

# United States Consumer Product Safety Commission



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# U.S. CPSC

- An Independent Federal Agency
- Established May 1973
- Combines Consumer Product Safety Functions of the Federal Government
- Three Commissioners, appointed by the President and confirmed by the Senate

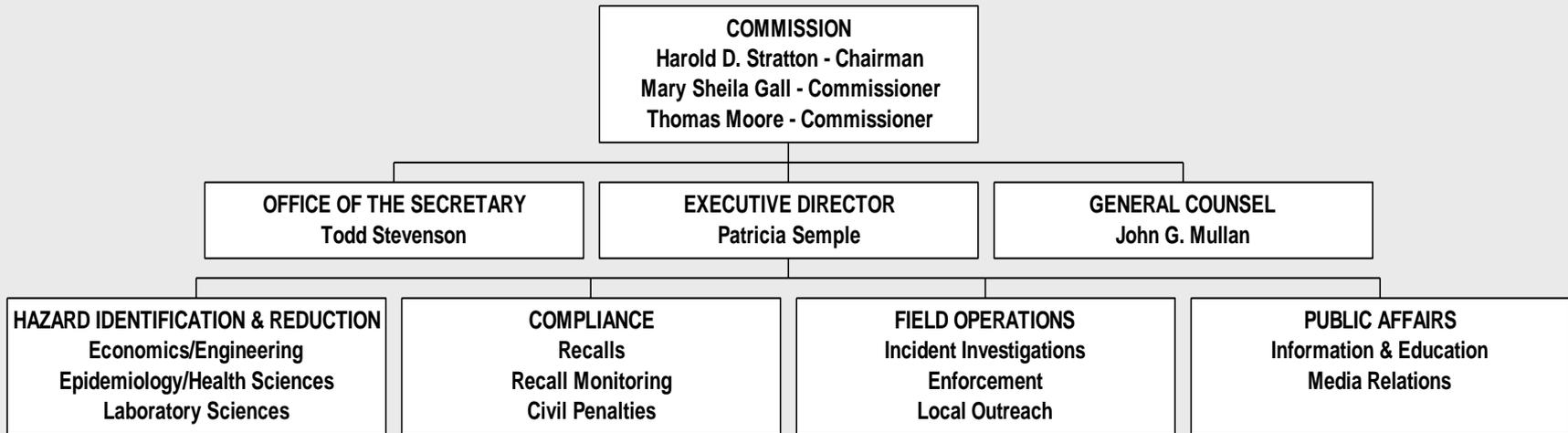
# Office of the Chairman

- Chairman is principal executive officer of the agency
- Exercises all administrative and executive functions of the agency
- Also appointed by the President and confirmed by the Senate

# Agency Size

- Relatively small federal agency
  - 471 FTEs (employees)
  - Down from 480 FTEs in FY '02
  - Down from 978 FTEs in early 1980s
- Budget
  - Approximately \$60 million per year
  - \$63 million request for FY '05

# CPSC Organization\*



\* This is a simplified functional organization chart which does not include many key support groups within the CPSC including Administration, Human Resources, Information Services, Budget, Planning, Inspector General, Equal Employment, International Programs and Congressional Affairs.

# Acts Administered by the CPSC

- Consumer Product Safety Act
- Federal Hazardous Substance Act
- Flammable Fabric Act
- Poison Prevention Packaging Act
- Refrigerator Safety Act

# CPSC Mission

*“to remove as many consumer products from the market that create an unreasonable risk of serious injury or death as possible”*



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

# Purposes of the CPSC

- **Recalls**

Protect public against unreasonable risks of injury associated with consumer products

- **Consumer Education**

Assist consumers in evaluating comparative safety of consumer products.

- **Consumer Product Safety Standards**

Develop uniform safety standards for consumer products and to minimize conflicting state and local regulations

- **Consumer Product Research**

To promote research and investigation into the causes and prevention of product-related deaths, illnesses and injuries

# Definition: Consumer Product

“...any article or component part thereof produced or distributed (i) for the sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...”

# Consumer Products Excluded from CPSC Jurisdiction

- “... any article which is not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer...”
- Alcoholic beverages, tobacco and firearms (BATF)
- Motor vehicles and equipment (DOT and NHTSA)
- Pesticides (EPA)
- Aircraft (FAA)
- Boats (U.S. Coast Guard)
- Food and Drugs (FDA and USDA)
- Fixed-site amusement park rides

# Other Jurisdictional Issues

- *Manufacturers, distributors and retailers* are all equally responsible and liable under the acts. (Sec. 15 of the CPSA) (but common carriers are specifically excluded; see Sec. 3(b) of the CPSA.)
- *Exported goods* are excluded from jurisdiction unless the Commission finds such export presents an unreasonable risk of injury to consumers within the United States (Sec. 18).
- *Preemption* all state and local regulations that conflict with CPSC regulations.

# How is the mission carried out?

- Promulgating regulations providing for performance safety standards for consumer products;
- Recalls of defective products which cause an unreasonable risk of serious injury or death.
- Penalties, civil and criminal

# Product Safety Standards

- Regulatory process started by a petition by interested party or the Commission itself
- CPSC provides for mandatory and voluntary product safety standards
- Voluntary Standards are worked out in cooperation with the CPSC
- CPSC statutes provide a preference for voluntary standards

# Preference of Voluntary Standards

The CPSA provides for a preference for voluntary standards:

*“...whenever compliance with a voluntary standard would eliminate or adequately reduce the risk of injury addressed and it is likely that there will be substantial compliance with such voluntary standard...”*

# Recalls

- The Commission may issue a recall if a product creates a “*substantial product hazard*”
- A *substantial product hazard* exists if
  - There is a failure to comply with a safety standard which creates a substantial risk of to the public
  - A product defect exhibits a substantial risk of injury to the public

# Recall Remedies

- The Act provides for three remedies in the case of the recall of a product that creates a *substantial product hazard*:
  - **Repair**
  - **Replacement**
  - **Refund**

# Reporting Requirements

- Defects must be reported by a manufacturer, distributor or retailer who obtains information which reasonably supports the conclusion that the product:
  - fails to comply with a consumer product safety rule or a voluntary standard, upon which the Commission has relied,
  - contains a defect that creates a “substantial product hazard,” or
  - creates “an unreasonable risk of serious injury or death.”

# Penalties

- Civil Penalties
  - The Commission may impose civil penalties under the following circumstances:
    - a failure to report a substantial product hazard to the commission in a timely manner,
    - the willful failure to comply with a safety standard.
- The total civil penalty that can be imposed by the commission is \$1.65 million. (Adjusted every five years according to the CPI).

# Penalties

- Criminal Penalties
  - All provide for misdemeanors
  - Different provisions exist for violations of each act.
    - Prosecution under CPSA requires notice of non-compliance then a willful and knowing violation.
    - No such notice and willfulness or knowledge is necessary under the FHSA.
    - Many times the behavior of those violating these acts also violates other federal criminal acts that rise to the level of felonies.

# Other Major CPSC Functions

- Data Collection
- Consumer Education

# CPSC Data Collection

- National Electronic Injury Surveillance System (NEISS)
  - Collection of data from approximately 100 hospitals around the country
  - Data is weighted to provide consumer injury estimates nationwide.
- Death Certificate data from all state medical examiners on consumer related deaths.
- News clips; reports from consumers, lawyers, physicians and fire departments

**HOTLINE**



**1-800-638-CPSC**

# CPSC Consumer Education

- The Neighborhood Network
- VNR Production
- [www.Recalls.gov](http://www.Recalls.gov)
- CPSC website, [www.CPSC.gov](http://www.CPSC.gov)
- Various news conferences and initiatives:
  - Resale and Recall Round Up
  - Poison Prevention Week
  - Fourth of July Fireworks
  - Halloween
  - Swimming Pool Safety
  - Carbon Monoxide Awareness

