

107TH CONGRESS
2D SESSION

S. 2843

To direct the Consumer Product Safety Commission to promulgate a rule 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.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Consumer Product Safety Commission to promulgate a rule 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”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

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

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

17 (3) The Consumer Product Safety Commission
18 staff has found that most consumers do not return
19 purchaser identification cards because of requests
20 for marketing and personal information on the
21 cards, and the likelihood of receiving unsolicited
22 marketing materials.

23 (4) The Consumer Product Safety Commission
24 staff has conducted research demonstrating that di-
25 rect consumer contact is one of the most effective

1 ways of motivating consumer response to a con-
2 sumer product recall.

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

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

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

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

23 (1) requiring the Consumer Product Safety
24 Commission to promulgate a rule to require manu-
25 facturers of juvenile products, small household appli-

1 ances, and certain other consumer products, to in-
 2 clude a simplified product safety owner card with
 3 those consumer products at the time of original pur-
 4 chase by consumers, or develop effective electronic
 5 registration of the first purchasers of such products,
 6 to develop a customer database for the purpose of
 7 notifying consumers about recalls of those products;
 8 and

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

13 **SEC. 3. DEFINITIONS.**

14 For purposes of this Act:

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

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

- 21 (A) a juvenile product;
- 22 (B) a small household appliance; and
- 23 (C) such other consumer product as the
- 24 Commission considers appropriate for achieving
- 25 the purpose of this Act.

1 (3) JUVENILE PRODUCT.—The term “juvenile
2 product”—

3 (A) means a consumer product intended
4 for use, or that may be reasonably expected to
5 be used, by children under the age of 5 years;
6 and

7 (B) includes—

8 (i) full-size cribs and nonfull-size
9 cribs;

10 (ii) toddler beds;

11 (iii) high chairs, booster chairs, and
12 hook-on chairs;

13 (iv) bath seats;

14 (v) gates and other enclosures for con-
15 fining a child;

16 (vi) playpens;

17 (vii) stationary activity centers;

18 (viii) strollers;

19 (ix) walkers;

20 (x) swings;

21 (xi) child carriers; and

22 (xii) bassinets and cradles.

23 (4) PRODUCT SAFETY OWNER CARD.—The term
24 “product safety owner card” means a standardized
25 product identification card supplied with a consumer

1 product by the manufacturer of the product, at the
 2 time of original purchase by the first purchaser of
 3 such product for purposes other than resale, that
 4 only requests that the consumer of such product
 5 provide to the manufacturer a minimal level of per-
 6 sonal information needed to enable the manufacturer
 7 to contact the consumer in the event of a recall of
 8 the product.

9 (5) SMALL HOUSEHOLD APPLIANCE.—The term
 10 “small household appliance” means a consumer
 11 product that is a toaster, toaster oven, blender, food
 12 processor, coffee maker, or other similar small appli-
 13 ance as provided for in the rule promulgated by the
 14 Consumer Product Safety Commission.

15 **SEC. 4. RULE REQUIRING SYSTEM TO PROVIDE NOTICE OF**
 16 **RECALLS OF CERTAIN CONSUMER PROD-**
 17 **UCTS.**

18 (a) IN GENERAL.—The Commission shall promulgate
 19 a rule under section 16(b) of the Consumer Product Safe-
 20 ty Act (15 U.S.C. 2065(b)) that requires that the manu-
 21 facturer of a covered consumer product shall establish and
 22 maintain a system for providing notification of recalls of
 23 such product to consumers of such product.

24 (b) REQUIREMENT TO CREATE DATABASE.—

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

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

17 (c) USE OF COMMISSION STAFF PROPOSAL.—In pro-
18 mulgating the rule, the Commission shall consider the
19 staff draft for an Advanced Notice of Proposed Rule-
20 making entitled “Purchaser Owner Card Program”, dated
21 June 19, 2001.

22 (d) EXCLUSION OF LOW-PRICE ITEMS.—The Com-
23 mission shall have the authority to exclude certain low-
24 cost items from the rule for good cause.

25 (e) DEADLINES.—

1 (1) IN GENERAL.—The Commission—

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

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

8 (2) EXTENSION.—The Commission may extend
9 the deadline described in paragraph (1) if the Com-
10 mission provides timely notice to the Committee on
11 Energy and Commerce of the House of Representa-
12 tives and the Committee on Commerce, Science, and
13 Transportation of the Senate.

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