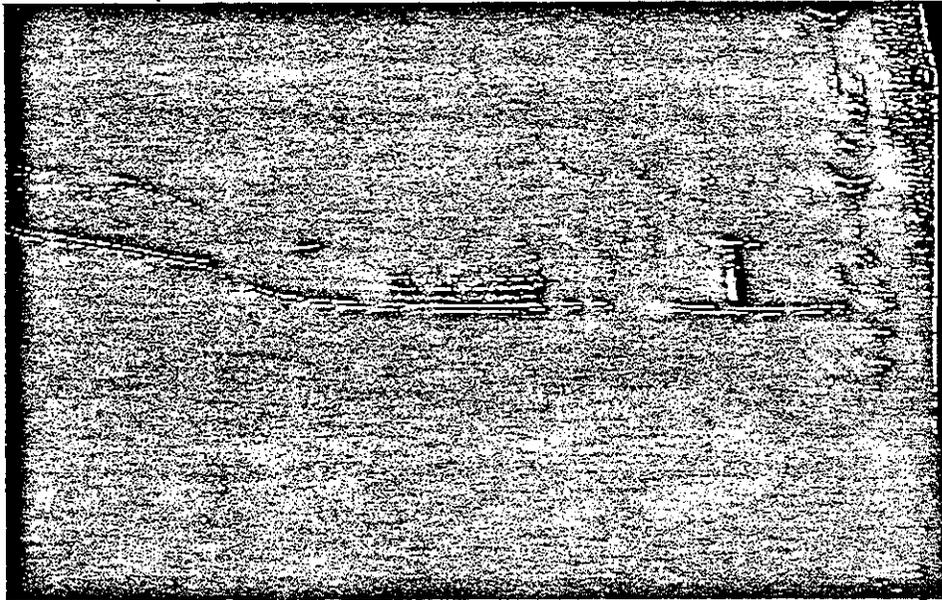


PHOTOGRAPH 12:

The changing surface of the table has a safety belt. The belt snaps into a corresponding part on the right-hand rail (possibly also on the left).

990914CAA3479

990914CAA3479



PHOTOGRAPH 13:
The belt has a safety warning on it.



PHOTOGRAPH 14:
Close-up of the printing.

990914CAA3479

APPENDIX C

MULTNOMAH COUNTY MEDICAL EXAMINER'S OFFICE REPORT FORM

301 N.E. Knoll St., Portland, Oregon 97212 Phone 503-248-3746

Deputy Medical Examiner: [redacted] Date: 03-05-89 Case #: 89-0540

Case Reported: Date: March 05, 1989 Time: 18:20 Arrived at Scene: 18:42

Cause of Delay, if any: X93 0913 Eye Bank Notified: YES NO XX

MAR 7 - 1991 Medical Examiner's C

A. DECEDENT DATA:

Name: [redacted] Age: 1 Yrs. Mos. Days. DOB: 10-17-1987

Sex: M XX F SS # Other #s

Race: White XX Black Indian Asian Hispanic Marital Status: SMWD

Occupation: Employed by: pre-school age Unemployed

Job Title Retired

Died (Found) at: Portland Adventist Medical Center - Emergency Department

Date: 03-05-89 Hour: 18:04 Found by Whom: father: [redacted]

Injured at: [redacted]

Portland, Oregon

Date: 03-05-89 Hour: about 16:30 County of Incident (Other than Mult.)

Admitted to Hospital: Date: 03-05-89 Hour: 16:50

Decedent's Home Address: [redacted]

Portland, Oregon Phone: [redacted]

Last Known Alive By: [redacted] (father) Date: 03-05-89 Time: 16:20

Address: [redacted] Phone: [redacted]

B. AGENCY DATA:

Name(s) of Officers/

Police: MCSO Case # Detectives: [redacted]

Fire: PFB, Rescue #41 Ambulance: Buck Ambulance Other:

C. TRANSPORT AND MORTUARY DATA:

EPDS

Body Transported to ME Office: Yes XX No If Yes, Via: county vehicle MAR 27 1989

Reason for Transport to ME Office: examination, selection of funeral home

Funeral Home: Gateway Little Chapel of the Chimes Named by: mother Date: 03-05-89

Funeral Home Address: Portland, Oregon

X930913

D. FAMILY DATA:

Family Notified: Name: [redacted]

Address: [redacted] Relationship: father

Portland, Oregon Phone: [redacted]

How Notified: in person Date & Time: By Whom: hospital personnel

If Not in Person, Why Not? [redacted]

E. PHYSICIAN AND MEDICATION DATA:

Physician(s) Name and Phone Number: Drs. [redacted] (PAMC-ER) [redacted] (Emanuel Peds)

Medications, Alcohol, Etc.: (If there is any question of abuse, overdose, overutilization, etc., complete drug inventory form.)

none

F. BODY EXAMINATION DATA:

Date: 03-05-89 Hour: 19:00 Place: emergency room

Height: 30" Weight: about 22-24# Hair Color: brown Eye Color: brown

Position: supine on gurney Moved?: yes

Livor: Blanching [XX] Fixed Anterior Posterior [XX] Rt. Left

Rigor: None [XX] Early Complete Receded Face Neck

Arms Legs Additional Detail

Body Heat: yes Surrounding Temp.:

Location & Degree of Putrification: none

EPDS

MAR 27 1989

Detailed Body Description: (Injuries, scars, tattoos, cyanosis, edema, edentulous, obesity, jaundiced, etc.)

16 1/2 month old male. appears to have been well cared for. has slightly distended abdomen. resuscitative artifact such as defibrillation burns, 1/2" linear indentation/contusion to left chin. No other injuries.....

X 9 50913

Name of deceased: _____ Case #: 89-0540

G. CLOTHING AND JEWELRY DATA:

Clothing: (Describe Fully) nude

Jewelry: Y N Left with Body: Y N Removed to Property Room: Y N

Other Disposition: (Explain) _____

H. SEROLOGICAL DATA:

Blood Drawn: Y N If Yes, by Whom: _____

Admission Blood at Hosp. Y N Picked up: Y N By: _____

Blood Tested by Hosp. Y N Test Result: _____

Urine Drawn: Y N Vitrous Drawn: Y N Time Vitrous Drawn: _____

I. MISCELLANEOUS DATA:

Photographs at Scene: Y N If yes, by Whom: MEO: _____ - MCSO: _____

Crime Lab at Scene: Y N If yes, who: _____

Body Fingerprinted: Y N If yes by Whom: _____

How was Identification Made?: by father at the scene / hospital

J. INFORMANTS: (RELATIONSHIP & PHONE)

_____ - father _____

EPDS

MAR 27 1999

K. PATHOLOGY DATA:

Cause of Death: Asphyxiation by hanging

Manner of Death: Accident Other Significant Findings: _____

Autopsy: Y N If Yes, By Whom: _____ No Case: _____ Code: _____

L. NARRATIVE REPORT:

Introduction:

X930913

This 16½ month old male infant died in the hospital emergency department about 70 minutes after being admitted in cardio-respiratory arrest shortly after being found in his home, lifeless, with his head caught in a piece of furniture. At this time, the manner of death appears to be accidental.

Circumstances: (Detailed)

Paramedics received a call from the father regarding the lifeless infant. They arrived to find the subject on the floor with the father doing mouth to mouth ventilations. The infant was found to be in asystole and the paramedics elected to do a rapid transport rather than doing resuscitation and attempting stabilization at the scene. The ambulance arrived to the hospital just seventeen minutes after their initial call for help.

The subject's rhythm changed to an Ideoventricular without pulses to Ventricular Fibrillation to Ventricular Flutter and back to asystole. At no time was there any sort of viable rhythm obtained.

The Emergency Department physician arranged for rapid transport to the Pediatric ICU at Emanuel and the Emanuel Transport Team arrived to the PAMC Emergency Room at 17:36 and took over the resuscitation efforts. This team was headed by Dr.

EPDS

After 74 minutes in the ER, all efforts were ceased.

MAR 27 1989

The infant was viewed in the Emergency Room, other than resuscitation artifact and a distended abdomen, the only other injury observed was a small indentation/contusion in a linear fashion to his left chin. The emergency room personnel could not recall any other indentations/pressure marks that had since disappeared. The ER personnel nor the ambulance personnel had a clear understanding of the incident. They did state that a male friend with the father in the ER was quite obnoxious and demanding. The father and friend had left the ER prior to this writer's arrival.

Due to the above situation, it was decided to request MCSO Detective [redacted] to accompany this writer back to the scene both for protection and photographs.

The scene is a small sparsely furnished apartment. It had a slight cluttered, lived in appearance. The subject and his twin brother had been in their bedroom with a gate across the doorway. It had been about ten minutes since they were last checked on when the father entered their bedroom to find the subject with his head caught in the woodwork of a diaper changing table and his feet "just barely" off the ground.

This changing table had three shelves and contained several stuffed animals and a cassette tape player. The table was turned backwards so as the open shelves were turned against the wall. The father stated that the twins were active toddlers and often climbed on this furniture.

The back side of the furniture, facing outward into the room had two six inch high gaps in the woodwork/railing.

When found, the subject was almost in an upright position with his feet just off the ground. His head was wedged with the chin over the railing that was 21" off the ground and his head slightly wedged. He was looking directly back towards the wall behind the furniture. When first found, the father stated that he thought the subject was just standing there, looking at some toys.

The table was believed to have bought at a second-hand furniture store. The father refinished to paint but made no other modifications. There was no brand name or serial number on the furniture.

63

Multnomah County
Medical Examiners Office

X930913

FOLLOW-UP INFORMATION

CASE # 89-0540

DATE 03-05-89

Name [REDACTED]

REQUEST DEPUTY:

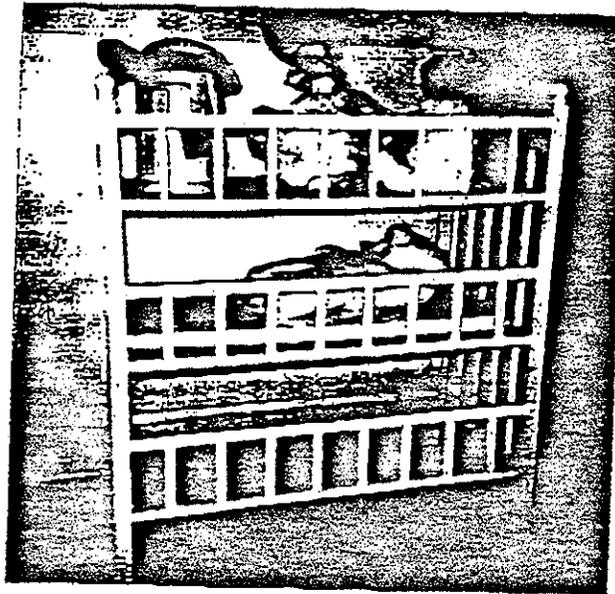
ACTION TAKEN:

NARRATIVE CONTINUED

Detective [REDACTED] obtained 35 mm. photographs of the scene and subject and will make copies available to this office.

There was no known pertinent medical history.

The subject was removed to the M.E. Office for addotional examination. A contusion on his chin appears consistant with resting against the rail as described by the father.



EPDS

MAR 27 1989

Tab B

Emails from Joe Newberg, Toro Corp and Jim Walter, Mattel, Inc. to Walter Sanders regarding Registration Card Pilot Program, October 2001.

Schoem, Alan H.

From: Schoem, Marc J.
Sent: Tuesday, October 02, 2001 9:07 AM
To: Schoem, Alan H.; Solender, Michael S.
Subject: FW: Registration Pilot Program

-----Original Message-----

From: Joe Newberg [mailto:Joe.Newberg@toro.com]
Sent: Monday, October 01, 2001 4:28 PM
To: WSanders@cpsc.gov
Cc: MSchoem@cpsc.gov
Subject: Registration Pilot Program

Dear Walt,

We completed a second analysis of the returns/results in our pilot program. Results were tabulated with returns as of June 30, 2001. The model 51587 was produced in July-August of 2000 and have a sales history of nearly a year whereas the 51586 was produced through November of 2000, so has only a 7-9 month sales history as of the end of June. Our heavy selling seasons for these products are fall and spring.

The cards used in the test are as follows:

Card A....Standard card with market research questions; customer pays the postage.
Card B....Card A without any market research questions.
Card C....Card B with special language supplied by the CPSC.
Card D....Card A with prepaid postage.

The return test results as of June 30, 2001 are as follows:

	Model 51587	Model 51586
Card A	7.8%	4.9%
Card B	10.1%	7.1%
Card C	9.3%	4.9%
Card D	7.5%	4.1%

Over the production runs for both models, Card A was produced first, etc., so we would expect Card A to have a slightly higher return rate than Card B and so on. This effect will diminish over time. The clear lesson is that taking the market research off the card increases the return rate. The returns of Card D, on the other hand, seem counterintuitive, and we felt a further test was in order. We are are running Card B in a second trial against a new Card E which is Card B with prepaid postage. We will not have good data on this test until next spring.

If you have any questions, please let me know.

Joe Newberg

IMPORTANT Under provisions of Federal Public Law 82-572, the Consumer Product Safety Act, return of attached card is important to ensure this Toro Product receives proper post-sale service. Please complete the attached card and return to the Toro Company.

TORO REGISTRATION CARD

IMPORTANT
Please complete and return to
the Toro Company.

U.S.A. Toro Registration Card

1 Phone Number: _____

2 Date of Purchase: _____
Month Day Year

3 Please record the following numbers from the label located on the power pack, housing, or handle of your new product:
Model Number: (5 digit number) _____
Serial Number: (7 to 9 digit number) _____

4 Mr. Mrs. Ms. Mlle. Miss **5** Married Single
First Name: _____ Initial: _____ Last Name: _____

Address: _____ Apt. Number: _____
City: _____ State: _____ Zip: _____

6 Retailer: _____

7 Please check the three (3) most important reasons influencing your purchase of this Toro product:
 1. Quality/Durability 5. Value for Price 9. Prior Toro Experience
 2. Toro Reputation 6. Power 10. Warranty
 3. Ease of Operation 7. Dealer/Agent's Recommendation 11. Advertisement
 4. Special Features 8. Friend's Recommendation 12. Other

8 What other Toro products do you own?
 1. None 6. Irrigation Equipment
 2. Leaf Blower 7. Snow Thrower
 3. Lawn Mower 8. String Trimmer
 4. Riding Lawn Mower/Tractor 9. Hedge Trimmer
 5. Outdoor Lighting 10. Other

9 What other brands did you consider?
 1. None 8. McCulloch
 2. Ryobi & DeWalt 9. Powermate
 3. Scheppach 10. Ryobi
 4. Echo 11. Sun/California
 5. Husqvarna 12. Stihl
 6. Intermatic 13. Weed Eater
 7. Malibu 14. Other

10 Excluding yourself, what is the age of the other people (in years) that live in your house?
 1. No one else in household 2. Child under 1 year
 Age: _____
 3. Male: _____
 4. Female: _____

11 What best describes your family income?
 1. Under \$15,000 5. \$50,000-\$74,999
 2. \$15,000-\$24,999 6. \$75,000-\$100,000
 3. \$25,000-\$34,999 7. \$100,000-\$149,999
 4. \$35,000-\$49,999 8. Over \$150,000

12 In the last six (6) months have you or your spouse:
 1. Purchased windows through the mail?
 2. Purchased gifts through the mail?
 3. Visited in your garden?
 4. Traveled on vacation?
 5. Purchased a PC or PC software?
 6. Purchased new or more jewelry?
 7. Purchased consumer CDs?
 8. Deposited in withdrawal or personal funds?
 9. Drives to church?

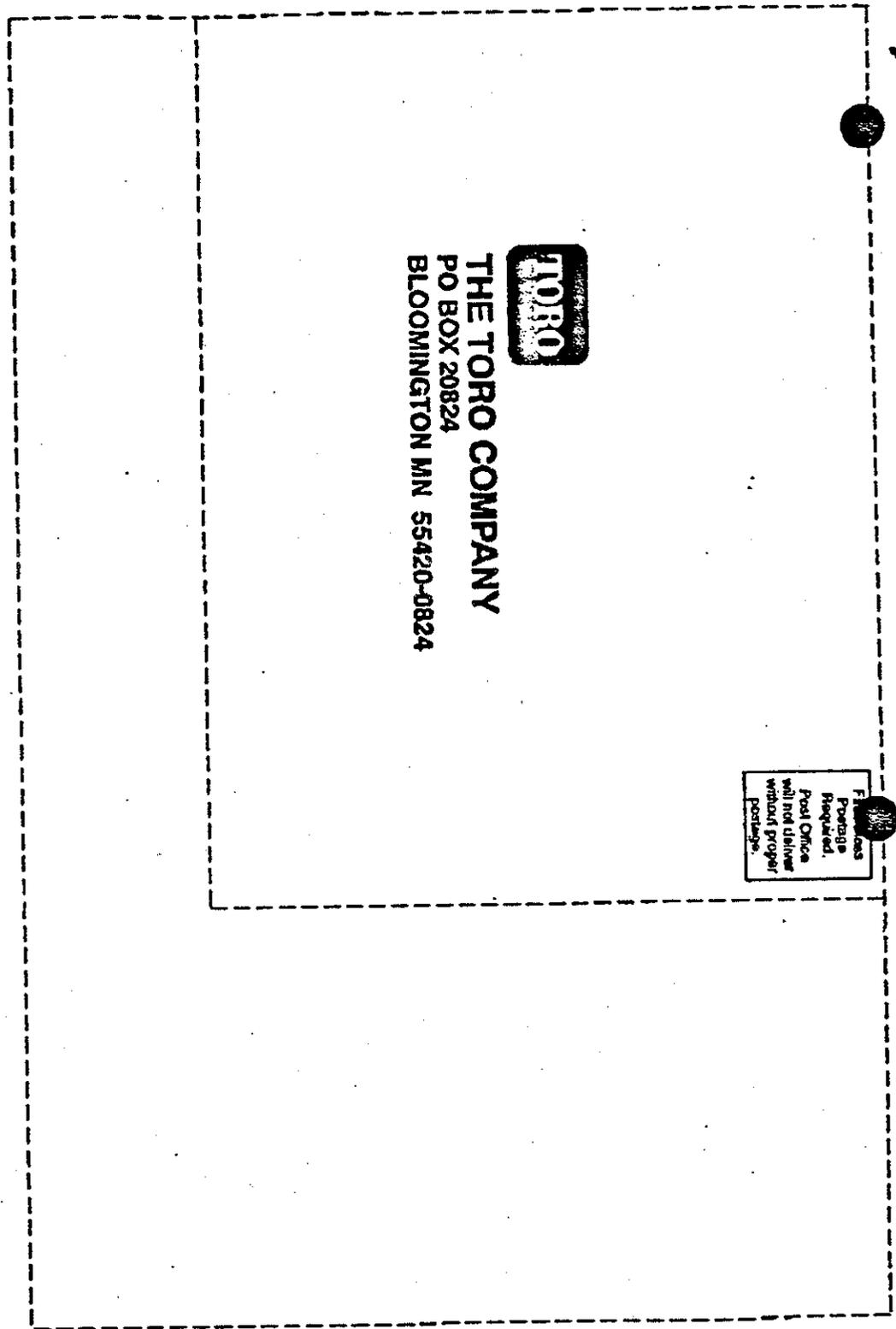
13 How old are you?
 Month Day Year

14 For your primary residence, do you:
 1. Own? 2. Rent?

15 Education: (Check which category applies)
 1. High School 3. Completed College
 2. Some College 4. Graduate School

Please be filling out this questionnaire. Your answer are important to us. Please check here if you would prefer not to participate in additional market research for Toro or which help maintain our new and increasing efforts to offer you other exciting opportunities.

Card A - Front



Card A-Back

IMPORTANT! Under provisions of Federal Public Law 92-572, the Consumer Product Safety Act, return of attached card is important to assure the Toro Product receives proper post-sale service. Please complete the attached card and return to the Toro Company.

TORO REGISTRATION CARD

U.S.A. Toro Registration Card

1 Phone Number:

2 Please record the following numbers from the decal located on the power pack, housing, or handle of your new product:

Model Number: (5 digit number)

Serial Number: (7 to 9 digit number)

3 Date of Purchase:

Month Day Year

4 I. Mr. 2. Ms. 3. Ms. 4. Miss

First Name:

Initial:

Last Name:

Address:

Apt. Number:

City:

State:

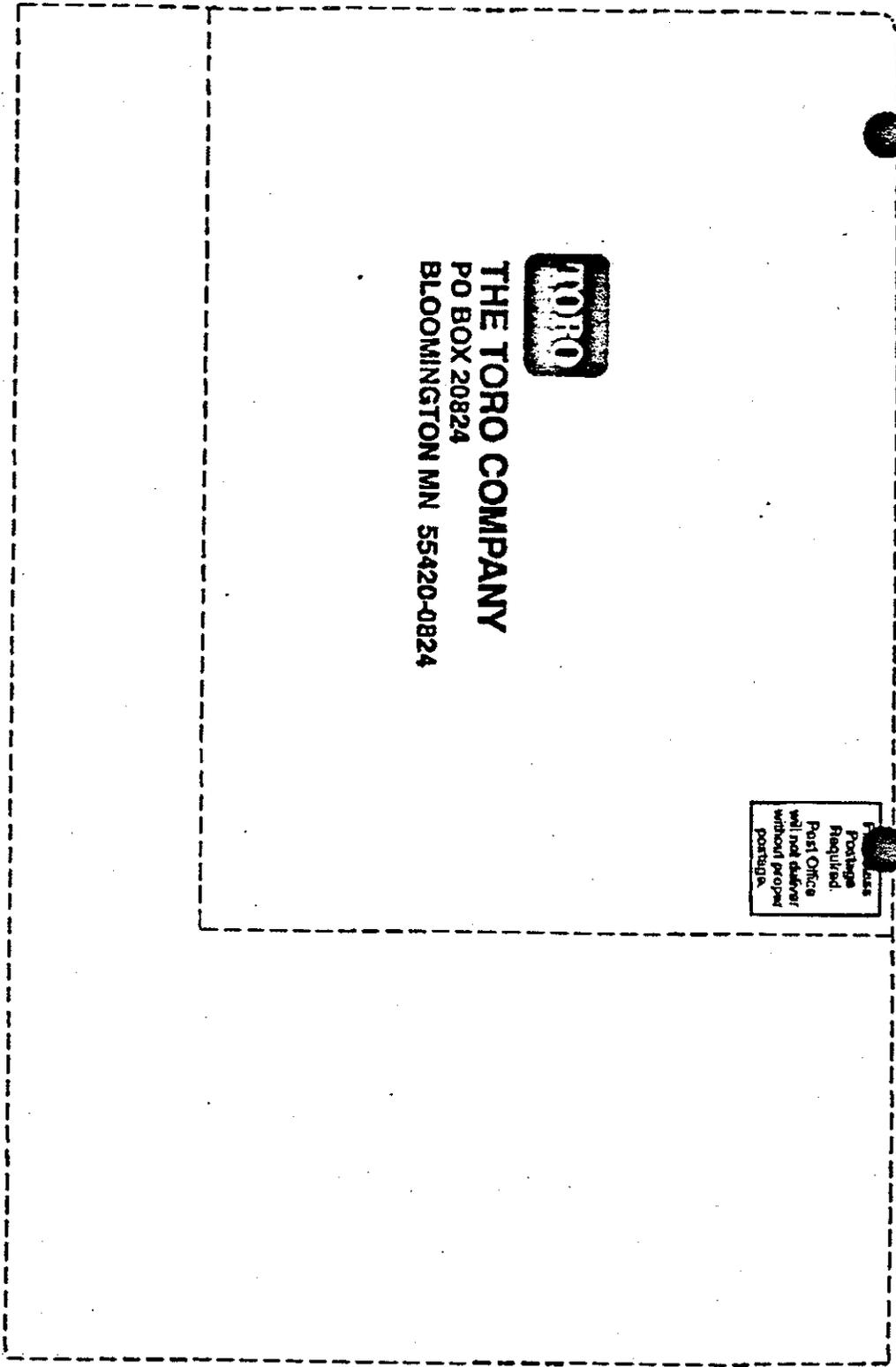
Zip:

5 Retailer:

IMPORTANT
Please complete and return to
the Toro Company.

Doc. No. Q18B Rev 2

Card B - Front



Card B-Back

IMPORTANT!

The Toro Company and the U.S. Consumer Product Safety Commission encourage you to return the attached product safety registration card. Then if your product ever needs to be fixed or if it has a safety problem, we will know where to reach you. Fill in the card, apply the proper postage, and mail.

TORO PRODUCT SAFETY REGISTRATION CARD

U.S.A. Toro Product Safety Registration Card

1. Phone Number: _____

2. Date of Purchase: _____
 Month Day Year

3. Please record the following numbers from the decal located on the power pack, housing, or handle of your saw product:
 Model Number: (5 digit number) _____
 Serial Number: (7 to 9 digit number) _____

4. Mr. Mrs. Ms. Miss

First Name: _____ Initial: _____ Last Name: _____

Address: _____ Apt. Number: _____

City: _____ State: _____ Zip: _____

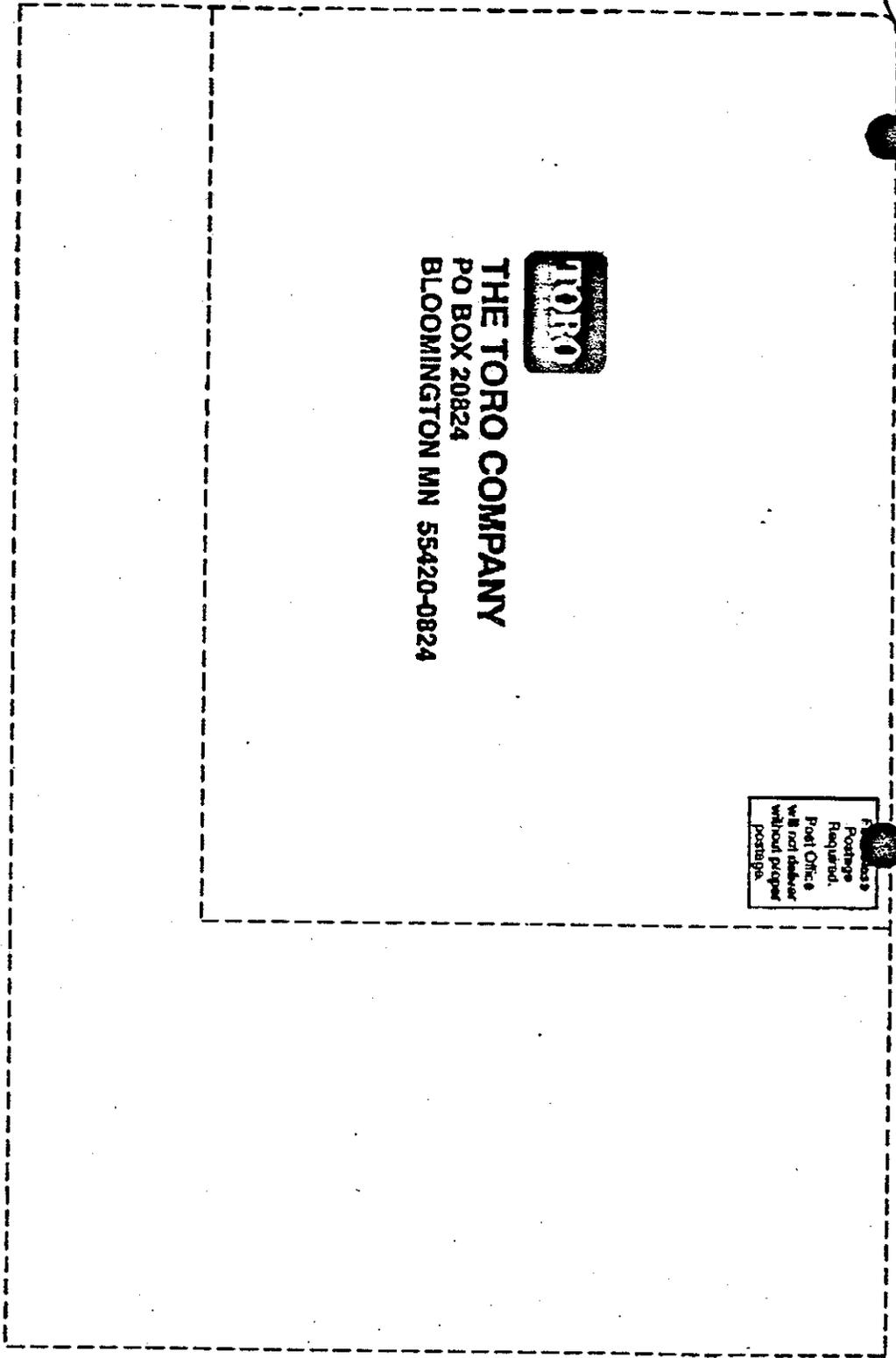
5. Retailer: _____

The information you provide will be used primarily to ensure we can reach you. We may also contact you on matters related to other Toro Products and how we can better serve your home beautification needs. THIS INFORMATION WILL NOT BE RELEASED TO ANYONE OUTSIDE OF THE TORO ORGANIZATION.

Ken Melrose
CEO, The Toro Company

Doc. No. C-06C-Rev 2

Card C - Front



Card C-Back

IMPORTANT Under provisions of Federal Public Law No. 572, the Consumer Product Safety Act, Toro Product requires proper post-sale service. Please complete the attached card and return to the Toro Company.

TORO REGISTRATION CARD

IMPORTANT
Please complete and return to the Toro Company.

U.S.A. Toro Registration Card

1. Phone Number: _____

2. Date of Purchase: _____
Month Day Year

3. 1. Mr. 2. Mrs. 3. Ms. 4. Miss
First Name: _____ Initial: _____
5. 1. Married 2. Single
Last Name: _____

Address: _____ Apt. Number: _____
City: _____ State: _____ Zip: _____

6. Retailer: _____

7. Please check the three (3) most important factors influencing your purchase of this Toro product:
 1. Quality/Durability 5. Value for Price 9. Price Toro Superstore
 2. Toro Reputation 6. Power 10. Warranty
 3. Ease of Operation 7. Salesperson's Recommendation 11. Advertisement
 4. Special Features 8. Friend's Recommendation 12. Other

8. What other Toro products do you own?
 1. Mower 6. Irrigation Equipment
 2. Leaf Blower 7. Snow Thrower
 3. Lawn Mower 8. String Trimmer
 4. Riding Lawn Mower/Tractor 9. Hedge Trimmer
 5. Outdoor Lighting 10. Other

9. What other brands did you consider?
 1. None 6. McCulloch
 2. Rick & Fowler 9. Powermatic
 3. Bobcat 10. Ryobi
 4. Echo 11. Sears/Roomba
 5. Homelite 12. Skihl
 6. Ingersoll 13. Weed Eater
 7. Malibu 14. Other

10. Date of Mar. Birth: _____
Month Day Year

11. For your primary residence, do you:
 1. Own 2. Rent

12. Education: (Check all that apply)
 1. High School 3. Completed College
 2. Some College 4. Graduate School

13. In the last six (6) months have you or your spouse:
 1. Purchased a car through the mail?
 2. Purchased gifts through the mail?
 3. Worked in your garden?
 4. Travelled on vacation?
 5. Purchased a PC or PC software?
 6. Purchased two or more books?
 7. Purchased cassette/CDs?
 8. Donated to world/charity/developmental funds?
 9. Purchased an electrical?

14. Estimate: (check if what are the ages of the other people (in years) that live in your house?)
 1. No one else in household 2. Child under 1 year old
 3. Male: _____
 4. Female: _____

15. What best describes your family income?
 1. Under \$15,000 5. \$70,000-\$74,999
 2. \$15,000-\$19,999 6. \$75,000-\$100,000
 3. \$20,000-\$24,999 7. \$100,000-\$149,999
 4. \$25,000-\$49,999 8. Over \$150,000

Please record the following numbers from the decal located on the power pack, housing, or handle of your new product:
 Model Number: (5 digit number) _____
 Serial Number: (7 to 9 digit number) _____

Please do not fill out this questionnaire. We'll use it to improve our products and services. If you would prefer to participate in additional studies contact us at 1-800-4-A-TORO or our web page at www.toro.com. Thank you for your feedback.

Card 0-Front

BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 3099 MINNEAPOLIS, MN

POSTAGE WILL BE PAID BY ADDRESSEE

THE TORO COMPANY
PO BOX 20824
BLOOMINGTON MN 55420-0827

NO POSTAGE
NECESSARY IF
MAILED
IN THE
UNITED STATES

Card D-Back

Schoem, Alan H.

From: Walter, Jim [WALTERJI@Mattel.com]
Sent: Wednesday, October 10, 2001 11:58
To: 'Schoem, Alan (CPSC)'
Cc: 'Sanders, Walter A. (CPSC)'
Subject: Registration Card Program
Alan:

I recieved the following information concerning the registration card program that we participated in along with Whirlpool and Toro:

- Number of cards sent out: 5,000
- Number of cards returned via mail: 1,338 (27%)
- Number of call-in registrations: 154 (3%)
- Number of email registrations: 2 (<1%)
- Total registrations 1494 (30%)

These numbers are a bit higher than I had previously reported to Walt. Apparently, there were additional cards returned that were unaccounted for previously.

I am also included a product image and registration card image (below) for your reference. Please let me know if I can be of further assistance.

Regards,

Jim
Phone: 310-252-2585
Fax: 310-252-2640
Email: jim.walter@mattel.com

10/10/01



POWER WHEELS REGISTRATION

0723
ID. 09823-6444

In the event we have to contact you, we will need your name and address.
This information is confidential and for the use of Power Wheels by Fisher-Price only.

PLEASE PRINT CLEARLY

PARENTS NAME (FIRST) _____ (LAST) _____

ADDRESS _____ APT.# _____

CITY _____ STATE _____ ZIP _____

PHONE NUMBER _____

CHILD'S BIRTHDATE ____/____/____

Tab C

Memorandum from Timothy P. Smith, Division
of Human Factors, "Human Factors Assessment
in Response to Petition CP 01-1, Petition for
Rule Requiring Product Registration Cards"
October 23, 2002



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

MEMORANDUM

October 23, 2002

To: Celestine T. Kiss
Project Manager, Product Registration Cards Petition CP 01-1
Engineering Psychologist, Division of Human Factors
Directorate for Engineering Sciences

Through: Hugh McLaurin *HML*
Associate Executive Director
Directorate for Engineering Sciences

Robert B. Ochsman, Ph.D., CPE *RBO*
Division Director, Division of Human Factors
Directorate for Engineering Sciences

From: Timothy P. Smith *TPS*
Engineering Psychologist, Division of Human Factors
Directorate for Engineering Sciences

Subject: Human Factors Assessment in Response to Petition CP 01-1,
Petition for Rule Requiring Product Registration Cards

INTRODUCTION

On June 21, 2001, the Consumer Federation of America (CFA) submitted a petition (CP 01-1) to the U.S. Consumer Product Safety Commission (CPSC) requesting that CPSC issue a rule requiring product registration cards (PRCs) with every product intended for children. CFA proposes that the cards collect only that information needed to contact the purchaser, have the postage paid by the manufacturer, provide the name and the model number of the product purchased, and state that the information collected will only be used to advise the purchaser of a recall or other important safety information. The intent of the CFA's petition is to improve recall effectiveness once the relevant products are already in the hands of consumers. This memorandum, written by staff from the Division of Human Factors (ESHF), discusses human factors and psychological issues related to the effectiveness of PRCs and responds to public comments relevant to these issues.

DISCUSSION

There has been only limited research completed to date to determine the effectiveness of product recalls in general and PRCs specifically. In May 1978, CPSC completed a *Recall Effectiveness Study*, which identified variables that were associated with high levels of recall effectiveness.

Recall effectiveness, for the purpose of that study, was defined as a suspected unit having been examined and corrected where necessary. The study found that recalls were typically very effective when attempts are made to notify consumers directly, either by mail, telegram, telephone, or personal visits. The study also found that recalls with no or very limited directed notification would normally be less than 20% effective unless the recall involves a very expensive unit or the recall is limited to a specific state or "urban area."

In 1979, CPSC Chairman Susan B. King created a Recall Effectiveness Task Force to address the Commission's concerns about the occasional low rate of return by consumers of recalled hazardous products. The resulting *Report of the Recall Effectiveness Task Force of the Consumer Product Safety Commission* (August 25, 1980) states that targeted notices often produce greater results than general notice. The report further notes that most observers believe that the optimal form of recall notice to consumers is direct individual notice of the sort commonly available to the National Highway Traffic Safety Administration (NHTSA) in conducting automobile recalls.

Seeing, Reading, and Understanding

The effectiveness of a PRC in obtaining a desired response first relies on the PRC being noticed, attended to, and understood by the owner of the product. It seems likely that proper design and placement of the cards with the products could address these issues. One potential problem ESHF staff does foresee, however, is that there is a potential for habituation. The over-use of product registration cards or consumers' repeated exposure to these cards could result in them attracting less and less attention over time, as is often the case with warning labels. However, the extent to which this would apply to PRCs is unclear at this time. It is also important that consumers believe what the cards are saying. If the claim on the cards is that they are intended only to alert the consumer to product recalls, the cards cannot contain information that consumers will perceive as being for other uses (e.g., marketing questions). If consumers believe that what is stated on the cards is disingenuous, consumers are less likely to return them.

Social Influence

Even the best-designed PRCs are of no use if people do not choose to fill out and return the cards. The scientific study of social influence has found that several basic tendencies of human behavior can heavily influence the extent to which a person will comply with any request. Given that consumers would be requested to fill out and return PRCs, these behavioral tendencies would be relevant to the use of PRCs in improving recall effectiveness.

In general, people tend to comply with requests made by those whom they like and by those who are in perceived positions of authority (Cialdini, 2001). Therefore, consumers who are familiar with CPSC and its role in the government would be more likely to return a PRC if it appears to come from CPSC or is in some way "approved" by CPSC. The effectiveness of this, of course, increases if consumers have a positive perception of CPSC in general, so further research into consumer perceptions of CPSC would be useful if this method of influence were employed. PRCs that emphasize the fact that they are being made available to consumers in an effort to help them identify and rid themselves of hazardous products are also more likely to be returned. This

is because consumers are likely to have a more positive opinion of the sender of the PRC if they believe that the sender is genuinely trying to help them.

People also tend to comply with requests when the item or opportunity presented to them appears scarce (Cialdini, 2001). This may be in terms of a limited supply of items or in terms of a limited time available in which to respond. This suggests that consumers may be more likely to return a PRC if they believe they only have a limited 'window of opportunity' in which to do so. Consequently, if recalls tend to occur relatively quickly with respect to the release of a product, emphasizing this fact on a PRC will convey to consumers that there is limited time available in which to return a PRC and may increase the likelihood of a response.

Cost of Compliance versus Cost of Noncompliance

Filling out and returning PRCs can be viewed as precautionary behavior, in that it is behavior being performed by the consumer with the intent of avoiding a hazardous situation, albeit in an indirect manner. There has been research on the effectiveness of warnings in persuading an appropriate behavioral response from the recipient to avoid a hazard, and ESHF staff believes the findings of this research could be used to determine the potential effectiveness of PRCs.

Research indicates that two of the most important factors in determining the extent to which people will be motivated to read and comply with warnings are the cost of compliance and the cost of noncompliance (Laughery & Wogalter, 1997; Sanders & McCormick, 1993). In the context of PRCs, the cost of compliance may be viewed as the perceived cost of filling out and returning the cards. This cost may be in the more obvious form of money, but also includes other "cost" factors such as time, convenience, and effort. Noncompliance—in the case of PRCs, the perceived cost of choosing not to fill out and return the cards—also has a cost associated with it.

Research has found that relatively small increases in cost can substantially decrease compliance rates, but that high rates of compliance may be possible if the costs are very small (DeJoy, 1999). On first glance, the cost of filling out and returning a PRC seems rather low. This can include the cost of postage and the time and effort to fill out the card. However, the consumer may also view PRCs as an invasion of privacy. Possible ways to minimize the perceived cost of compliance and to improve the likelihood that consumers will return the card properly filled out include designing the card so it requires as little time and effort as possible on the part of the consumer, minimizing information and questions that may be perceived as an invasion of privacy, and prepaying the return postage on the PRC. In fact, a PRC whose postage is not prepaid may not be returned for two reasons. There is, of course, the cost associated with the postage required to mail the card, as mentioned above. But requiring the consumer to apply postage could also cause the consumer to forget about sending in the card. Unless the consumer has postcard stamps immediately available, he or she may set the card aside fully intent on mailing it, only to forget about it and never send it in.

In the context of warnings, the cost of noncompliance (i.e., not following the advice of the warning) is the consumer's increased exposure to the hazard being warned about. The impact of this is dependent on the consumer's perceived risk of not following the advice of the warning; the greater the perceived risk level, the more responsive the consumer will be (Laughery &

Wogalter, 1997; Sanders & McCormick, 1993). In the case of PRCs, this implies that consumers will be more likely to return the cards if they perceive the risk associated with not filling out and returning the cards as being high. The potential consequence of not filling out and returning a PRC is that consumers will not be notified directly in the event of a recall. Consumers, however, may view this as a minor inconvenience since failing to fill out the cards does not necessarily mean the consumer will not find out about a recall. In the worst-case scenario, in which the consumer does not return the card and the product is later recalled, the consumer is merely in the same situation as would be the case if a PRC did not accompany the product. Consumers could still find out about the recall from CPSC's website, television, radio, friends, and other sources. Therefore, the perceived cost of not returning the cards may be very small indeed. In fact, consumers may perceive little benefit from returning the cards other than a feeling that one does not need to rely on those other methods of finding out about a recall of that particular product in the event that it occurs. Yet in reality, consumers still must rely on those other methods in the event that an item is recalled for which there is no PRC, the consumer moves to a new residence since the time the product was purchased, or for similar reasons. Further research may be necessary to determine the extent to which consumers believe it is important to fill out PRCs.

Risk Perception

Research indicates that the perceived risk associated with a product or situation (i.e., the perceived hazardousness) affects a consumer's motivation to read and comply with warnings (DeJoy, 1999; Laughery & Wogalter, 1997; Sanders & McCormick, 1993). In addition, perceptions of consumer-product hazardousness have been found to be based almost entirely on the severity of potential injury rather than the likelihood (DeJoy, 1999; Laughery & Wogalter, 1997). From this, one can infer that a consumer who purchases a product that is viewed as potentially hazardous to begin with—that is, one in which the consumer sees the product or the potential failure of the product as being very severe—is more likely to return a PRC than one who purchases a product with limited or no perceived hazard. Products that are familiar to a consumer are also likely to be perceived as less hazardous than may actually be the case, and the consequence of this is that consumers are less likely to read or comply with a warning (Laughery & Wogalter, 1997; Sanders & McCormick, 1993). Unless the consumer is aware of specific hazards associated with the product, ESHF staff believes the same to be the case in the context of product registration cards.

There is also some question as to how consumers generally perceive recalls in terms of severity. Consumers who believe most recalls are of minimal concern are therefore unlikely to return a PRC, especially if the product does not seem especially hazardous to begin with. On the other hand, consumers who believe recalls that are not followed will result in potentially severe consequences are more likely to return a PRC. ESHF staff believes that further research into consumer perceptions of recalls could be very useful to determine the effectiveness of PRCs.

RESPONSE TO PUBLIC COMMENTS

Issue: Effect of Product Characteristics on PRC Return Rate

Several commenters (#1, 4, 5, 6, 7, 8, 10, 12, 14, 15, 19, 22, and 27) claim that consumers are

unlikely to return PRCs for products that are inexpensive, short-lived, or perceived as safe.

Response: Based on the results of CPSC's *Recall Effectiveness Study*, the cost of a product does appear to impact recall effectiveness. However, this may be a consequence of consumers simply discarding the product and does not necessarily indicate the likelihood that consumers will return a PRC. Further research into this area would be useful. ESHF staff agrees that consumers are less likely to return a PRC for a product with a perceived low hazard level. With respect to short-lived products, it is possible that consumers will conclude that a product with a short lifetime will be less hazardous than one with a longer lifetime since one's exposure to that product is reduced. However, lower exposure has more to do with the likelihood or probability of being exposed to the hazard rather than the severity of that hazard. Since consumer perception of hazardousness is based almost entirely on severity rather than likelihood—as stated earlier in this memorandum—products with short lifetimes may not result in reduced return rates for PRCs unless the life of the product is extremely short.

Issue: PRC Characteristics

Several commenters (#4, 5, 6, 7, 10, 11, 14, 15, 16, 21, 22, 23, 28) discussed the flaws of current product registration or warranty cards, and/or how PRCs should be designed to make them more effective. Based on the comments, desired attributes of PRCs include keeping the card as concise as feasible, ensuring the card is postage-paid, limiting questions to only those associated with safety and recalls rather than marketing or other non-safety-related issues, and limiting questions that are perceived as intrusive or as an invasion of privacy.

Response: ESHF staff agrees that the characteristics of current cards may make them unlikely to be returned by consumers. However, it may be possible to modify current cards to collect the desired information. As discussed earlier in this memorandum, consumers are more likely to complete and return PRCs as the perceived cost of doing so decreases. Possible ways of accomplishing this include making PRCs more concise, having the postage associated with returning the PRC prepaid, and eliminating questions that are not safety related or that may be perceived by the consumer as intrusive or an invasion of privacy (e.g., household income, recent purchases). Further research into consumer responses to PRCs would be beneficial to help determine other characteristics of PRCs that would be influential and which characteristics are likely to have the greatest influence on consumer behavior. Since ESHF staff believes consumers are more likely to complete and return a PRC as the perceived seriousness or severity of a recall increases, it may also be possible to include language on a PRC that would affect this perception. Emphasizing the fact that the PRC is being made available to consumers in an effort to help them identify and rid themselves of hazardous products is also likely to improve the return rate.

Issue: Consumer Reliance on PRCs

Several commenters (#4, 5, 6, 7, 10, 14, 22) claim the use of PRCs will make consumers less reliant on traditional methods of obtaining recall information (e.g., television, radio, etc.), and consumers will stop actively looking for recalls as a result. One commenter (#12) claims that including cards with all children's products rather than a few carefully chosen categories that pose inherent danger to children would desensitize parents to the importance of returning the cards and would dilute the effectiveness of registration cards for all product categories.

Response: ESHF staff agrees that it is undesirable for PRCs to dissuade consumers from actively seeking other, more traditional sources of recall information. Unless PRCs are required for all products, consumers who already rely on these methods are likely to continue relying on them to obtain recall information. If all children's products required PRCs, it is possible that parents who do not receive direct notice of a recall will not bother to check to see if a recall applies to a children's product they own. ESHF staff believes consumers should be told the importance of seeking other sources of recall information in the event that the PRCs do not function as intended.

Issue: Effect of PRCs on Other Safety Information on the Product

One commenter (#1) claims that the inclusion of product registration cards will render other safety information that is already on the product, such as hang tags, less noticeable.

Response: ESHF staff believes there are likely to be ways of designing PRCs to minimize the extent to which they interfere with the other safety information already present on or in consumer products.

CONCLUSIONS

Research indicates that direct consumer contact can be an effective means of motivating appropriate consumer responses to a product recall. Since manufacturers who have purchaser or consumer contact information may be in a position to notify the consumer directly in the event of a recall, product registration cards are one potential way of improving the effectiveness of recalls. Proper design and placement of PRCs could improve the likelihood that consumers will notice, read, and understand them. However, there is the potential for habituation, and consumers must still be motivated to fill out and return the cards. ESHF staff believes the perceived cost of not filling out and returning the cards must outweigh the perceived cost of doing so to ensure the desired response from consumers. Possible ways to accomplish this include designing the PRC so it requires as little time and effort as possible, minimizing questions that could be perceived as an invasion of privacy or outside the realm of contact and recall-related questions, and not requiring the consumer to add postage. ESHF staff believes PRCs are likely to be least effective on highly familiar products or products that are perceived as being relatively safe, in general. Further research may be necessary to determine the extent to which consumers believe it is important to fill out PRCs, and research into consumer perceptions of recalls may be useful in

determining the effectiveness of PRCs. Investigating how consumers respond to recalls of inexpensive products may also be useful. ESHF staff believes consumers will be more likely to fill out and return a PRC if the PRC emphasizes the fact that it is intended to help consumers rid themselves of hazardous products, is either sent from or approved by CPSC, and emphasizes the need to return the PRC quickly due to the limited time available between the release of a product and its possible recall. However, further research would be useful to investigate the influence of these features with respect to PRCs in particular. Such research could also provide insight into other characteristics that are likely to affect consumer responses to PRCs.

REFERENCES

Cialdini, R.B. (February 2001). "The Science of Persuasion." *Scientific American*. 76-81.

DeJoy, D.M. (1999). "Attitudes and Behavior." In Wogalter, M.S., DeJoy, D.M., & Laughery, K.R., Eds. *Warnings and Risk Communication*. Philadelphia: Taylor & Francis Ltd. 189-219.

Lange, L. (May 1978). *Recall Effectiveness Study*. Washington, DC: U.S. Consumer Product Safety Commission.

Laughery, K.R. & Wogalter, M.S. (1997). "Warnings and Risk Perception." In Salvendy, G., Ed. *Handbook of Human Factors and Ergonomics*. New York: John Wiley & Sons, Inc. 1181-1191.

Sanders, M.S. & McCormick, E.J. (1993). *Human Factors in Engineering and Design*. New York: McGraw-Hill, Inc. 678-684.

U.S. Consumer Product Safety Commission. (August 25, 1980). *Report of the Recall Effectiveness Task Force of the Consumer Product Safety Commission*. Washington, DC: Author.

Tab D

28 Public Comments



United States
CONSUMER PRODUCT SAFETY COMMISSION
 Washington, D.C. 20207

6-19

MEMORANDUM

DATE: October 1, 2001

TO : CLD
Through: Todd A. Stevenson, Acting Secretary, OS
FROM : Martha A. Kosh, OS
SUBJECT: Petition CP 01-01 Petition for Product Registration Cards

[Handwritten signature]

ATTACHED ARE COMMENTS ON THE CA 01-5

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CA 01-5-1	9/18/01	Wendy Wieland	Kellwood Company <u>KELLWOOD@kellwood.com</u>
CA 01-5-2	9/19/01	John Tegner Director of Corp Communications	Wolverine World Wide, Inc. 9341 Courtland Dr, NE Rockford, MI 49341
CA 01-5-3	9/20/01	Michael Gans President & CEO	Kent, Inc. 1333 Broadway Suite 1107 New York, NY 10018
CA 01-5-4	9/20/01	Edward Kittredge Chairman & CEO	Gerber Children, Inc. 1333 Broadway Suite 700 New York, NY 10018
CA 01-5-5	9/20/01	Leonard Schwab Executive Vice President	Little Me P.O. Box 1742 Cumberland, MD 21501
CA 01-5-6	9/21/01	Kevin Angliss President, COO	Auburn Hosiery Mills, Inc. 1333 Boradway Suite 700 New York, NY 10018
CA 01-5-7	9/24/01	Thomas Meehan Vice President & Secretary	S. Godlberg & Co, Inc 20 East Broadway Hackensack, NH 07601

Petition CF 01-01 Petition for Product Registration Cards

CA 01-5-8	9/24/01	Aaron Locker Attorney	Locker Greenberg & Brainin, P.C. 420 Fifth Avenue New York, NY 10018
CA 01-5-9	9/25/01	E. Marla Felcher	325 Harvard Street Cambridge, MA 02139
CA 01-5-10	9/27/01	Kevin Carlisle Vice President/ General Manager Baby Products	Springs Industries, Inc. P.O. Box 70 Fort Mill, SC 29716
CA 01-5-11	9/27/01	Nancy Cowles Exec. Director	Kids In Danger 116 W. Illinois St. Suite 5E Chicago, IL 60610
CA 01-5-12	9/28/01	Steve Lamar	American Apparel & Footwear Association 1601 North Kent St Suite 1200 Arlington, VA 22209
CA 01-5-13	10/1/01	David Baker Barbara Parisi Counsel	Writing Instrument Manufacturers Assoc., Inc. 1920 N Street, NW Washington, DC 20036
CA 01-5-14	10/1/01	M. Hennessey President & CEO	Munro & Company, Inc. P.O. Box 1157 Hot Springs, AK 71902
CA 01-5-15	10/1/01	Vinson Scott Director, Government Relations	National Council of Chain Restaurants 325 7 th Street, NW Suite 1100 Washington, DC 20004
CA 01-5-16	10/1/01	Mary E. Fise General Counsel	Consumer Federation of America 1424 16 th St, NW Suite 604 Washington, DC 20036
CA 01-5-16a	10/1/01	Mary E. Fise On behalf of State & Local Consumer Organizations	Address same as above

Petition CP 01-01 Petition for Product Registration Cards

CA 01-5-17	10/1/01	Stephen Gold Exec. Director	National Association of Manufacturers CPSC Coalition 1331 Pennsylvania Ave NW, Suite 600 Washington, DC 20004
CA 01-5-18	10/1/01	Andrew Black President	Lego Systems, Inc. 555 Taylor Road P.O. Box 1600 Enfield, CT 06083
CA 01-5-19	10/1/01	Deborah Fanning Executive Vice President	The Art & Creative Materials Institute, Incorporated 1280 Main St, P.O. Box 479 Hanson, MA 02341
CA 01-5-20	10/1/01	Mark Rose Vice President Mfg.	The Children's Place 915 Secaucus road Secaucus, NJ 07094
CA 01-5-21	10/1/01	Rachael Weintraub Staff Attorney	U.S. Public Interest Research Group 218 D Street, SE Washington, DC 20003
CA 01-5-22	10/1/01	Michael Gale Vice President For Intern'l Trade and Government Relations	Warnaco, Inc. 801 Pennsylvania Ave, NW, Suite 640 Washington, Dc 20004
CA 01-5-23	10/1/01	R. David Pittle Sr Vice President & Tech. Director	Consumers Union 1666 Connecticut Ave, NW, Suite 310 Washington, DC 20009
CA 01-5-24	10/1/01	Brigid Klein Sr Counsel	Consumer Specialty Products Association 900 17 th St, NW Washington, DC 20006
CA 01-5-25	10/1/01	S. Lawrence Kocot Sr Vice President & General Counsel	National Association of Chain Drug Stores 413 North Lee Street P.O. Box 1417-D49 Alexandria, VA 22313

Petition CP 01-01 Petition for Product Registration Cards

CA 01-5-26	10/1/01	Mallory Duncan Sr Vice President & General Counsel	National Retail Federation 325 7 th St, NW Suite 1100 Washington, DC 20004
CA 01-5-27	10/1/01	Morrison Cain Sr Vice President	International Mass Retail Association 1700 North Moore St Suite 2250 Arlington, VA 22209
CA 01-5-28	10/2/01	Jack Walsh Exec Director	The Danny Foundation 1451 Danville Blvd Suite 202 Alamo, CA 94507

Stevenson, Todd A.

*Prod Reg
Card W/...*

From: Wendy_Wieland.KELLWOOD@kellwood.com
Sent: Tuesday, September 18, 2001 12:04 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP 01-01 Petition for Product Registration Cards

September 18, 2001

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Regarding: PETITION CP 01-01 PETITION FOR PRODUCT REGISTRATION CARDS

On behalf of Kellwood Company, I am writing to express our strong opposition to the proposal of Consumer Federation of America to require a Consumer Registration Card for Products Intended for Children.

Kellwood Company is a manufacturer and marketer of apparel, including childrens' clothing and jackets.

We oppose this proposal simply because we do not believe it will accomplish what it intends. Instead it will have negligible impact in promoting safety or for providing for effective recalls while creating an enormous expense on the part of manufacturers, importers and retailers.

Product recalls for apparel and footwear are already effectively handled. Apparel and footwear companies do their utmost to ensure compliance with the pertinent regulations, including flammability, small parts, sharp edges, drawstrings and lead paint in components like buttons and zippers. In those rare occasions where a potentially unsafe or defective product does appear in the marketplace, manufacturers and retailers swiftly move to recall the product. Consumers currently receive recall information through newspapers, television and radio broadcasts. An obsolete card system is not likely to reach more persons than the news media.

Garments already carry a number of hang tags and other required labels that convey important consumer, safety, care and origin information as determined by Congress or federal agencies, including the CPSC. The addition of a product registration card to each garment would render the card itself less noticeable and possibly also interfere with the current safety markings, such as those for children's snug-fitting sleepwear. It is unlikely that customers would return product registration cards for clothing and footwear, primarily because of the perception of these products as short-lived or inexpensive. Even though the cards would be postage paid, the consumer is unlikely to take the time to complete these and may perceive a certain loss of privacy as a deterrent as well. The apparel industry generally does not use product registration cards. However, experience with similar programs, which often carry an inducement for the customer to return the requested information, yields extremely low return rates.

The proposal requires that the manufacturer retain the cards on file for 20 years or the useful life of the product, whichever is longer. Although some childrens' wear may be passed down as it is outgrown, there is no way to measure the useful life which would be expected to be much less than 20 years. However the program would require that cards be kept on file for 20 years for items that cannot reasonably be expected to exist for that long and for a tiny percentage of the actual sales of the garment. In our very mobile society it is doubtful that the information on the cards would be even be accurate after one or two years. Therefore, this proposes creating a 20-year recordkeeping program that would likely be useless.

In addition, this program would be extremely expensive:
The product registration cards that are returned would be via pre-paid

postage on the card.

The costs of designing and printing the registration cards. Each apparel style would be required to have a new card. Because apparel is a "seasonal fashion item" the same garment may have several style numbers at one time and may change over production periods.

This costs of tagging each garment

The costs of preparing reports to the CPSC on the card return rates

The costs of developing and maintaining the record retention system

For the reasons stated, we feel that this costly and complicated program would render no improvement over current, more comprehensive methods of communicating with consumers. We strongly object to the proposal and urge the CPSC to dismiss the petition.

Sincerely,

KELLWOOD COMPANY

*Prod Reg
Cards
Comment 2*

September 19, 2001

Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49341
Tegnerjo@wwwinc.com

Office of the Secretary,
Consumer Product Safety Commission,
Washington, DC 20207.
cpsc-os@cpsc.gov

RE: Petition CP 01-01 Petition for Product Registration Cards

Wolverine World Wide, Inc. would like to express strong opposition to the petition of the Consumer Federation of America to require a Consumer Registration Card for Products Intended for Children.

Wolverine World Wide, Inc. is a leading global marketer of branded casual, work, outdoor sport and uniform footwear. The Company's portfolio of owned and licensed brands includes: Bates Uniform Footwear, Caterpillar Footwear, Coleman Footgear, Harley-Davidson Footwear, Hush Puppies, HyTest Safety Footwear, Merrell Performance Footwear, Stanley Footgear and Wolverine Boots and Shoes.

In the year 2000, more than 36 million pairs of footwear bearing Company trademarks reached consumers in over 140 countries through a global network of Company-owned operations, independent distributors and licensees. The Company also operates a retail division that promotes Company brands, a world class tannery that produces Wolverine Performance Leathers and an Apparel and Accessories division focused on extending the equity of Company-owned brands through global distribution arrangements. Wolverine World Wide employs over 4,000 people around the globe, reported sales in excess of \$700 million for year 2000 and is publicly traded on the NYSE under the ticker symbol WWW.

Wolverine World Wide is a strong proponent of consumer safety and works rigorously to comply with all Federal and CPSC regulations regarding consumer product safety. We strongly oppose this petition because we believe it would have a negligible impact in promoting consumer safety or providing for more efficient recalls. We believe this petition fails any cost/benefit analysis by delivering marginal benefit to consumers at significant costs.

Product recalls at Wolverine World Wide would involve footwear, apparel or accessory items. We do not wish to require consumers to return personal information to us in the name of safety nor do we wish to manage this fast aging data, for 20 years as required by the petition. Cost effective, far reaching, communication mediums are readily available and inexpensive in the event we need to reach a group of our consumers immediately. The public is accustomed to listening for and responding to recall notices from television, radio, internet, and print media sources. We have examined our children's product businesses and developed the following cost/benefit analysis.

Consumers purchase approximately 2,000,000 children's items carrying a Wolverine World Wide trademark annually. We might hope for a strong 2% return of product registration cards or, 40,000 per year. The cost to implement and "card" each product, supply pre-paid postage, administer and store the cards would add roughly \$175,000 annually in expenses to these 2,000,000 purchases. At \$0.09 per item, we are unable to reach 98% of the consumers who purchased our products bearing registration cards. The registration cards will have provided almost no value. The cost per consumer we can notify, the 2% who returned their cards, is \$4.38 each. Half of the 2,000,000 children's items purchased carry an initial gross margin below \$4.38. This would leave us little choice but to no longer offer consumers these items, which are proven safe, in the name of safety.

Wolverine World Wide is a strong advocate of Consumer Product Safety, however the product registration card petition is not an effective way to improve consumer safety. We strongly object to this petition and urge the CPSC to dismiss it.

Stevenson, Todd A.

From: tegnerjo@wwwinc.com
Sent: Thursday, September 20, 2001 8:30 AM
To: , cpsc-os@cpsc.gov
Cc: smithke@wwwinc.com; mundtto@wwwinc.com; zwiersji@wwwinc.com
Subject: Petition CP 01-01 Petition for Product Registration Cards



CPSC Proposal.doc

Greetings,

Wolverine World Wide, Inc. of Rockford, Michigan respectfully submits this response to the Consumer Product Safety Commission Petition CP 01-01 Product Registration Cards.

Regards,

John C. Tegner
Director of Corporate Communications
Wolverine World Wide, Inc.
tegnerto@wwwinc.com
(616) 862 2940

<<CPSC Proposal.doc>>

kent, inc.

1333 Broadway, Suite 1107, New York, NY 10018 Tel. 212-244-7874 Fax. 212-868-3049

Michael J. Gans
President & CEO

September 20, 2001

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Re: Petition for Product Registration Cards

Dear Secretary,

On behalf of Kent, Inc. I am writing to express strong opposition to the proposal of Consumer Federation of America to require a Consumer Registration Card for Products Intended for Children.

Our garments, infants and toddler sleepwear, already are in compliance with all current pertinent regulations including flammability, small parts, drawstrings etc. We already insert a GPU number on the sew-in label permanently affixed to the garment.

We are of the opinion that the insertion of a Product Registration Card would have negligible results and would not provide any impact on promoting safety. We are comfortable the products we produce are safe and the mechanism is already in place for any recall. Incurring significant additional expense would be counter-productive and could result in the ultimate demise of this company.

Kent, Inc. is one of this country's last domestic manufacturers of children's sleepwear. We currently employ approximately 200 individuals in Northern Maine.

Sincerely yours,



Factory: U.S. Highway 1 South, Fort Kent, Maine 04743 Tel. 207-834-3100 Fax. 207-834-3998

KENT INC.
1333 BROADWAY SUITE 1107
NEW YORK, N.Y. 10018
PHONE (212) 244-7874
FAX (212) 868-3049

FAX TRANSMITTAL

TO: office of the Secretary, Consumer Product Safety

FROM: Mike Davis

DATE: 9/20/01

NO. OF PAGES: 2 (including cover)

SUBJECT: Draft Response to CPSC on Product
Registration cards



Gerber

EDWARD KITTREDGE • CHAIRMAN AND C.E.O.

GERBER CHILDRENSWEAR, INC. • 1333 BROADWAY • SUITE 700 • NEW YORK, NY 10018
PHONE: 212 - 268 - 5100 • FAX: 212 - 268 - 5122

Prod reg card comment
4

Via Fax (301) 504-0127 and Mail

September 20, 2001

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

7/21/01 10:23 AM

Subject: Opposition to CPSC Proposed Product Registration Cards
Petition CP 01-01 Petition for Product Registration Cards

Dear Sir/Madam:

On behalf of Gerber Childrenswear, Inc., which consists of Gerber Childrenswear and Auburn Hosiery Mills, I am writing to express strong opposition to the proposal of Consumer Federation of America to require a Consumer Registration Card for products intended for children.

Our Gerber apparel division is a leading manufacturer of infants and toddlers apparel. Gerber Childrenswear and Auburn Hosiery in total sell over 150 million garments per year, ranging in price from \$1.00 to \$10.00 at retail. Some of our products such as bibs and diapers have a very short life while others have a longer life. The reasons for this are apparent in view of the fact that babies outgrow their clothing very quickly. If the CPSC proposal was adopted, the paperwork and record keeping costs would significantly increase the retail cost of our garments with very little marginal benefit to consumers.

Product recalls for apparel and footwear are already handled in an effective manner. First and foremost, apparel and footwear companies do their utmost to ensure compliance with the pertinent regulations, including flammability, small parts, sharp edges (primarily on shoes), drawstrings, and lead paint in components like buttons and zippers. In those rare occasions where a potentially unsafe clothing product or defect does appear in the marketplace, manufacturers and retailers swiftly take those steps necessary to recall the product at the various stages of the distribution chain.

Garments already carry a number of hang tags and other labels that convey important consumer, safety, care, and origin information that is deemed important by Congress or federal agencies, including the CPSC. The addition of a product registration card to each garment would interfere with these federal markings, including safety markings for children's snug fitting sleepwear, increasing the likelihood that none of these messages is read or understood at the point of purchase.

Consumers of clothing and footwear items are generally not interested in returning product registration cards for such products, primarily because of the perception that many of these products will be short lived or because they are relatively inexpensive. Even though the cards would be postage paid, consumers are still not likely to go through the hassle involved in filling out and returning such cards. Similarly, even though the cards would state that the information would be used only in the event of a recall, consumers are not likely to risk what many will no doubt perceive to be a loss of privacy to provide such information to the retailer or manufacturer.

The apparel and footwear industries generally do not use product registration cards. However, experience with similar exercises, which often carry an inducement for the consumer to return the requested information, yields extremely low return rates. Given the concerns noted in the preceding paragraph, we would expect this product registration scheme to achieve even lower return rates.

The proposal requires, for the small percentage of cards actually returned, that the manufacturer retain the cards on file for 20 years or the useful life of the product, whichever is longer. For many of our products, it is impossible to know when the useful life of the product ends. Many of the children's items our members produce and sell are durable enough to be passed down to siblings or other children. At the same time, other clothing and shoe items may be discarded after only one user. In addition, children's clothing and shoes that are involved in recall actions represent a very, very small fraction of the apparel and footwear sold for children each year. Consequently, firms will be maintaining information for decades relating to goods that will never be subject to a recall.

Even if consumers do return these cards at a reasonable rate, we are unsure how this will significantly improve recalls. Currently, consumers find out about recalls through a variety of information sources. Typically, they may see something in USA Today, hear the CPSC Chair speak about a product on The Today Show or local news, and examine whether the similar product they use is covered by the recall alert. Supplementing those sources with the product registration card system will not necessarily reach more consumers than these existing and relatively effective channels.

For example, over the minimum 20-year period, many of the address cards will become outdated as people move from one place to another. According to the U.S. Census, 16-17 percent of the U.S. population moves every year. Given the mobility of the U.S. population, over a 20-year period, the freshness of the information in the database will be greatly reduced.

In addition, many apparel and footwear items for children are purchased as gifts by relatives and friends or passed on through thrift shops, garage sales, and church bazaars. In each of these cases, the initial purchaser of the item is not the end user of the item so the effectiveness of the product registration database would be greatly diluted.

The CPSC should also exercise caution in weaning the public away from the traditional methods of recall alerts that it has worked so hard over the past few years to develop. Individuals who fill out a registration card may start to "tune out" existing types of recall alerts unless the company specifically notifies them (even if the recall covers the product they have purchased). Then, if the recall notice generated by the product registration database fails (because the data was lost, the card was never received, etc.), the consumer may never receive the information.

While it is unclear if there would be benefits, it is clear that there would be substantial costs associated with this program. These include:

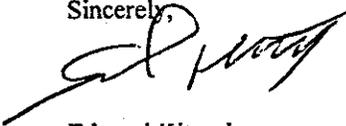
- .The costs of pre-paid postage of the product registration cards that are returned.
- .The costs of designing and printing the product registration cards. (Because the petition requires that each card carry the name and model number of the product purchased, a new set of cards would be required for each of the thousands of stock keeping units manufactured by each company. This would eliminate any possible economies of scale that might otherwise be achieved.).
- .The costs of logistics and tagging to ensure that each garment is sold with the correct tag.
- .The costs associated with reporting to the CPSC the return rates of the product registration cards.
- .The costs associated with developing and maintaining a record retention system for these cards.

Gerber Childrenswear, Inc. concludes that if this proposal is accepted by the CPSC, apparel and footwear companies would incur enormous costs to produce and distribute accurate product registration cards, the vast majority of which will end up in the trash ten minutes after the consumer has reached home. At the same time, apparel and footwear companies will be asked to maintain an accurate product registration database which would significantly increase the cost of apparel and footwear products to consumers with marginal, if any, effect. Common sense dictates that the time and labor involved in maintaining files on product registration cards for a firm such as Gerber Childrenswear, Inc. which sells over 150 million garments per year would not justify the substantially increased prices which consumers would be forced to pay.

We strongly object to this proposal and urge the CPSC to dismiss the petition.

Thank you in advance for your favorable consideration, and if you have any questions, please don't hesitate to contact me.

Sincerely,



Edward Kittredge

EK/tn

cc: Kevin Burke, President, American Apparel and Footwear Association



CPSC OFFICE OF THE SECRETARY
FREE

2001 SEP 25 A 10 37

Handwritten signature and number 5

1 2001 SEP 25 A 10: 37

Consumer Product Safety Commission
Office of the Secretary
Washington, DC 20207

September 20, 2001

RE: Petition CP- 01-01 Petition for Product Registration Cards

On behalf of **S. Schwab Company, Inc.** I am writing to express strong opposition to the proposal of the Consumer Federation of America to require a Consumer Registration Card for Products Intended for Children.

Our company manufactures and sells **Little Me and Ralph Lauren** infants and children's sleepwear and playwear.

We oppose this proposal for the simple reason that it would have a negligible impact in promoting safety or providing for more efficient recalls at enormous expense on the part of manufacturers, importers and retailers. We believe this proposal fails any cost/benefit analysis by delivering marginal benefit to consumers at significant costs.

Product recalls for apparel and footwear are already handled in a fairly effective manner. First and foremost, apparel and footwear companies do their utmost to ensure compliance with the pertinent regulations, including flammability, small parts, sharp edges (primarily on shoes), drawstrings, and lead paint in components like buttons and zippers. In those rare occasions where a potentially unsafe clothing product or defect does appear in the marketplace, manufacturers and retailers swiftly take those steps necessary to recall the product at the various stages of the distribution chain.

Garments already carry a number of hang tags and other labels that convey important consumer, safety, care, and origin information that is deemed important by Congress or federal agencies, including the CPSC. The addition of a product registration card to each garment would interfere with these federal markings, including safety markings for children's snug fitting sleepwear, increasing the likelihood that none of these messages is read or understood at the point of purchase.

Customers, especially for clothing and footwear items, are generally not interested in returning product registration cards for such products, primarily because of the perception that many of these products will be short lived or because they are relatively inexpensive. Even though the cards would be postage paid, customers are still not likely to go through the hassle involved in filling out and returning such cards. Similarly, even though the cards would state that the information would be used only in the event of a recall, customers are not likely to risk that many will no doubt perceive to be a loss of privacy to provide such information to the retailer or manufacturer.

LEONARD C. SCHWAB
Executive Vice President

Post Office Box 1742

Cumberland, Maryland 21501

Tel: 301.729.4488

Fax: 301.729.0065

lschwab@sschwab.com

The apparel and footwear industries generally do not use product registration cards. However, experience with similar exercises, which often carry an inducement for the customer to return the requested information, yields extremely low return rates. Given the concerns noted in the preceding paragraph, we would expect this product registration scheme to achieve even lower return rates.

The proposal requires, for the small percentage of cards actually returned, that the manufacturer retain the cards on file for 20 years or the useful life of the product, whichever is longer. For many of our products, it is impossible to know when the useful life of the product ends. Many of the children's items our members produce and sell are durable enough to be passed down to siblings or other children. At the same time, other clothing and shoe items may be discarded after only one user. In addition, children's clothing and shoes that are involved in recall actions represent a very, very small fraction of the apparel and footwear sold for children each year. Consequently, firms will be maintaining information for decades relating to goods that will never be subject to a recall.

Even if consumers do return these cards at a reasonable rate, we are unsure how this will significantly improve recalls. Currently, consumers find out about recalls through a variety of information sources. Typically, they may see something in USA Today, hear the CPSC Chair speak about a product on The Today Show or local news, and examine whether the similar product they use is covered by the recall alert. Supplementing those sources with the product registration card system will not necessarily reach more consumers than these existing and relatively effective channels.

For example, over the minimum 20-year period, many of the address cards will become outdated as people move from one place to another. According to the U.S. Census, 16-18 percent of the U.S. population moves every year. Given the mobility of the U.S. population, over a 20-year period, the freshness of the information in the database will be greatly reduced.

In addition, many apparel and footwear items for children are purchased as gifts by relatives and friends or passed on through thrift shops, garage sales, and church bazaars. In each of these cases, the initial purchaser of the item is not the end user of the item so the effectiveness of the product registration database would be greatly diluted.

The CPSC should also exercise caution in weaning the public away from the traditional methods of recall alerts that it has worked so hard over the past few years to develop. Individuals who fill out a registration card may start to "tune out" existing types of recall alerts unless the company specifically notifies them (even if the recall covers the product they have purchased). Then, if the recall notice generated by the product registration database fails (because the data was lost, the card was never received, etc), the consumer may never receive the information.

While it is unclear if there would be benefits, it is clear that there would be substantial costs associated with the program. These include:

- The costs of pre-paid postage of the product registration cards that are returned;
- The costs of designing and printing the product registration cards. (Because the petition requires that each card carry the name and model number of the product purchased, a new set of cards would be required for each of the thousands of stock keeping units manufactured by each company. This

would eliminate any possible economies of scale that might otherwise be achieved.)

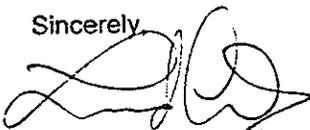
- The costs of logistics and tagging to ensure that each garment is sold with the correct tag.
- The costs associated with reporting to the CPSC the return rates of the product registration cards.
- The costs associated with developing and maintaining a record retention system for these cards.

In a years time we manufacture over 5,000 styles and approximately 20,000,000 pieces of merchandise. Considering the cost of production, cost of attachment and postage at an average of \$.25/card this would amount to approximately \$5,000,000. This cost would be passed on to the consumer; an unnecessary expense that is unwanted. In addition to this we would not be able to house 400,000,000 cards (20,000,000 X 20 years) in our current facilities.

Our conclusion is that, if this proposal is accepted by the CPSC, apparel and footwear companies would incur enormous costs to produce and distribute accurate product registration cards, the vast majority of which will end up in the trash ten minutes after the consumer has reached home. At the same time, they will be asked to maintain an accurate product registration database of a small subset of their customers with information that is mostly useless and which holds no benefit for improving consumer safety.

We strongly object to this proposal and urge the CPSC to dismiss this petition.

Sincerely



Leonard C. Schwab
Executive Vice President

AUBURN HOSIERY MILLS, INC.

1333 BROADWAY, SUITE 700, NEW YORK, NY 10018

TEL (212) 268-5100 FAX (212) 736-9039

E-MAIL: WILSOCKS@WORLDNET.ATT.NET

*Hand
written
comment* 6

Via Fax (301) 504-0127 and Mail

September 21, 2001

Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RECEIVED
SEP 25 10 37
AM '01

**Subject: Opposition to CPSC Proposed Product Registration Cards
Petition CP 01-01 Petition for Product Registration Cards**

Dear Sir/Madam:

On behalf of Auburn Hosiery Mills, Inc., which consists of our knitting plant in Adairville, KY, and our finishing plant in Auburn, KY, I am writing to express strong opposition to the proposal of Consumer Federation of America to require a Consumer Registration Card for products intended for children.

We are a leading manufacturer of children's hosiery. Auburn Hosiery sells over 10 million pairs per year, ranging in price from \$1.00 to \$3.00 at retail. If the CPSC proposal was adopted, the paperwork and record keeping costs would significantly increase the retail cost of our garments with very little marginal benefit to consumers.

Product recalls for apparel and footwear are already handled in an effective manner. First and foremost, apparel and footwear companies do their utmost to ensure compliance with the pertinent regulations, including flammability, small parts, sharp edges (primarily on shoes), drawstrings, and lead paint in components like buttons and zippers. In those rare occasions where a potentially unsafe clothing product or defect does appear in the marketplace, manufacturers and retailers swiftly take those steps necessary to recall the product at the various stages of the distribution chain.

Garments already carry a number of hang tags and other labels that convey important consumer, safety, care, and origin information that is deemed important by Congress or federal agencies, including the CPSC. The addition of a product registration card to each garment would interfere with these federal markings, including safety markings for children's snug fitting sleepwear, increasing the likelihood that none of these messages is read or understood at the point of purchase.

EXCLUSIVE LICENSEES OF THESE GREAT BRANDS



Consumers of clothing and footwear items are generally not interested in returning product registration cards for such products, primarily because of the perception that many of these products will be short lived or because they are relatively inexpensive. Even though the cards would be postage paid, consumers are still not likely to go through the hassle involved in filling out and returning such cards. Similarly, even though the cards would state that the information would be used only in the event of a recall, consumers are not likely to risk what many will no doubt perceive to be a loss of privacy to provide such information to the retailer or manufacturer.

The apparel and footwear industries generally do not use product registration cards. However, experience with similar exercises, which often carry an inducement for the consumer to return the requested information, yields extremely low return rates. Given the concerns noted in the preceding paragraph, we would expect this product registration scheme to achieve even lower return rates.

The proposal requires, for the small percentage of cards actually returned, that the manufacturer retain the cards on file for 20 years or the useful life of the product, whichever is longer. For many of our products, it is impossible to know when the useful life of the product ends. Many of the children's items our members produce and sell are durable enough to be passed down to siblings or other children. At the same time, other clothing and shoe items may be discarded after only one user. In addition, children's clothing and shoes that are involved in recall actions represent a very, very small fraction of the apparel and footwear sold for children each year. Consequently, firms will be maintaining information for decades relating to goods that will never be subject to a recall.

Even if consumers do return these cards at a reasonable rate, we are unsure how this will significantly improve recalls. Currently, consumers find out about recalls through a variety of information sources. Typically, they may see something in USA Today, hear the CPSC Chair speak about a product on The Today Show or local news, and examine whether the similar product they use is covered by the recall alert. Supplementing those sources with the product registration card system will not necessarily reach more consumers than these existing and relatively effective channels.

For example, over the minimum 20-year period, many of the address cards will become outdated as people move from one place to another. According to the U.S. Census, 16-17 percent of the U.S. population moves every year. Given the mobility of the U.S. population, over a 20-year period, the freshness of the information in the database will be greatly reduced.

In addition, many apparel and footwear items for children are purchased as gifts by relatives and friends or passed on through thrift shops, garage sales, and church bazaars. In each of these cases, the initial purchaser of the item is not the end user of the item so the effectiveness of the product registration database would be greatly diluted.

The CPSC should also exercise caution in weaning the public away from the traditional methods of recall alerts that it has worked so hard over the past few years to develop. Individuals who fill out a registration card may start to "tune out" existing types of recall alerts unless the company specifically notifies them (even if the recall covers the product they have purchased). Then, if the recall notice generated by the product registration database fails (because the data was lost, the card was never received, etc.), the consumer may never receive the information.

While it is unclear if there would be benefits, it is clear that there would be substantial costs associated with this program. These include:

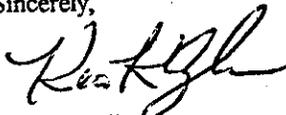
- The costs of pre-paid postage of the product registration cards that are returned.
- The costs of designing and printing the product registration cards. (Because the petition requires that each card carry the name and model number of the product purchased, a new set of cards would be required for each of the thousands of stock keeping units manufactured by each company. This would eliminate any possible economies of scale that might otherwise be achieved.)
- The costs of logistics and tagging to ensure that each garment is sold with the correct tag.
- The costs associated with reporting to the CPSC the return rates of the product registration cards.
- The costs associated with developing and maintaining a record retention system for these cards.

Auburn Hosiery Mills, Inc. concludes that if this proposal is accepted by the CPSC, apparel and footwear companies would incur enormous costs to produce and distribute accurate product registration cards, the vast majority of which will end up in the trash ten minutes after the consumer has reached home. At the same time, apparel and footwear companies will be asked to maintain an accurate product registration database which would significantly increase the cost of apparel and footwear products to consumers with marginal, if any, effect. Common sense dictates that the time and labor involved in maintaining files on product registration cards for a firm such as Auburn Hosiery Mills, Inc. which sells over 10 million garments per year would not justify the substantially increased prices which consumers would be forced to pay.

We strongly object to this proposal and urge the CPSC to dismiss the petition.

Thank you in advance for your favorable consideration, and if you have any questions, please do not hesitate to contact me.

Sincerely,



Kevin Angliss
President, C.O.O.

KKA/sh

cc: Kevin Burke, President, American Apparel and Footwear Association
Senator Mitch McConnell (Fax # 202-224-2499)
Senator Jim Bunning (Fax # 202-228-1373)
Congressman Ron Lewis (Fax # 202-226-2019)

*Hand
R.S. Church
Comments
7*

S. Goldberg & Co., Inc.
20 East Broadway
Hackensack, NJ 07601

201-342-1200

September 24, 2001

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Re: Petition CP 01-01 Petition for Product Registration Cards

On behalf of S. Goldberg & Co., Inc., I am writing to express strong opposition to the proposal of Consumer Federation of America to require a Consumer Registration Card for Products Intended for Children.

S. Goldberg & Co., Inc. is a 105-year-old manufacturer, exporter and importer of children's footwear. We employ 450 workers in the NY Metropolitan area.

We oppose this proposal for the simple reason that it would have a negligible impact in promoting safety or providing for more efficient recalls at enormous expense on the part of manufacturers, importers and retailers. We believe this proposal fails any cost/benefit analysis by delivering marginal benefit to consumers at significant costs.

Product recalls for footwear are already handled in a fairly effective manner. First and foremost, footwear companies do their utmost to ensure compliance with the pertinent regulations, including small parts, sharp edges, laces, and lead paint in footwear components. In those rare occasions where a potentially unsafe footwear defect does appear in the marketplace, footwear manufacturers and retailers swiftly take those steps necessary to recall the product at the various stages of the distribution chain.

Footwear already carries number of hang tags and other labels that convey important consumer, safety, care, and origin information that is deemed important by Congress or federal agencies, including the CPSC. The addition of a product registration card to each pair of footwear would interfere with these federal markings, including safety markings, increasing the likelihood that none of these messages is read or understood at the point of purchase.

Customers, especially for footwear customers, are generally not interested in returning product registration cards for such products, primarily because of the perception that many of these products will be short lived or because they are relatively inexpensive. Even though the cards would be postage paid, customers are still not likely to go through the hassle involved in filling out and returning such cards. Similarly, even though the cards would state that the information would be used only in the event of a recall, customers are not likely to risk what many will no doubt perceive to be a loss of privacy to provide such information to the retailer or manufacturer.

The footwear industry generally does not use product registration cards. However, experience with similar exercises, which often carry an inducement for the customer to return the requested information, yields extremely low return rates. Given the concerns noted in the preceding paragraph, we would expect this product registration scheme to achieve even lower return rates.

The proposal requires, for the small percentage of cards actually returned, that the manufacturer retain the cards on file for 20 years or the useful life of the product, whichever is longer. Children's footwear rarely lasts more than one year primarily due to the rapid growth of a child's foot and is not passed down to siblings. In addition, children's footwear that is involved in recall actions represent a very, very small fraction of footwear sold for children each year. Consequently, firms will be maintaining information for decades relating to goods that will never be subject to a recall.

Even if consumers do return these cards at a reasonable rate, we are unsure how this will significantly improve recalls. Currently, consumers find out about recalls through a variety of information sources. Typically, they may see something in USA Today or hear the CPSC Chair speak about a product on The Today Show and examine whether the similar product they use is covered by the recall alert. Supplementing those sources with the product registration card system will not necessarily reach more consumers than these existing and relatively effective channels.

For example, over the minimum 20-year period, many of the address cards will become outdated as people move from one place to another. According to the U.S. Census, 16-17 percent of the U.S. population moves every year. Given the mobility of the U.S. population, over a 20-year period, the freshness of the information in the database will be greatly reduced.

The CPSC should also exercise caution in weaning the public away from the traditional methods of recall alerts that it has worked so hard over the past few years to develop. Individuals who fill out a registration card may start to "tune out" existing types of recall alerts unless the company specifically notifies them (even if the recall covers the product they have purchased). Then, if the recall notice generated by the product registration database fails (because the data was lost, the card was never received, etc), the consumer may never receive the information.

While it is unclear if there would be benefits, it is clear that there would be substantial costs associated with this program. These include:

- ✓ The costs of pre-paid postage of the product registration cards that are returned;
- ✓ The costs of designing and printing the product registration cards. (Because the petition requires that each card carry the name and model number of the product purchased, a new set of cards would be required for each of the thousands of stock keeping units manufactured by each company. This would eliminate any possible economies of scale that might otherwise be achieved.);
- ✓ The costs of logistics and tagging to ensure that each pair of footwear is sold with the correct tag;
- ✓ The costs associated with reporting to the CPSC the return rates of the product registration cards; and
- ✓ The costs associated with developing and maintaining a record retention system for these cards.

We manufacture no less than 1000 different styles of children's footwear each season or between 5 and 7 million pair per year. Our recall rate over the past 105 years is zero and our defect rate is less than 2/10 of 1%, in spite of a liberal "no questions asked" policy at the retail level.

Our conclusion is that, if this proposal is accepted by the CPSC, footwear companies would incur enormous costs to produce and distribute accurate product registration cards, the vast majority of which will end up in the trash ten minutes after the consumer has reached home. At the same time, they will be asked to maintain an accurate product registration database of a small subset of their customers with information that is mostly useless and which holds no benefit for improving consumer safety.

We strongly object to this proposal and urge the CPSC to dismiss the petition.

Sincerely,

S. Goldberg & Co., Inc.

Thomas P. Meehan
Vice President & Secretary

Stevenson, Todd A.

From: Tom Meehan [tom@sgfootwear.com]
Sent: Monday, September 24, 2001 3:37 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP01-01 - Petition for Product Registration Cards



CPSC Registration
Card.doc

Gentlemen,

Please find attached our opinion document concerning the CPSC proposal to require Product Registration Cards on all children's apparel and footwear.

Sincerely,
S. Goldberg & Co., Inc.

Thomas P. Meehan
Vice President & Secretary

Product registration comments 8

LOCKER GREENBERG & BRAININ, P.C.
ATTORNEYS AT LAW

AARON LOCKER
THEODORE M. GREENBERG
FREDERICK B. LOCKER
JEFFREY M. LOCKER

DAVID N. BRAININ
OF COUNSEL

420 FIFTH AVENUE, NEW YORK, N.Y. 10018
(212) 391-5200
TELECOPIER (212) 391-2035

September 24, 2001

Via Fax (301)504-0127 & Mail

The Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

Re: Petition CP 01-01- Petition for Product Registration cards

Gentlemen:

We represent Toy Industry Association, Inc. ("TIA") (formerly Toy Manufacturers of America, Inc.) a not-for-profit trade association composed of two hundred and fifty (250) manufacturers of toys and games whose aggregate sales at the retail level exceed \$25 billion annually. Members of TIA are global in character and manufacture and sell approximately 85% to 90% of all toys in the United States today and about 40% of all toys sold throughout the world.

We submit these comments in response and opposition to the petition of the Consumer Federation of America (CFA), which the Commission has docketed pursuant to the provisions of Section 16 (b) of the Consumer Product Safety Act (CPSA), 145 U.S.C. § 2065(b). The CFA petition asked the Commission to issue a rule that would require manufacturers (or distributors, retailers or importers) of products intended for children to provide a Consumer Safety Registration Card (CSRC) along with every product sold. More specifically, the CFA petition seeks a CSRC card which would:

1. collect only that information needed to contact the purchaser (name and address or e-mail address).
2. Be postage-paid by the manufacturer (or distributor, retailer, or importer).
3. Be pre-labeled by the manufacturer (or distributor, retailer, or importer) with the name and model number of the product purchased.

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ATTORNEYS AT LAW

September 24, 2001
Page Two

- 4. Contain a statement that the information collected will be used only in the event that the manufacturer needs to contact the purchaser to convey recall or other important safety information.

Section 16 (b) of the CPSA authorizes the Commission to require manufacturers, private labelers and distributors of consumer products to "establish and maintain such records, make such reports, and provide such information as the Commission may, by rule, reasonably require for the purposes of implementing this Act, or to determine compliance with rules or orders prescribed under this Act."

- 1. The CFA Petition Seeks a Remedy Which the Commission May Not Reasonably Require for the Purpose of Implementing the CPSA.
 - A. The CSRC Program Will Not Be Effective and Therefore Cannot Reasonably be Required

Every year the Commission in the course of its implementation of the Transferred Acts and the Consumer Product Safety Act engages in mandatory or voluntary recalls affecting less than 300 products intended for use by children. It is not known by TIA how many products are made and intended for use by children by manufacturers who are not in the toy industry. In the toy industry alone, however, more than 125,000 different toy products are sold each year and more than 3.365 billion individual toys in prices ranging from less than \$1 to as much as \$300 or \$400 for complex electronic toys and games are sold annually. Billions of other juvenile products, sporting goods articles of clothing, shoes, items of personal care and adornment are probably sold in addition to the billions of individual toys sold by the toy industry.

When enacting the Consumer Product Safety Act, the Congress rejected the provisions of a Senate Bill (S 3419) which authorized the Commission to establish procedures to be followed by manufacturers or importers of a consumer product in securing and maintaining the names and

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ATTORNEYS AT LAW

September 24, 2001

Page Three

addresses of the first purchasers (other than dealers or distributors) of consumer products for which safety standards had been promulgated.¹

The rejected Senate bill would have required the Commission to consider the burden imposed upon the manufacturer or importer by requiring the maintenance of the names and addresses including the cost to consumers of the maintenance. The provisions of Section 9 (f) of the Consumer Product Safety Act currently require the Commission to undertake a cost-benefit

¹See Conference Report Page 54 [Note: Senate bill proposed giving jurisdiction over all consumer products to the Food and Drug Administration which has a single Commissioner].

"The Senate bill also authorized the Commissioner to establish, by order at any time, procedures to be followed by manufacturers, or importers of a consumer product required to conform to a consumer product safety standard, including procedures to be followed by distributors, dealers and consumers to assist manufacturers or importers in securing and maintaining the names and addresses of the first purchasers (other than dealers or distributors) of consumer products for which consumer product safety standards had been promulgated. These procedures were to be reasonable for the particular type or class of consumer products for which they were prescribed. In determining whether to require the maintenance of the names and addresses of the first purchasers, the Commissioner was to consider the severity of the injury that could have resulted if a consumer product had not been manufactured in compliance with an applicable consumer product safety standard, the likelihood that a particular type or class of consumer products would not have been manufactured in compliance with an applicable consumer product safety standard, and the burden imposed upon the manufacturer or importer by requiring the maintenance of the names and addresses of the first purchasers (including the cost to consumers of the maintenance).

"House - the House inspection and recordkeeping provisions did not contain any specific provisions similar to the above Senate provisions and its recordkeeping provision was applicable to every manufacturer, private labeler, or distributor of a consumer product, whether or not required to conform to a consumer product safety standard. However, the House amendment did authorize the Commission to require by rule manufacturers, private labelers, and distributors to establish and maintain such records as may be required to implement the Act.

"Conference substitute (§16) - The Senate recesses."

LOCKER GREENBERG & BRAININ, P.C.
ATTORNEYS AT LAW

September 24, 2001

Page Four

analysis in the promulgation of consumer product safety rules under the Consumer Product Safety Act. More specifically, the Commission is required to make a finding and shall not promulgate a consumer product safety rule unless it finds and includes such finding in the rule that the benefits expected from the rule bear a reasonable relationship to its costs. [See CPSA Section 9 (f)(3)(E)]. As shown below, the staggering costs involved in the CSRC program would preclude the promulgation of a rule mandating the CSRC. Fairly accurate calculations of costs involved in maintaining a product warranty program provide a reasonable basis for estimating the costs involved in establishing a CSRC program. These are itemized as follows:

Cost of producing CSRC cards in bulk (between 100,000 and 1,000,000 at a time)	6 cents each
Postage charge per CSRC card - Qualified Business Reply Mail (QBRM) Bar Code - pre-sort first class rate	18 cents each
U.S. special handling postage per CSRC card QBRM Bar Code pre-sort first class rate	5 cents each
Handling, including insertion of cards in packages and retrieval of cards	10 cents each
Receipt, handling, storage and electronic database conversion of information contained on cards	15 cents each
Estimated cost per card of program to the toy industry	54 cents each

The annual cost alone for the 3.365 billion individual toys sold would be over \$1.8 billion. TIA is unable at this time to estimate the additional costs for other products intended for use by children which would be subject to the CSRC program but there is little doubt that it could double or triple the costs to be experienced by the toy industry. Arguably these costs will be reduced by 15 cents per card if not all consumers return the CSRC

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card. It is recognized that even when expensive warranty items are sold, the return rate for warranty cards often does not exceed 20%.² If this were true in the case of toys, would the CSRC program be truly effective if 20 % or less returned cards? Would it be cost-effective in any case? These costs would inevitably be passed on to consumers. As calculated above, CSRC costs for the toy industry could be more than 7% of toy industry sales annually.

Moreover, several additional problems reducing cost-effectiveness become apparent:

- i. Low rates of return, especially for lower-price items, based on experience with warranty cards. Low incentive for consumer to complete and mail cards.
- ii. Deterioration of mailing list (6-10 percent or more of households change addresses each year, depending on demographics; the rate is higher for households with young children).
- iii. Many product users are not original purchasers (e.g. products given as gifts or used products).
- iv. Many toys are sold without packages - adding packaging or attachment of CSRC cards would materially add to the costs of the program for these toys.
- v. Large-scale burden for many companies to implement such a program - administrative, data entry, and record keeping requirements for massive amounts of data generated from hundreds of thousands of products, with only a minute proportion ever likely to need retrieval for product recall purposes.
- vi. Extra costs that would arise from the incentives for buyers to improve buyer return rate (e.g., discounts, cash inducements).
- vii. The CSRC program is not feasible for lower cost items because (a) costs of a card program per unit, although identical across product lines, would represent a much higher fraction of the cost for low-price products; and (b) consumers have less incentive to register low-price products.

²According to a survey by the Juvenile Products Manufacturers Association whose membership manufactures child restraint systems for use in motor vehicles, less than 12% of consumers register their child restraint systems with the manufacturer even though FMVSS 213, the federal standard for child restraint systems, requires manufacturers to instruct consumers to do so (See S5.6.2.2. All child restraint manufacturers currently provide registration cards enabling consumers to register their child restraint systems.

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B. The CPSC May Not Reasonably Require Thousands of Unregulated Children's Product Manufacturers to Employ the CSRC Program Under Section 16(b) of the CPSA

The Congress rejected a provision in the Senate Bill (S-3419) which would have authorized the Commission when promulgating a specific product safety rule to require manufacturers of the product to accumulate, assemble and maintain the names and addresses of first purchasers of the product. The rejected provisions directed the Commission to consider the burden imposed upon manufacturers or importers including the cost to consumers for the commencement and maintenance of such a program. The CSRC program urged by CFA seeks application to all children's products whether or not regulated. There are thousands of manufacturers of all kinds of products intended for use by children many of which are not regulated by a specific rule under the FHSA, the CPSA or the Transferred Acts. These include an infinite variety of sporting goods, clothing, children's accessories and shoes, books and stationery, writing implements, jewelry and items of personal adornment, and juvenile products, as well as toys. The promulgation of a CSRC rule applicable to all products of every kind or description which are intended for use by children whether or not regulated by rule under the Transferred Acts or the CPSA would be ineffective and unduly burdensome. As such, it may not reasonably be required for the purpose of implementing the Consumer Product Safety Act.

The implementation of a CSRC rule applied to non-regulated consumer products intended for use by children, in the opinion of TIA counsel, could not be used to interpret or help enforce Commission authority found elsewhere in the CPSA or the Transferred Acts. A rule that is not connected to a different enforceable rule, regulation or provision of the FHSA, the Transferred Acts, or CPSA and that is not reasonably required to implement the CPSA may not be promulgated by the CPSC. We have not located any authority permitting the Commission to impose obligations unconnected to any other CPSA or Transferred Acts provision which would permit the Commission to impose obligations on unregulated products. If any rule were to be considered by the Commission it must reasonably relate to different enforceable provisions of consumer product safety rules under the CPSA, rules classifying products as misbranded or banned hazardous substances under the FHSA or products regulated under the Transferred Acts.

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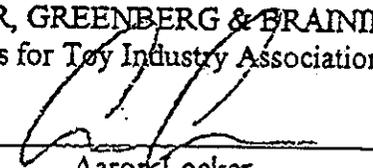
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Over the years the Commission has developed a variety of recall activities which can be undertaken by manufacturers to enhance recall effectiveness. There is no doubt that the Commission will continue to do so. These include but are not limited to, press releases, retail posters, video news releases, press conferences, and, in some cases, voluntary paid advertising directed to the recall of hazardous consumer products.

The CPSA does not authorize the Commission to promulgate abstract rules relating to unregulated products. The CFA petition launches the Commission toward creation of the infamous "Nanny State" and bears no reasonable relationship to those products regulated by the Commission under the CPSA, the FHSA or the Transferred Acts.

The CFA petition for a CSRC rule should be denied.

Very truly yours,
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By: 
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**Comment on the Consumer Federation of America
Petition Requesting a Rule Requiring Product Registration Cards
For Products Intended for Children
(66. Fed. Reg. 39737)**

The CPSC's Thwarted Attempts to Improve Recall Response Rates

(excerpt from *It's No Accident: How Corporations Sell Dangerous Baby Products*, E. Marla Felcher, Common Courage Press, 2001, pp. 91-98)

The recall notification method the CPSC most often urges companies to use is direct mail. What could be easier, the agency argues, than sending everyone who bought the product a letter? The problem is that most companies do not capture, store, and update customer name and address information for the purpose of recalls. For a number of reasons, maintaining consumer records is not a task most infant product manufacturers are willing to undertake.

In 1999, fed up with the high number of recalls and low consumer response rates, CPSC officials wondered if it was time for the government to *require* infant product manufacturers to keep track of their customers. The agency convened a one-day "Recall Effectiveness Forum" to discuss the problem.¹ Industry executives, consumer

advocates, and federal regulators gave prepared speeches and, in a forum that was at times quite lively, debated the pros and cons of tracking buyers of baby equipment.

CPSC officials championed the idea of Consumer Safety Awareness Cards – customer registration cards that would be packaged with frequently recalled infant products such as portable cribs, high chairs, and strollers. The idea was a simple one: Consumers would fill out their name, address, and phone number on the Safety Awareness Card, then return it to the manufacturer. The manufacturer would store the information and use it to notify consumers if the product was recalled. Registration cards would be a quick, direct way for manufacturers to reach their customers.

As soon as Chairman Brown and her Recall Compliance staff finished their opening remarks, objections to a new safety system began to fly. Manufacturers hated the idea. Rick Locker, a defense lawyer who represents the Juvenile Products Manufacturers of America, the Toy Manufacturers of America, and a host of individual manufacturers, argued: "... an old-style registration card, which requires consumers to actually take the card and to fill it out and to mail it back, is not necessarily or particularly going to be effective on a variety of product categories ... it's like the old adage, 'you can lead a horse to water but you can't always make it drink.'"¹¹ Throughout the day, Locker insisted that if manufacturers were to spend time and money on a safety card system, consumers would fail to do their part by filling out the cards. Other industry representatives echoed this prediction, until CPSC assistant executive director of compliance Alan Schoem silenced them. "Of course, this is all putting the responsibility on somebody other than the manufacturer of the product, and other than the retailer of the product," said Schoem, "... and what we may want to focus more on is the manufacturers' and retailers' responsibility to get recall notices out to the consumer, their customer who bought their product."¹² Retailers, like manufacturers, are also hesitant to institute product registration. Why? The cost of collecting the information and sending

letters to owners during recalls would be "astronomical," explained Mallory Duncan, vice president and general counsel of the National Retail Federation. "This idea is not ready for prime time."^v

Product registration is not a new idea. In 1993, the National Highway Transportation Safety Administration (NHTSA) passed a law requiring manufacturers to include a registration card with new child car seats.^v (Car seats are the only durable infant product not regulated by the CPSC.) After consumers return the cards, postage free, the manufacturer maintains their contact information for six years and notifies them in the event of a recall. The cost of this system to manufacturers is estimated to be between thirty cents and one dollar per unit.^{vi}

The impetus for car seat registration came during the late 1980s, when NHTSA regulators realized that car seats were being recalled at a rate of 10-12 models per year, with consumer response rates as low as 20 percent. By comparison, each year the CPSC recalls about one hundred children's products (not including car seats), with consumer response rates stuck at 10-30 percent. Clearly, a strong case can be made for affixing product registration cards to other baby products.

Car seat registration was a hotly contested topic at the CPSC Recall Forum. The CPSC and consumer advocates argued that industry has an *obligation* to its customers to replicate the car-seat registration program for frequently recalled baby products. Industry representatives claimed consumers would be the weak link in such a program. Consumers, they insisted, would be suspicious of any card enclosed in a new product box, believing it to be just another marketing tool. NHTSA officials countered by revealing that 50 percent of new car-seat buyers registered their purchase. Industry representatives objected, claiming *their* numbers were closer to 20 percent. By the close of the Recall Forum, industry leaders had made their position clear: They are unlikely to institute product registration voluntarily, and if CPSC regulators push for mandatory

registration, they will band together and put up a fight. Educating consumers on the importance of infant product registration, the manufacturers implied, is not *their* job.

"I'm having trouble finding what the downside is for manufacturers to gather this kind of information," said Sally Greenberg, a lawyer with Consumers Union, at the end of the day. "I've sat and listened patiently to manufacturers discuss this issue. But I would think, even from a product liability perspective, they would want to be able to say that they have this kind of information for purchasers of their products, they have contacted the consumers in the event of a recall, and they have really done their best to try to get that information out there."^{vi}

When it comes to notifying the public of a product recall, the CPSC has its hands tied. By law, the agency can require a company to offer consumers a product repair, refund, or replacement – but there is no law stipulating how manufacturers must deliver this news, nor is there a requirement that the company demonstrate consumers actually hear it. As is always the case, if the CPSC thinks a manufacturer should be making a greater effort, and the manufacturer refuses to do so, the agency can sue. But to do so is a long, expensive process that the beleaguered agency can ill afford.^{vii}

Frustrated with manufacturers' half-hearted efforts to publicize recalls, CPSC officials maintain they are doing the best they can. It's all a matter of tradeoffs, they say. When a manufacturer refuses to advertise a recall, the CPSC is forced to look for the next-best solution. If the company is unwilling to pay for advertising, but agrees to produce a video news release, the CPSC can either accept the plan, or launch an expensive lawsuit to force the company to cooperate. Reflecting on the agency's tough bind, one official said succinctly, "we trade away paid advertising."^{ix}

"The reason [manufacturers] go into this is to make a profit," says Mary Ellen Fise, general counsel for the Consumer Federation of America. "In exchange, they have the responsibility not to injure or kill someone. Manufacturers have this enormous

responsibility, yet the CPSC can't force them to take it. The CPSC doesn't have the resources to litigate every case."^x

What the CPSC and Manufacturers Know about Recall Effectiveness

There is no subject more likely to elicit excuses, finger-pointing, misleading statistics, and half-truths than the issue of recall effectiveness. The CPSC and manufacturers are equally guilty, and for good reason: Recall effectiveness is the bottom-line measure of how seriously they take infant safety. As CPSC Chairman Ann Brown has said, "The effectiveness of our recalls is really a life and death situation."^x Each time consumer response to an infant product recall hovers between ten and thirty percent, everyone looks bad.

On the surface, figuring out whether a recall has been effective appears to be a simple calculation: Simply divide the number of people responding to a recall (by contacting the company for a product repair kit, refund, or replacement) by the number of units sold. But idiosyncrasies in the way consumers purchase and use infant products makes the calculation, known as a "completion rate" or "consumer response rate," considerably more messy. Parents often throw away or store these products in an attic after infants outgrow them. Therefore, manufacturers argue, the completion rate should be the number of recalled products repaired, replaced, or refunded, divided by the number of products *still in circulation*, rather than the larger universe of products *sold*. The point is a valid one. But "circulation" data doesn't exist. While consumer goods marketers are adept at using sophisticated statistical models to predict product sales, they have yet to develop methods of estimating circulation rates of infant products. Manufacturers certainly have the ability to make these calculations. What's lacking is their motivation to do so.

After the fact emerged that the portable crib that killed Danny Keysar had been recalled five years before his death, a *Chicago Tribune* reporter asked Kolcraft and the

four other manufacturers that had recalled cribs with this faulty design for their consumer response rates.^{xii} Both Kolcraft (11,600 cribs sold) and Century Products (212,000 cribs sold) claimed they didn't know how many consumers they had reached. Evenflo (1.2 million cribs sold) estimated its response rate to be 10 percent. Baby Trend's (100,000 cribs sold) rate was 17 percent. Draco (13,000 cribs sold) had gone out of business. More than one million of these deadly cribs are still unaccounted for.

The CPSC started to worry about low recall response rates in the 1970s, soon after initiating its first recall. In 1979, after CPSC commissioners voted to place the issue on their list of top priorities, Chairman Susan King created a Recall Effectiveness Task Force. Published in 1980, the Task Force's final report remains, to this day, the only comprehensive document on the topic.^{xiii}

The bulk of the Task Force report describes the CPSC's efforts to gauge public awareness of hairdryer recalls. The agency recalled millions of hairdryers when it was revealed that they contained asbestos, a substance shown to be a serious health hazard. CPSC staff conducted telephone surveys of a randomly chosen national sample of adult consumers, as well as a sample of callers to the CPSC hotline. The study revealed the following:

- ◆ 85 percent of hairdryer owners were aware that the presence of asbestos in a hairdryer posed a health risk,
- ◆ 4.5 percent of consumers who owned the recalled hairdryers took advantage of a repair, refund, or replacement offer in response to a recall (the "completion rate"), and
- ◆ 32 percent of consumers stopped using their hairdryer when they found out it had been recalled.

This study quantified what CPSC regulators had suspected – that a sizable group of consumers continued to use recalled products even after news of a recall had

reached them. The study then posed the next logical question: Why? The agency discovered that "perceived seriousness" of the asbestos hazard played a key role in determining whether or not a consumer stopped using the recalled product.

Apparently, the hairdryer recall notices didn't convince many consumers that the product posed a serious health risk. Given the flaccid language of present-day press releases, it is easy to understand why these consumers were unconcerned.

At about the same time Chairman King's Recall Effectiveness report was published, CPSC officials noticed that completion rates varied widely from one recall to the next.^{xv} Three product categories – televisions, major appliances, and lawn mowers – had completion rates of 70 percent, while the average completion rate for small electrical appliances was closer to 10 percent. The agency scrutinized 242 recalls to find out why. Their findings were unambiguous: Recalls involving *large numbers of relatively inexpensive products with a useful life of only a few years* – a category that includes almost all infant products – require "especially aggressive measures" to produce high completion rates. The most effective "aggressive measure": direct contact with product owners, either by mail, telephone, or personal visit.

Given these findings, it is not surprising that completion rates for infant products remain so low. Not only do manufacturers rarely undertake direct notification measures when a baby product is recalled, but as the Recall Effectiveness Forum demonstrated, they are quick to argue that these methods won't work.

In 1988, eight years after the CPSC's Task Force on Recall Effectiveness released its findings, economists Dennis Murphy and Paul Rubin published "Determinants of Recall Success" in the *Journal of Products Liability*.^{xv} Using state-of-the-art statistical techniques, Murphy and Rubin identified the factors that determine whether or not a recall is effective. Like the CPSC, the economists found that recalls achieve the highest completion rates when:

- ◆ product owners are directly notified of the recall by mail,
- ◆ the manufacturer offers an in-home repair (the least burdensome remedy for consumers) and,
- ◆ the product is one that appeals to a well-defined group of consumers who tend to read the same specialized magazines and who are particularly anxious about the product's safety.

Like the CPSC's study, the implications of this research for infant product manufacturers couldn't be more clear: Simply tell consumers when a stroller, toddler bed, high chair, or portable crib is recalled – via direct mail and well-targeted ads in magazines such as *Parent*, *Child*, and *American Baby* – and completion rates will rise.

Such common-sense advice is not news to manufacturers, and it is not an accident that they choose to ignore it. Manufacturers like Hasbro could blanket the media with paid advertising when a product is recalled, but they don't. Instead, they wait until six babies have been killed by a single product, then issue a press release with the CPSC announcing a "Safe Child Reward." Manufacturers like Evenflo could use strong, clear language in recall press releases, but they don't. Instead, they choose to blame parents for product failures, and, in the case of its defective infant carrier, resist the CPSC's efforts to notify parents of the product's danger.^{xvi} Manufacturers like Baby Trend could offer consumers a full refund when a product is recalled, but they don't. Instead, they wait until a child is killed, then offer parents a \$5 "free gift." The manufacturers' trade organization, JPMA, could urge its members to enclose product registration cards with their products, but it doesn't. Instead, their lawyer argues that registration cards are a bad idea because consumers will fail to return them. In sum, the infant product industry could spend as much effort getting recalled products out of circulation as it does getting them onto store shelves and into homes, but it doesn't.

Why? Because recalls are bad for business. For the manufacturers, concern for infant safety is a noble goal, but only to the extent that it contributes to the bottom line.

It is time for CPSC to pass a rule that requires manufacturers to enclose a product registration card in all products intended for children. Under the current system, manufacturers profit from the sale of these products, yet incur too few costs when a child is injured or killed.

Respectfully,



E. Maria Felcher, Ph.D.

ⁱ Transcript, CPSC Recall Effectiveness Forum, March 23, 1999.

ⁱⁱ Ibid, pp. 25-26.

ⁱⁱⁱ Ibid, p. 32. Alan Schoem is the brother of Marc Schoem, CPSC Director of Recalls and Compliance.

^{iv} Jayne O'Donnell, "Tracking Buyers Critical to Product Recalls: Federal Policy Considered," *USA Today*, November 12, 1998, p. 6B.

^v Transcript, CPSC Recall Effectiveness Forum, March 23, 1999, p. 49.

^{vi} Ibid, p. (on cost).

^{vii} Ibid, pp. 157-158.

^{viii} Fise, August 10, 1999.

^{ix} Anonymous CPSC regulator. Interview with author, July 19, 1999.

^x Fise, August 10, 1999.

^{xi} Transcript, CPSC Recall Effectiveness Forum, March 23, 1999, p. 5.

^{xii} Jon Bigness, "Boy's Playpen Death Spurs Recall Efforts, Second-Hand Sales Also Targeted," *Chicago Tribune*, June 15, 1998.

^{xiii} "Report of the Recall Effectiveness Task Force of the Consumer Product Safety Commission," August 25, 1980.

^{xiv} Loren Lange, "Recall Effectiveness Study," Office of Strategic Planning, Consumer Product Safety Commission, May 1978. Also see: N. Craig Smith and John A. Quelch, "Managing Product Recalls," *Ethics in Business*. Homewood, IL: Irwin, 1993, pp 359-385.

^{xv} R. Dennis Murphy and Paul H. Rubin, "Determinants of Recall Success Rates," *Journal of Products Liability*, 11, 1988, pp 17-28.

^{xvi} "Firm Resisted Seat Recall, U. S. Says," *Los Angeles Times*, March 6, 1998, p. D3. Sue Lindsay, "Playpen Maker Won't Recall Product in Death of Baby," *Denver Rocky Mountain News*, November 4, 1994, p. 28A.