

108TH CONGRESS
1ST SESSION

S. 584

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

MARCH 10, 2003

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 2003”.

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. The Na-
19 tional Highway Traffic Safety Administration has
20 found this requirement has increased recall compli-
21 ance rates.

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 rule to require manu-
3 facturers of juvenile products, small household appli-
4 ances, and certain other consumer products, to in-
5 clude a simplified product safety owner card with
6 those consumer products at the time of original pur-
7 chase by consumers, or develop effective electronic
8 registration of the first purchasers of such products,
9 to develop a customer database for the purpose of
10 notifying consumers about recalls of those products;
11 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 consumer product intended
7 for use, or that may be reasonably expected to
8 be used, by children under the age of 5 years;
9 and

10 (B) includes, among other items—

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

13 (ii) toddler beds;

14 (iii) high chairs, booster chairs, and
15 hook-on chairs;

16 (iv) bath seats;

17 (v) gates and other enclosures for con-
18 fining a child;

19 (vi) playpens;

20 (vii) stationary activity centers;

21 (viii) strollers;

22 (ix) walkers;

23 (x) swings;

24 (xi) child carriers;

25 (xii) bassinets and cradles; and

1 (xiii) children’s toys.

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 ance as provided for in the rule promulgated by the
18 Consumer Product Safety Commission.

19 **SEC. 4. RULE REQUIRING SYSTEM TO PROVIDE NOTICE OF**
20 **RECALLS OF CERTAIN CONSUMER PROD-**
21 **UCTS.**

22 (a) **IN GENERAL.**—The Commission shall promulgate
23 a rule under section 16(b) of the Consumer Product Safe-
24 ty Act (15 U.S.C. 2065(b)) that requires that the manu-
25 facturer of a covered consumer product shall establish and

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

3 (b) REQUIREMENT TO CREATE DATABASE.—

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

11 (2) USE OF TECHNOLOGY.—Alternative meth-
12 ods specified in the rule may include use of on-line
13 product registration and consumer notification, con-
14 sumer 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.—In pro-
21 mulgating the rule, the Commission shall consider the
22 staff draft for an Advanced Notice of Proposed Rule-
23 making entitled “Purchaser Owner Card Program”, dated
24 June 19, 2001.

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

4 (e) DEADLINES.—

5 (1) IN GENERAL.—The Commission—

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

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

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

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