

Final Rule on Guidelines and Requirements for Mandatory Recall Notices

Section 15(i) of the Consumer Product Safety Act (CPSA), as amended by
Section 214(c) of the Consumer Product Safety Improvement Act (CPSIA)



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These comments are those of the CPSC staff, have not been reviewed or approved by,
and may not necessarily reflect the views of, the Commission



Purpose

Establish guidelines and requirements for information that firms can expect to be included in a mandatory recall notice ordered by a U.S. district court or the Commission.



Mandatory Recall Notices

- Authority for a U.S. district court or the Commission to order issuance of a mandatory recall notice stems from the CPSA, sections 12(b)(1) (U.S. district court) and 15(c) and (d) (Commission).
- The Commission or a district court has control over the final form and content of mandatory recall notices.
- The CPSIA did not change this authority.



Section 15(i)(1) of the CPSA

The Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any mandatory recall notice ordered by the Commission or a U.S. district court.



Section 15(i)(1) of the CPSA (cont'd)

Guidelines must include information that would be helpful to consumers in —

- Identifying product subject to recall;
- Understanding the identified hazard; and
- Understanding what remedy, if any, is available.



Section 15(i)(2) of the CPSA

Sets forth specific content that must be included in a mandatory recall notice, except to the extent the Commission determines with respect to a particular product that one or more items is unnecessary or inappropriate under the circumstances.



Section 15(i)(2) of the CPSA (cont'd)

Content Requirements:

- Product description, including
 - model numbers or SKUs,
 - common product name(s), and
 - a photograph of the product;
- Description of the action being taken;
- Number of units with respect to the action being taken;
- Description of the substantial product hazard and reason for the action;



Section 15(i)(2) of the CPSA (cont'd)

Content Requirements:

- Identification of manufacturers and significant retailers;
- Dates between which the product was manufactured and sold;
- Number and a description of any injuries or deaths associated with the product, including
 - ages of anyone injured or killed, and
 - dates on which the Commission received information about such injuries or deaths;



Section 15(i)(2) of the CPSA (cont'd)

Content Requirements:

- Description of the remedy available to consumers,
 - actions consumers must take to receive the remedy, and
 - information a consumer needs to obtain a remedy or further information about the remedy (such as addresses, phone numbers and email addresses); and
- Other information the Commission deems appropriate.



Proposed Rule

- March 20, 2009 – Commission issued a proposed rule on Guidelines and Requirements for Mandatory Recall Notices.
- April 20, 2009 – Comment period expired.
- 44 comments were received.



Significant Issues Raised by Comments

- Definitions
 - Addition of “Other persons”
- Guidelines and Policies
 - Direct Recall Notices
 - Languages in addition to English
 - Forms of Notice



Significant Issues

Raised by Comments (cont'd)

- Requirements
 - Product Description
 - Identification of Foreign Manufacturers
 - Region
- Application to Voluntary Recalls



Final Rule Recommendations

1. Define “Other persons”
2. Remove “firm” from § 1115.26(a)(3)
3. Clarify that more than one form of recall notice should be used
4. Clarify when a firm has direct contact information
5. Provide examples of when a recall notice may be required in languages in addition to English
6. Clarify that product description information is required when applicable to a product
7. Clarify information required to identify a foreign manufacturer
8. Add “Region” as required information



Questions

