

United States: Product Safety Profile



Principal website:

Legislative framework

The Consumer Product Safety Act (CPSA) authorizes the Consumer Product Safety Commission (CPSC) to develop standards and bans and to pursue recalls under certain circumstances. The CPSC also administers the Consumer Product Safety Improvement Act (CPSIA) and a range of Acts that deal with specific products.

Web reference: www.cpsc.gov/en/Regulations-Laws--Standards/Statutes/

How are the rules for product requirements set?

The CPSC can promulgate consumer product safety rules to prevent or reduce an unreasonable risk of injury associated with consumer products. The rule may include requirements for performance, markings, warnings and/or instructions. The Administrative Procedure Act (APA) requires the CPSC to solicit input from the public on proposed regulations and to respond to public comments. The CPSC relies on voluntary standards whenever they eliminate or reduce the risk of injury and compliance with the standard is substantial. Voluntary standards can be referenced on an interim basis while the CPSC develops a final consumer product safety rule.

Rules can establish requirements for third party bodies that assess conformity to consumer product safety standards. The CPSC can also establish mandatory test programs for any product.

Web reference: www.cpsc.gov/en/Regulations-Laws--Standards/Rulemaking/

How are goods prohibited from sale for safety reasons?

The CPSC can make rules that ban the manufacture, importation, sale or advertisement of a consumer product that presents an unreasonable risk of injury and no feasible consumer product safety standard would adequately protect the public on a permanent or interim basis.

Web reference: <http://www.cpsc.gov/PageFiles/105435/cpsa.pdf> (see sections 8 and 9 of CPSA)

Are there notification requirements?

Suppliers must report to the CPSC within 24 hours if they obtain information that reasonably supports the conclusion that a product:

- fails to comply with a consumer product safety rule or a voluntary consumer product safety standard relied on by the CPSC
- fails to comply with any other rule, regulation, standard, or ban under the CPSA or any other statute enforced by the CPSC
- contains a defect which could create a substantial product hazard or
- creates an unreasonable risk of serious injury or death.

Suppliers must report certain choking incidents to the CPSC within 24 hours. Businesses must also

report to the CPSC within 30 days if a product is subject to three successful civil law suits.

Web

reference:

<http://www.cpsc.gov//Global/Business-and-Manufacturing/Business-Education/RegulatedProductsHandbook.pdf> (see chapter 9)

Suppliers may report via phone, e-mail, postal mail or online at:

www.saferproducts.gov/CPSRMSPublic/Incidents/ReportIncident.aspx