

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3658

To direct the Consumer Product Safety Commission to promulgate a consumer products safety standard that requires manufacturers of certain consumer products to establish and maintain a system for providing notification of recalls of such products to consumers who first purchase such a product.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2002

Mr. MORAN of Virginia (for himself and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Consumer Product Safety Commission to promulgate a consumer products safety standard that requires manufacturers of certain consumer products to establish and maintain a system for providing notification of recalls of such products to consumers who first purchase such a product.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Product Safety Notifi-  
5 cation and Recall Effectiveness Act of 2002”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) The Consumer Product Safety Commission  
4 conducts approximately 300 recalls of hazardous,  
5 dangerous, and defective consumer products each  
6 year.

7 (2) In developing comprehensive corrective ac-  
8 tion plans with recalling companies, the Consumer  
9 Product Safety Commission staff greatly relies upon  
10 the media and retailers to alert consumers to the  
11 dangers of unsafe consumer products, because the  
12 manufacturers do not generally possess contact in-  
13 formation regarding the purchasing consumers.  
14 Based upon information received from companies  
15 maintaining customer registration lists, such contact  
16 information is known for generally less than 7 per-  
17 cent of the total consumer products produced and  
18 distributed.

19 (3) The Consumer Product Safety Commission  
20 has found that the consumers of the other 93 per-  
21 cent of consumer products produced and distributed  
22 do not return purchaser identification cards because  
23 of requests for marketing and personal information  
24 in the cards, and the likelihood of receiving unsolic-  
25 ited marketing materials.

1           (4) The Consumer Product Safety Commission  
2           has conducted research demonstrating that direct  
3           consumer contact is one of the most effective ways  
4           of motivating consumer response to a consumer  
5           product recall.

6           (5) Companies that maintain consumer product  
7           purchase data, such as product registration cards,  
8           warranty cards, and rebate cards, are able to effec-  
9           tively notify consumers of a consumer product recall.

10          (6) The Consumer Product Safety Commission  
11          staff has found that a consumer product safety  
12          owner card, without marketing questions or requests  
13          for personal information, that accompanied products  
14          such as small household appliances and juvenile  
15          products would increase consumer participation and  
16          information necessary for direct notification in con-  
17          sumer product recalls.

18          (7) The National Highway Traffic Safety Ad-  
19          ministration has, since March 1993, required similar  
20          simplified, marketing-free product registration cards  
21          on child safety seats used in motor vehicles.

22          (b) PURPOSE.—The purpose of this Act is to reduce  
23          the number of deaths and injuries from defective and haz-  
24          ardous consumer products through improved recall effec-  
25          tiveness, by—

1           (1) requiring the Consumer Product Safety  
2 Commission to promulgate a consumer products  
3 safety standard to require manufacturers of juvenile  
4 products, small household appliances, and certain  
5 other consumer products, to include a simplified  
6 product safety owner card with those consumer  
7 products at the time of original purchase by con-  
8 sumers, or develop effective electronic registration of  
9 the first purchasers of such products, to develop a  
10 customer database for the purpose of notifying con-  
11 sumers about recalls of those products; and

12           (2) encouraging manufacturers, private labelers,  
13 retailers, and others to use creativity and innovation  
14 to create and maintain effective methods of notifying  
15 consumers in the event of a consumer product recall.

16 **SEC. 3. DEFINITIONS.**

17 For purposes of this Act:

18           (1) **TERMS DEFINED IN CONSUMER PRODUCT**  
19 **SAFETY ACT.**—The definitions set forth in section 3  
20 of the Consumer Product Safety Act (15 U.S.C.  
21 2052) shall apply to this Act.

22           (2) **COVERED CONSUMER PRODUCT.**—The term  
23 “covered consumer product” means—

24                   (A) a juvenile product;

25                   (B) a small household appliance; and

1 (C) such other consumer product as the  
2 Commission considers appropriate for achieving  
3 the purpose of this Act.

4 (3) JUVENILE PRODUCT.—The term “juvenile  
5 product”—

6 (A) means a durable consumer product in-  
7 tended for use, or that may be reasonably ex-  
8 pected to be used, by children under the age of  
9 5 years; and

10 (B) includes—

11 (i) full-size cribs and nonfull-size  
12 cribs;

13 (ii) toddler beds;

14 (iii) car seats;

15 (iv) high chairs, booster chairs, and  
16 hook-on chairs;

17 (v) bath seats;

18 (vi) gates and other enclosures for  
19 confining a child;

20 (vii) playpens;

21 (viii) stationary activity centers;

22 (ix) strollers;

23 (x) walkers;

24 (xi) swings;

25 (xii) child carriers; and

1 (xiii) bassinets and cradles.

2 (4) PRODUCT SAFETY OWNER CARD.—The term  
3 “product safety owner card” means a standardized  
4 product identification card supplied with a consumer  
5 product by the manufacturer of the product, at the  
6 time of original purchase by the first purchaser of  
7 such product for purposes other than resale, that  
8 only requests that the consumer of such product  
9 provide to the manufacturer a minimal level of per-  
10 sonal information needed to enable the manufacturer  
11 to contact the consumer in the event of a recall of  
12 the product.

13 (5) SMALL HOUSEHOLD APPLIANCE.—The term  
14 “small household appliance” means a consumer  
15 product that is a toaster, toaster oven, blender, food  
16 processor, coffee maker, or other similar small appli-  
17 ances.

18 **SEC. 4. CONSUMER PRODUCTS SAFETY STANDARD REQUIR-**  
19 **ING SYSTEM TO PROVIDE NOTICE OF RE-**  
20 **CALLS OF CERTAIN CONSUMER PRODUCTS.**

21 (a) IN GENERAL.—The Commission shall promulgate  
22 a consumer products safety standard under the Consumer  
23 Product Safety Act (15 U.S.C. 2051 et seq.) that requires  
24 that the manufacturer of a covered consumer product shall

1 establish and maintain a system for providing notification  
2 of recalls of such product to consumers of such product.

3 (b) REQUIREMENT TO CREATE DATABASE.—

4 (1) IN GENERAL.—The standard shall require  
5 that the system include use of product safety owner  
6 cards, Internet registration, or an alternative meth-  
7 od specified by the standard, to create a database of  
8 information regarding consumers of covered con-  
9 sumer products, for the sole purpose of notifying  
10 such consumers of recalls of such products.

11 (2) USE OF TECHNOLOGY.—Alternative meth-  
12 ods specified in the standard may include use of on-  
13 line product registration and consumer notification,  
14 consumer information data bases, electronic tagging  
15 and bar codes, embedded computer chips in con-  
16 sumer products, or other electronic and design strat-  
17 egies to notify consumers about product recalls, that  
18 the Commission determines will increase the effec-  
19 tiveness of recalls of covered consumer products.

20 (c) USE OF COMMISSION STAFF PROPOSAL.—The  
21 standard shall be substantially the same as the Commis-  
22 sion staff draft entitled “Advanced Notice of Proposed  
23 Rulemaking entitled Purchaser Owner Card Program”,  
24 dated June 19, 2001.

25 (d) DEADLINES.—The Commission—

1           (1) shall issue a proposed standard under this  
2 section by not later than 90 days after the date of  
3 the enactment of this Act; and

4           (2) shall promulgate a final standard under this  
5 section by not later than 270 days after the date of  
6 the enactment of this Act.

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