



**Asia-Pacific  
Economic Cooperation**

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## **Consumer Product Safety Commission (CPSC) Enforcement Practices**

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**CPSC Enforcement Practices**

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APEC TOY SAFETY INITIATIVE  
REGULATOR TO REGULATOR DIALOGUE

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## Agenda

- CPSC Overview
- Office of Compliance and Field Operations Overview
- Market Surveillance
- Import Surveillance
- Recalls

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## CPSC Overview

CPSC is an independent agency created to protect the public from unreasonable risks of injury associated with consumer products

Three Commissioners appointed by the president for multi-year terms with confirmation by the Senate

## Commissioners

**Inez Tenenbaum**  
Chairman



**Thomas Moore**  
Commissioner

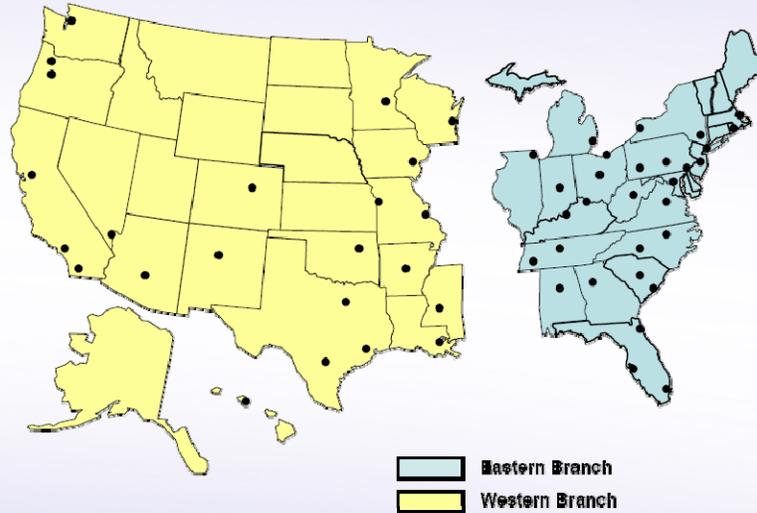


**Nancy A. Nord**  
Commissioner



- The President appoints one Commissioner as the Chairman, who acts as Principal Executive Officer

## Field Investigative Staff Locations

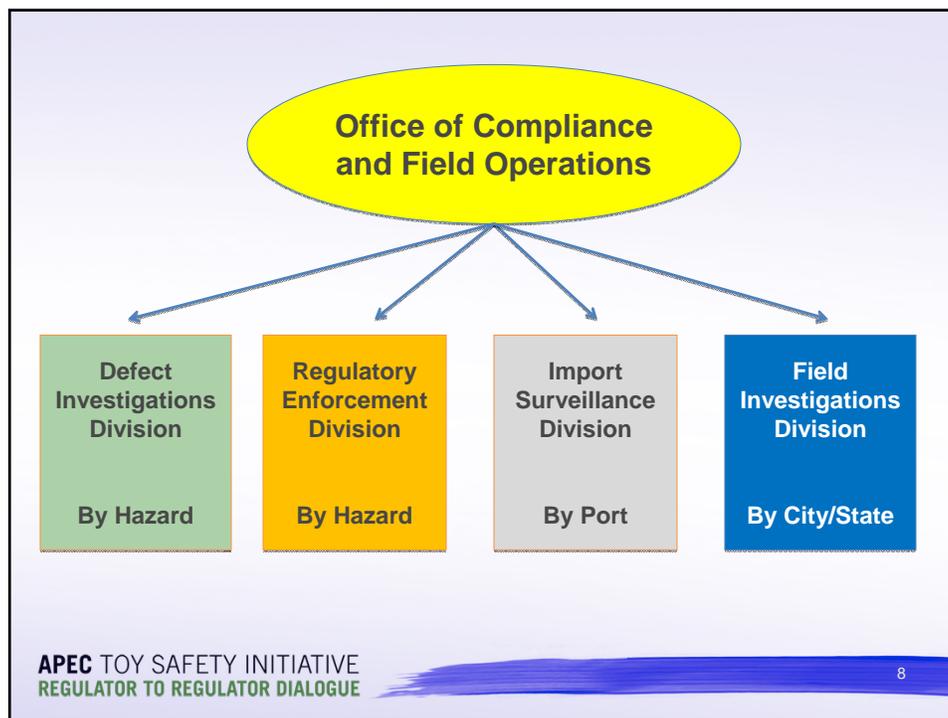


## What is a Consumer Product?

- Jurisdiction over some 15,000 different consumer products under the Consumer Product Safety Act
- Excludes some products covered by other federal agencies, such as:
  - Cars and related equipment (NHTSA)
  - Food, drugs, medical devices, cosmetics (FDA)
  - Firearms (BATF)
  - Airplanes (FAA)
  - Boats (Coast Guard)
  - Pesticides (EPA)

## Office of Compliance and Field Operations Overview

- Enforce **mandatory standards** and **reporting requirements**
- Investigate product hazards and make **preliminary determinations**, seeking corrective actions as necessary
- Coordinate enforcement efforts with U.S. Customs and Border Protection and State/local governments
- Develop guidance and **help firms comply** with the law



## Compliance Investigation Overview

- Field investigation conducted
- Compliance initiates contact with the firm
- Epidemiology conducts data search
- Engineering performs testing (both failure mode testing and performance testing)
- Preliminary Determination Made (not Fast Track cases)
- Recall negotiated
- Consumers notified

## Identifying Defect/Hazard

- **Pattern of Defect**
  - Identification of defect, flaw, error, design, engineering, quality control, labeling, use, assembly, etc
- **Number of Defective Products**
  - Distributed into commerce
- **Severity of Risk**
  - Severity of injury
  - Likelihood injury will occur
  - Vulnerable population affected

## Violations / Prohibited Acts

- The Consumer Product Safety Act (CPSA) and the Federal Hazardous Substances Act (FHSA) make it unlawful to:
  - Manufacture, distribute or import any product that does not comply with a mandatory standard ( CPSA & FHSA)
  - Fail to report information as required by section 15(b) (CPSA);
    - Fail to report choking incidents (CPSA); and
    - Fail to report under Section 37 of the CPSA

## Market Surveillance

- Retail surveillance
- Filed enforcement programs
- State and local government partners
- Recall effectiveness checks



And thousands more flights, many carrying imported consumer goods.



ITDS/ACE



- In 2007, CPSC became a “**participating agency**” in the International Trade Data System Automated Commercial Environment (ACE)
- This tool gives qualified CPSC staff access to much better **information for targeting** unsafe consumer products
- ACE grows more sophisticated over time

## ITDS/ACE Status

- CPSC on Fast Track for full participation, likely in 2010
- Concept of Operations (ConOps) submitted at the end of FY 2008
- CPSC is working through CBP's comments on the ConOps

## Coordination with Customs

- Joint programs targeting unsafe consumer products by class
- Follow backwards and forwards on specific cases
- Joint audits of importers
- Importer Self Assessment (ISA) Product Safety pilot

## What Exactly is a Recall?

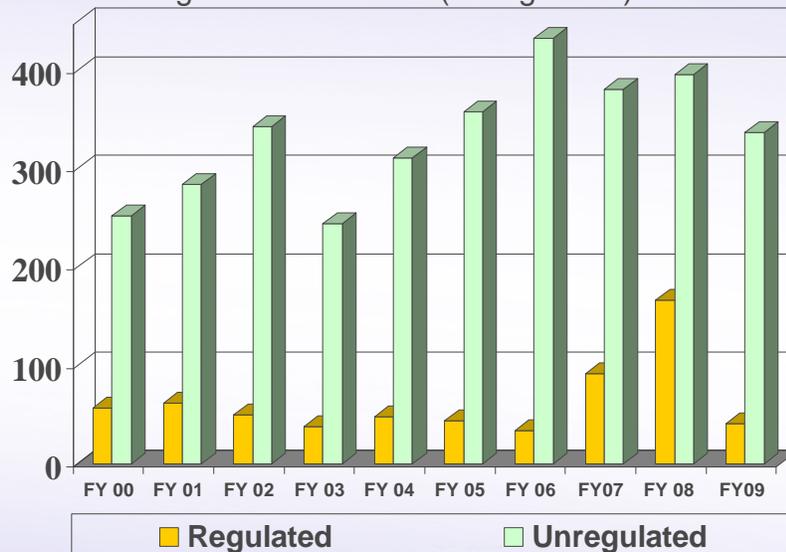
**Recall** is a generic term, and can involve requirement for firm to:

- repair product
- replace product
- refund purchase price of product

## CPSC Recalls

Updated through 7/14/2009

Regulated vs. Defect (Unregulated) Cases



## *Contact Information*

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