

110TH CONGRESS
2D SESSION

H. R. 5636

To establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2008

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes.

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 “Consumer Product and
5 Food Safety Information Act of 2008”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to establish a simple, cen-
8 tralized, and comprehensive public information process to
9 notify American consumers about product recalls.

1 **SEC. 3. IMPROVED PUBLIC NOTICE OF PRODUCT RECALLS**
2 **AND PRODUCT SAFETY INFORMATION.**

3 (a) PUBLIC INFORMATION INITIATIVE.—

4 (1) IN GENERAL.—The head of each enforce-
5 ment agency shall design and implement a public in-
6 formation plan to use agency and media resources to
7 provide information to the public concerning—

8 (A) the role of the agency in ensuring
9 product safety;

10 (B) steps consumers can take to enhance
11 their safety while using products under the ju-
12 risdiction of the agency;

13 (C) information about product recalls con-
14 cerning products under the jurisdiction of the
15 agency; and

16 (D) additional information that the agency
17 head determines will enhance consumer safety.

18 (2) COMPONENTS OF INITIATIVE.—The plan
19 under paragraph (1) shall include procedures for de-
20 veloping and distributing the following materials:

21 (A) Public service announcements under
22 subsection (d).

23 (B) Quarterly reports under subsection (e).

24 (C) Posters and other materials under sub-
25 section (f).

1 (D) Other appropriate mechanisms for
2 communicating product safety information to
3 the public.

4 (b) CLEARINGHOUSE.—

5 (1) IN GENERAL.—The Commission shall estab-
6 lish a clearinghouse to collect and distribute product
7 recall and product safety information.

8 (2) CONTRIBUTION OF INFORMATION.—Before
9 the end of the 30-day period beginning on the date
10 the materials listed under subsection (a)(2) are
11 made available to the public by an enforcement
12 agency, the head of each enforcement agency shall
13 provide electronic copies of the materials to the
14 Commission for inclusion in the clearinghouse.

15 (3) AVAILABILITY TO THE PUBLIC.—

16 (A) PHYSICAL LOCATION.—Before the end
17 of the 30-day period beginning on the date the
18 Commission receives the materials under para-
19 graph (2), the Commission shall make the ma-
20 terials available in a central location that is
21 open to the public.

22 (B) WEB SITE.—Before the end of the 14-
23 day period beginning on the date the Commis-
24 sion receives the materials under paragraph (2),
25 the Commission shall make the materials avail-

1 able on the Web site established under sub-
2 section (c).

3 (4) DISTRIBUTION OF MATERIALS.—

4 (A) DISTRIBUTION TO GOVERNMENT ENTI-
5 TIES.—

6 (i) IN GENERAL.—The Commission
7 shall distribute the materials in the clear-
8 inghouse to an entity listed in clause (ii)
9 for distribution in accordance with that
10 clause, if the Commission determines that
11 the materials are related to the persons
12 served by that entity.

13 (ii) ENTITIES; FURTHER DISTRIBUTION.—The entities referred to in subpara-
14 graph (A) are the following:
15

16 (I) The Federal Citizen Informa-
17 tion Center of the General Services
18 Administration.

19 (II) The Federal Trade Commis-
20 sion, which may provide the materials
21 to the public as appropriate.

22 (III) The Department of Edu-
23 cation, which, as determined appro-
24 priate by the Secretary of Education,
25 may provide the materials—

1 (aa) to public schools; and
2 (bb) to the public through
3 the Department of Education
4 Web site.

5 (IV) The Government Printing
6 Office, which, as determined appro-
7 priate by the Director of the Govern-
8 ment Printing Office, may distribute
9 the materials to the Federal deposi-
10 tory libraries.

11 (V) State and local government
12 officials, including the head of a State
13 department of health or its equivalent.

14 (B) DISTRIBUTION TO THE PUBLIC.—The
15 Commission shall make available to the public,
16 upon request and without charge, copies of—

17 (i) the quarterly reports under section
18 (a)(2)(B); and

19 (ii) any other materials collected for
20 the clearinghouse that the Commission de-
21 termines is appropriate for direct distribu-
22 tion to members of the public.

23 (5) TOLL-FREE NUMBER.—

24 (A) IN GENERAL.—The Commission shall
25 establish a toll-free telephone number to—

1 (i) provide information about—

2 (I) product recalls and product
3 safety; and

4 (II) materials available under
5 paragraph (4)(B); and

6 (ii) to allow individuals to request
7 such materials.

8 (B) ACCESSIBILITY.—The toll-free tele-
9 phone number shall make information avail-
10 able—

11 (i) to the hearing impaired and the
12 visually impaired; and

13 (ii) in English, Spanish, French, Jap-
14 anese, Chinese, Vietnamese, Korean, and
15 Tagalog.

16 (C) FORM OF DISTRIBUTION.—The Com-
17 mission shall distribute materials in an elec-
18 tronic form unless the Commission determines
19 that a hard copy is appropriate.

20 (c) COMPREHENSIVE PRODUCT RECALL WEB
21 SITE.—

22 (1) IN GENERAL.—The Commission shall estab-
23 lish a public Web site to provide information to the
24 public about product recalls.

25 (2) CONTENTS.—

1 (A) REQUIRED INFORMATION.—The Com-
2 mission shall include on the Web site—

3 (i) information on product recalls, in-
4 cluding information on whether each prod-
5 uct recall was initiated by a Federal agen-
6 cy or by another entity;

7 (ii) electronic versions of the quarterly
8 reports under subsection (e);

9 (iii) access to other information avail-
10 able in the clearinghouse established by the
11 Commission under subsection (b); and

12 (iv) a search function that allows
13 users to use a single search to find product
14 recalls concerning products under the ju-
15 risdiction of multiple enforcement agencies.

16 (B) OPTIONAL INFORMATION.—The Com-
17 mission may include on the Web site—

18 (i) additional information concerning
19 product recalls, including press releases
20 and links to other Web sites providing in-
21 formation about product recalls;

22 (ii) information for consumers on
23 product licensing, certification, and label-
24 ing, including links to other Web sites con-
25 taining such information; and

1 (iii) additional information on product
2 safety for consumers, including links to
3 other Web sites containing such informa-
4 tion.

5 (3) DEADLINE.—The Commission shall make
6 the Web site available to the public not later than
7 30 days after the date of enactment of this Act.

8 (4) UPDATES.—The Commission shall update
9 the information on the Web site before the end of
10 the 14-day period beginning on the date that new in-
11 formation listed in paragraph (2)(A) is submitted to
12 the clearinghouse established under subsection (b).

13 (5) LINKS.—The head of each enforcement
14 agency, each relevant department, the Federal Trade
15 Commission, and the Department of Education shall
16 prominently display a link to the Web site estab-
17 lished under paragraph (1) on the public Web site
18 of such agency or department, respectively.

19 (d) PUBLIC SERVICE ANNOUNCEMENTS.—

20 (1) IN GENERAL.—The head of each enforce-
21 ment agency shall issue national public service an-
22 nouncements via newspaper, radio, television, and
23 the Internet that contain—

24 (A) information on—

1 (i) the role of the agency in product
2 safety;

3 (ii) the types of products regulated by
4 the agency;

5 (iii) the availability and location of
6 print, Internet, and other resources on re-
7 cent product recalls, including information
8 on the Web site established under sub-
9 section (c);

10 (iv) the role of the consumer in—

11 (I) evaluating the safety of a
12 product prior to purchasing such
13 product;

14 (II) using a product in a safe
15 manner; and

16 (III) participating in a product
17 recall;

18 (B) contact information for consumers
19 seeking information about product safety; and

20 (C) other information that the head of the
21 agency considers relevant to informing con-
22 sumers about product recalls and product safe-
23 ty.

24 (2) REQUIRED INFORMATION FOR A PUBLIC
25 SERVICE ANNOUNCEMENT DESCRIBING A RECALL.—

1 If a public service announcement made under para-
2 graph (1) includes information about a specific prod-
3 uct recall, that announcement must state whether
4 the product recall was initiated by a Federal agency
5 or by a private entity.

6 (3) FREQUENCY.—The head of each enforce-
7 ment agency shall issue the announcements required
8 under paragraph (1) at least—

9 (A) not later than the end of the 30-day
10 period beginning on the date of issuance by the
11 agency of each quarterly report under sub-
12 section (e); and

13 (B) within—

14 (i) the 7-day period ending on each
15 Federal holiday; and

16 (ii) the 7-day period beginning on
17 each Federal holiday.

18 (e) QUARTERLY REPORT.—

19 (1) IN GENERAL.—Not later than 30 days after
20 the end of each fiscal year quarter, the head of each
21 enforcement agency shall issue in accordance with
22 this subsection a report that lists all products that—

23 (A) were subject to a product recall in the
24 previous quarter; and

1 (B) are within the administrative jurisdic-
2 tion of the agency.

3 (2) CONTENTS.—

4 (A) GENERAL INFORMATION.—The report
5 shall contain the address of the Web site estab-
6 lished under subsection (c).

7 (B) SPECIFIC PRODUCT INFORMATION.—
8 The report shall contain the following informa-
9 tion for each product listed in such report:

10 (i) The product name.

11 (ii) A photograph of the product.

12 (iii) A clear and concise description of
13 the product.

14 (iv) The reason for the product recall.

15 (v) Whether the product recall was
16 initiated by a Federal agency or by a pri-
17 vate entity.

18 (vi) A description of the steps a con-
19 sumer should take to respond to the prod-
20 uct recall, including—

21 (I) returning the product to the
22 manufacturer;

23 (II) replacing a part; or

24 (III) other appropriate action.

1 (vii) The contact information for the
2 manufacturer, including the manufactur-
3 er's—

4 (I) name;

5 (II) postal address;

6 (III) telephone number, including
7 any telephone number dedicated to
8 the product recall; and

9 (IV) Web site, including any Web
10 site dedicated to the product recall.

11 (viii) The contact information for the
12 distributor, including the distributor's—

13 (I) name;

14 (II) postal address;

15 (III) telephone number, including
16 any telephone number dedicated to
17 the product recall; and

18 (IV) Web site, including any Web
19 site dedicated to the product recall.

20 (ix) The date that the product first
21 became available to consumers in the
22 United States.

23 (x) The date that the product recall
24 was issued.

1 (xi) The location of additional infor-
2 mation about the product recall, includ-
3 ing—

4 (I) the telephone number of each
5 hotline dedicated to the product recall
6 that was established by the enforce-
7 ment agency, the manufacturer, or a
8 third party; and

9 (II) the address of each Web site
10 providing information concerning the
11 product recall that was established by
12 the agency, the manufacturer, or a
13 third party.

14 (3) DISTRIBUTION.—

15 (A) ONLINE AVAILABILITY.—The head of
16 each enforcement agency shall make each quar-
17 terly report it issues under this subsection
18 available on the Web site of such agency. If a
19 department has jurisdiction over such agency,
20 the head of the department shall include a link
21 to such report on the public Web site of that
22 department.

23 (B) CONGRESS.—The head of the enforce-
24 ment agency shall submit each quarterly report
25 to Congress.

1 (4) NOTICE.—

2 (A) PRESS RELEASE.—Not later than the
3 end of the 30-day period beginning on the date
4 of issuance of the quarterly report under para-
5 graph (1), the head of each enforcement agency
6 shall issue a press release. Such press release
7 shall announce the availability of such report,
8 including information on where members of the
9 public can access the report.

10 (B) FEDERAL REGISTER.—Not later than
11 the end of the 30-day period beginning on the
12 date of issuance of the quarterly report under
13 paragraph (1), the head of the enforcement
14 agency shall publish in the Federal Register a
15 notice of the availability of the quarterly report.

16 (f) POSTERS AND OTHER MATERIALS IN PUBLIC
17 PLACES.—

18 (1) POSTERS DESCRIBING SIGNIFICANT PROD-
19 UCT RECALLS.—

20 (A) IN GENERAL.—If a significant product
21 recall of a product under the jurisdiction of an
22 enforcement agency occurs, the head of such
23 agency shall print and distribute a poster con-
24 taining information describing such recall.

1 (B) CONTENTS.—The poster shall in-
2 clude—

3 (i) information on whether the prod-
4 uct recall was initiated by a Federal agen-
5 cy or by a private entity; and

6 (ii) information on how to find addi-
7 tional information about product recalls.

8 (C) DISTRIBUTION.—The posters under
9 subparagraph (A) shall be distributed to busi-
10 nesses and other members of the public upon
11 request, at no charge.

12 (D) DEADLINE.—The head of the enforce-
13 ment agency shall print and distribute the post-
14 er under subparagraph (A) before the end of
15 the 30-day period beginning on the date the
16 product recall was issued.

17 (2) POSTERS DESCRIBING AGENCY ROLE IN
18 PRODUCT SAFETY.—

19 (A) IN GENERAL.—The head of each en-
20 forcement agency shall—

21 (i) before the end of the 30-day period
22 beginning on the date of enactment of this
23 Act, issue posters and other printed mate-
24 rials that provide information on the role

1 of the agency in product recalls and prod-
2 uct safety; and

3 (ii) revise such materials as appro-
4 priate.

5 (B) DISTRIBUTION.—The posters and
6 other materials issued under subparagraph (A)
7 shall be distributed to businesses and other
8 members of the public upon request, at no
9 charge.

10 (g) NOTICE OF PRIVATE PRODUCT RECALLS.—Any
11 manufacturer or distributor of a product who voluntarily
12 initiates a product recall for that product as a result of
13 safety concerns shall provide notice of such recall to the
14 enforcement agency with the authority to regulate the
15 safety of that product, before the end of the 10-day period
16 beginning on the date that the manufacturer issues the
17 product recall.

18 (h) REPORT TO CONGRESS.—Not later than the end
19 of the 30-day period beginning on the date of enactment
20 of this Act, the head of each enforcement agency shall sub-
21 mit a report to Congress containing information on—

22 (1) the method by which information on prod-
23 uct recalls is collected and is retained by the agency;

24 (2) a list of all product recalls concerning prod-
25 ucts under the jurisdiction of the agency during the

1 1-year period preceding the enactment of this sec-
2 tion;

3 (3) the current practices of the agency for dis-
4 tributing information about product recalls to the
5 public, including practices for providing information
6 about the product recall—

7 (A) on the Internet;

8 (B) to the press; and

9 (C) to public libraries;

10 (4) the progress that the agency has made in
11 developing the public information plan required
12 under subsection (a); and

13 (5) a budget analysis detailing how the agency
14 will use the amounts appropriated to it for purposes
15 of this section.

16 (i) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section,
18 in addition to any other amounts otherwise authorized to
19 be appropriated to provide the public with information
20 about product recalls and product safety—

21 (1) to the Commission, \$5,000,000 for fiscal
22 year 2009 and \$2,000,000 for each fiscal year there-
23 after; and

1 (2) to the head of each enforcement agency,
2 other than the Commission, \$1,000,000 for fiscal
3 year 2009 and each fiscal year thereafter.

4 (j) APPLICATION OF DEADLINES.—Each deadline es-
5 tablished in this section for action by an enforcement
6 agency or a manufacturer or distributor of a product ap-
7 plies only to the extent that the enforcement agency, man-
8 ufacturer, or distributor can comply with the deadline and
9 reasonably fulfil its obligations under other Federal stat-
10 utes.

11 (k) DEFINITIONS.—For purposes of this section, the
12 following definitions apply:

13 (1) COMMISSION.—The term “Commission”
14 means the Consumer Product Safety Commission.

15 (2) CONSUMER.—The term “consumer” means,
16 with respect to a product, an individual who uses the
17 product primarily for personal purposes.

18 (3) ENFORCEMENT AGENCY.—The term “en-
19 forcement agency” means any Federal agency, in-
20 cluding any independent agency and any inde-
21 pendent regulatory agency, having authority granted
22 by Federal statute to regulate product safety.

23 (4) PRODUCT.—The term “product” means any
24 article, or component part thereof, including food,
25 produced or distributed—

1 (A) for sale to a consumer for use in or
2 around a permanent or temporary household or
3 residence, a school, in recreation, or otherwise;
4 or

5 (B) for the personal use, consumption, or
6 enjoyment of a consumer in or around a perma-
7 nent or temporary household or residence, a
8 school, in recreation, or otherwise.

9 (5) PRODUCT RECALL.—The term “product re-
10 call”—

11 (A) means a recall of a product issued to
12 protect the safety of consumers; and

13 (B) includes—

14 (i) a corrective action related to a con-
15 sumer product subject to an order under
16 section 12 or 15 of the Consumer Product
17 Safety Act (15 U.S.C. 2061, 2064);

18 (ii) the designation of a product as a
19 banned hazardous substance under the
20 Federal Hazardous Substances Act (15
21 U.S.C. 1261 et seq.);

22 (iii) a voluntary corrective action re-
23 lated to a consumer product taken by the
24 manufacturer, in consultation with the
25 Commission, of which action the Commis-

1 sion has notified the public and that would
2 have been subject to a mandatory correc-
3 tive action under the Consumer Product
4 Safety Act (15 U.S.C. 2051 et seq.) or an-
5 other Act enforced by the Commission if
6 voluntary action had not been taken by the
7 manufacturer; and

8 (iv) a corrective action related to any
9 motor vehicle or replacement equipment
10 that contains a defect related to motor ve-
11 hicle safety or that does not comply with
12 applicable motor vehicle safety standards
13 and is subject to a notification order under
14 section 30118(b) of title 49, United States
15 Code, or a remedy under section 30120 of
16 such title.

17 (6) RELEVANT DEPARTMENT.—The term “rel-
18 evant department” means any executive department
19 that includes an enforcement agency.

○