

108TH CONGRESS
1ST SESSION

H. R. 1197

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

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

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 2003”.

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, and has
22 found that this has been successful in increasing re-
23 call compliance rates.

24 (b) PURPOSE.—The purpose of this Act is to reduce
25 the number of deaths and injuries from defective and haz-

1 arduous consumer products through improved recall effec-
2 tiveness, by—

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

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

18 **SEC. 3. DEFINITIONS.**

19 For purposes of this Act:

20 (1) **TERMS DEFINED IN CONSUMER PRODUCT**
21 **SAFETY ACT.**—The definitions set forth in section 3
22 of the Consumer Product Safety Act (15 U.S.C.
23 2052) shall apply to this Act.

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

- 1 (A) a juvenile product;
- 2 (B) a small household appliance; and
- 3 (C) such other consumer product as the
- 4 Commission considers appropriate for achieving
- 5 the purpose of this Act.

6 (3) JUVENILE PRODUCT.—The term “juvenile

7 product”—

8 (A) means a durable consumer product in-

9 tended for use, or that may be reasonably ex-

10 pected to be used, by children under the age of

11 5 years; and

12 (B) includes, but is not limited to—

13 (i) full-size cribs and nonfull-size

14 cribs;

15 (ii) toddler beds;

16 (iii) high chairs, booster chairs, and

17 hook-on chairs;

18 (iv) bath seats;

19 (v) gates and other enclosures for con-

20 fining a child;

21 (vi) playpens;

22 (vii) stationary activity centers;

23 (viii) strollers;

24 (ix) walkers;

25 (x) swings;

- 1 (xi) child carriers;
2 (xii) bassinets and cradles; and
3 (xiii) children's toys.

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

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

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

23 (a) IN GENERAL.—The Commission shall promulgate
24 a consumer products safety standard under section 16(b)
25 of the Consumer Product Safety Act (15 U.S.C. 2065(b))

1 that requires that the manufacturer of a covered consumer
2 product shall establish and maintain a system for pro-
3 viding notification of recalls of such product to consumers
4 of such product.

5 (b) REQUIREMENT TO CREATE DATABASE.—

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

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

22 (c) USE OF COMMISSION STAFF PROPOSAL.—The
23 standard shall be substantially the same as the Commis-
24 sion staff draft entitled “Advanced Notice of Proposed

1 Rulemaking entitled Purchaser Owner Card Program”,
2 dated June 19, 2001.

3 (d) DEADLINES.—The Commission—

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

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

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