



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207-0001

OFFICE OF COMPLIANCE
Recalls and Compliance Division
email: mschoem@cpsc.gov

Marc J. Schoem
Director
Tel: 301-504-0608 Ext. 1365
Fax: 301-504-0012

February 20, 1998

Re: CPSC Fast Track Product Recall Program

Dear Manufacturer/Retailer:

The U.S. Consumer Product Safety Commission (CPSC) adopted an alternative procedure for reports filed pursuant to Section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b), for firms that initiate acceptable corrective action within 20 working days of the date of their report. We are calling this program the "Fast Track Product Recall Program."

To assist you in developing an acceptable corrective action plan under this program or to decide if your firm wants to participate in the program, we are enclosing a copy of a notice from the Federal Register of July 24, 1997 describing the program (formerly called the No Preliminary Determination (No PD) Program) and the conditions for participation. Please note, to participate in this program, you must provide the "Full Report" referenced in 16 C.F.R. § 1115.13(d). We are also enclosing a sample news release and point of purchase poster announcing a corrective action and list of acceptable forms of notice.

If you have any questions, please feel free to contact me by telephone, by fax or email at the above numbers. If you have already filed a report pursuant to Section 15(b), CPSA, you may also contact the Compliance Officer with whom the report was filed.

Sincerely,

Original signed by:

Marc J. Schoem

Enclosures

CONSUMER PRODUCT SAFETY COMMISSION

Conditions Under Which the Staff Will Refrain From Making Preliminary Hazard Determinations

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Act requires manufacturers, distributors, and retailers of consumer products distributed in commerce to notify the Commission of certain defects, unreasonable risks, or non-compliance with voluntary or mandatory standards. The Commission has made permanent its "No PD" program: The staff refrains from making a preliminary hazard determination when firms report and, within 20 working days, implement an acceptable corrective action.

DATES: The Commission's revised procedures became permanent on March 27, 1997.

FOR FURTHER INFORMATION CONTACT:

Marc J. Schoem, Office of Compliance, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814 (mailing address: Washington, DC 20207); telephone 301-504-0608, extension 1365; e-mail address "sect15@cpsc.gov."

SUPPLEMENTARY INFORMATION:

A. Background

Under section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2064(b), manufacturers, distributors, and retailers of consumer products must report certain potential product hazards to the Commission. They must report immediately if they obtain information which reasonably supports the conclusion that a product (1) fails to comply with certain mandatory or voluntary standards, (2) contains a defect which could create a substantial product hazard, or (3) creates an unreasonable risk of serious injury or death. 15 U.S.C. 2064(b).

If the Commission believes that a product presents a substantial product hazard under the CPSA, 15 U.S.C. § 2064 (c) and (d), or contains a defect which creates a substantial risk of injury to children under the Federal Hazardous Substances Act, 15 U.S.C. § 1274(a), (b) and (c), it may pursue corrective action.

After receiving a report, the Commission staff evaluates the hazard. If the available facts justify pursuing corrective action for the product, the staff generally makes a preliminary determination ("PD") of "substantial product hazard" or "substantial risk of

injury to children." See 16 CFR 1115.12(a).

B. Initiation of "No PD" Pilot Program

On August 17, 1995, the Commission initiated a six-month pilot program in which, under certain conditions, the Office of Compliance staff would not make a preliminary determination. See 60 Fed. Reg. 42848 (Aug. 17, 1995). Later, the Commission extended the pilot program through March 1997.

The Commission initiated the pilot program to use staff resources more efficiently and to promote quicker recalls. In addition, the Commission hoped to reduce any disincentive to companies that want to report and undertake corrective action, but fear the consequences of a staff preliminary determination.

When the staff preliminarily determines that a product presents a substantial risk of injury to children, it requests that the reporting company take corrective action. If a company acts promptly to correct a defective product, staff resources can be devoted to helping the company recall the product instead of investigating the defect and making the preliminary determination.

The Commission designed the pilot program to "reward" companies that acted quickly on a corrective action. The staff made no preliminary determination concerning the products of those companies.

C. Results of Pilot Program

The pilot program was successful. During its first six months, companies participating in the program initiated 57 corrective action plans that affected approximately 3.5 million products. By the end of the pilot program's extension, companies had initiated 140 recalls of approximately 12.9 million products.

On average, companies in the pilot program took 14 working days to initiate corrective action plans. The staff sometimes granted an extension of time for issuance of a joint news release or final staff approval of an alternative notice program. In most of those cases, however, the firm's corrective action plan was underway within 20 working days.

During the pilot program, companies undertook corrective actions for a variety of products. They included children's articles with small parts that presented choking hazards, products that collapsed and presented impact hazards, bicycles and recreational vehicles that could cause falls or loss of control, products that presented the risk of carbon monoxide poisoning, electrical products that presented shock

and fire risks, and power tools that could cause serious lacerations.

Industry response to the pilot program was positive. During the program, more than one-third of the companies making section 15 reports initiated corrective actions under the "no preliminary determination" approach.

D. Permanent Program

After reviewing the results of the pilot program, the Commission revised its procedures on a permanent basis effective March 24, 1997. The permanent program is governed by the following requirements and procedures:

1. If a company reports and implements within 20 working days after filing an initial report a corrective action that the staff believes will be effective, the staff will generally refrain from making a preliminary determination. "Implement" means issuance of a news release or other form of public notice approved by the staff commencing a consumer-level corrective action.

If the Commission believes that more than 20 working days is necessary, the Director of the Division of Corrective Actions may extend the time period for any appropriate reason, including that: (a) technically complex issues must be resolved to assure the staff that the company's action is adequate (for example, laboratory testing is necessary); (b) retailers and distributors must be notified in advance so that the plan will be effective; or (c) the news release must be scheduled for optimum coverage (for example, a video news release is necessary).

2. A company's reporting obligations remain unchanged. Specifically, companies that have an obligation to notify the Commission under section 15(b) or section 37 of the CPSA, or section 102 of the Child Safety Protection Act, must continue to do so even when they believe the risk does not warrant corrective action.

3. A company must file a full report under 16 CFR 1115.13(d). In particular, the report must include copies of complaints and claims, which is crucial for staff evaluation and which many companies currently omit.

4. A company must advise the staff that it wishes to participate in the program.

5. A company must submit a proposed corrective action plan in sufficient time for the staff to review and analyze it. In addition, the staff must have sufficient time to work out the details of the corrective action with the company. All of this must occur before the company initiates the plan

within 20 working days of filing its report.

6. A company's proposed corrective action plan must include:

(a) A description of the recall action (refund, repair, or replacement) that the company will take to eliminate the identified risk.

(b) Sufficient product design, incident, and testing information to allow the staff to determine whether the proposed action corrects the identified problem and the problem is limited to the model(s) and production dates identified by the company. Such information should include, but is not limited to: consumer complaints, test data, engineering drawings, material specifications, samples of product, and/or component parts, as needed. If the needed information and documentation is being compiled, but is not yet available, the company must provide the date it expects to forward the information to CPSC. CPSC staff must have sufficient time to review the information and respond within the 20 working day time limit.

(c) Usually, the company's proposed plan must include notice of the recall to distributors, retailers, and consumers of the subject product. The notice must describe the product, the hazard, the number and type of injuries that have been reported, the type of injury that can occur, and the action to be taken in plain language understandable to the people to whom the notice is directed. Generally, the plan must include a joint news release with the Commission announcing the recall, letters and instructions to retailers and distributors, point-of-purchase posters, and, depending upon the level of risk, the population at risk, age and number of products involved, additional notice. Supplementary notice may include a video news release, print and/or radio advertisements, incentives or bounties to encourage consumer response, posters for specific audiences, such as for posting in pediatricians' offices, medical clinics, national parks and campgrounds, and repair shops (see *Corrective Action Handbook*, available for CPSC Division of Corrective Actions). In those cases where all purchasers can be contacted directly, a news release may not be necessary.

(d) An agreement that the Commission may publicize the terms of the plan and inform the public of the nature and the extent of the alleged hazard. The consumer notice should be targeted to reach a significant portion of the public likely to have purchased the subject product. (See 16 CFR

§ 1115.20(a) and CPSC *Corrective Action Handbook*.)

7. The corrective action plan and notice must be acceptable to the staff. The staff will consider whether the corrective action plan adequately addresses the risk of injury presented by the product and whether the notice and corrective action plan are designed to make the plan as effective as is reasonably possible given the nature of the product and the risk.

8. The staff will provide expedited review of every proposal submitted and work with every interested company to develop an acceptable corrective action plan that can be implemented within 20 working days. However, there may be cases where the staff cannot evaluate and approve implementation of a corrective action plan within 20 working days, even though the company has submitted all the necessary information in a timely manner. Similarly, there may be cases where the staff and firm agree that notice and corrective action should occur after 20 working days have passed (for example, in the case of a seasonal product). So long as delay is not caused by or the fault of the company, the staff generally will not make a preliminary hazard determination.

9. If corrective action is implemented within 20 working days, staff will acknowledge in writing that the company has submitted information under section 15(b) of the CPSA and that, based on available information, the proposed corrective action plan is adequate. In addition, the staff will advise the company that it has a continuing obligation to report new or different information that may affect the scope, prevalence or seriousness of the defect or hazard. Once the company implements its corrective action plan, the staff will monitor its progress.

10. If the company does not implement a corrective action acceptable to the staff within 20 working days, the staff will continue its evaluation and will preliminarily determine whether the product contains a defect that creates a substantial risk of injury to children under the FHSA or presents a substantial product hazard under the CPSA. The staff will so inform the company.

11. A company should not delay its report under section 15(b) of the CPSA in order to prepare a corrective action plan. The staff will not refrain from making a preliminary determination if the information available suggests that a company did so.

Dated: July 21, 1997.

Todd A. Stevenson,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 97-19554 Filed 7-23-97; 8:45 am]

BILLING CODE 6355-01-M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Meeting

Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. 552(b)), notice is hereby given of the following meeting of the Board of Directors of the Corporation for National and Community Service (Corporation).

DATE AND TIME: Thursday, July 31, 1997, from 2 p.m. to 3:30 p.m.

PLACE: The meeting will be held via conference call.

STATUS: The meeting will be closed, pursuant to exemptions (4) and (9(b)) of the Government in the Sunshine Act. The basis for this closing has been certified by the Corporation's Acting General Counsel. A copy of the certification will be posted for public inspection at the Corporation's headquarters at 1201 New York Avenue NW, Suite 8200, Washington, DC 20525, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED: This is a correction to the original **Federal Register** Notice, dated July 22, 1997, page 39214. The Board of Directors of the Corporation will meet to deliberate and make decisions on grant awards in the following areas. AmeriCorps*State formula programs, AmeriCorps Education Awards Program, and Learn and Service America fund for the advancement of service learning and local education agencies.

FOR FURTHER INFORMATION CONTACT: Rhonda Taylor, Associate Director of Special Projects and Initiatives, Corporation for National and Community Service, 1201 New York Avenue NW, 8th Floor, Washington DC 20525. Telephone (202) 606-5000, ext 282.

Dated: July 22, 1997.

Stewart A. Davis,

Acting General Counsel.

[FR Doc. 97-19707 Filed 7-22-97; 3:44 pm]

BILLING CODE 6050-28-P

CPSC FAST TRACK PRODUCT RECALL PROGRAM

WHAT: For companies who report potential product defects under Section 15(b) of the Consumer Product Safety Act and implement a consumer-level voluntary recall (refund, repair, replace) within 20 working days of the report, CPSC staff will not make a preliminary determination (PD) that the product contains a defect that creates a substantial product hazard.

WHEN: Effective March 24, 1997 [pilot program began August 14, 1995]

WHY : To expedite voluntary correction of potentially hazardous products in the marketplace and consumers' possession.

HOW : Contact the Recalls and Compliance Division, Office of Compliance, U.S. Consumer Product Safety Commission, Washington, D.C. 20207; Telephone: (301) 504-0608, ext. 15; Email: mschoem@cpsc.gov, and request to participate in the Fast Track Product Recall Program.

SEND: 1) a full report as set forth at 16 C.F.R. 1115.13(d) (copy attached), including copies of all complaint and injury information; and 2) a proposed corrective action plan (CAP) to address the problem in sufficient time for staff review and approval so that the plan can be implemented (announced) within 20 working days.

CAP : An acceptable Corrective Action Plan should include:

- Recall (refund, repair, replacement)
- Joint News Release with CPSC (example attached)
- Point of Purchase Poster
- Other notice targeted to product owners and users to complement the news release, i.e., paid advertisements, direct mail, video news release, posters for display at locations likely to be seen by product owners, e.g., medical offices, hospitals, day care centers, repair centers, etc.
- Also consider bounties or other incentives targeted to likely product owners

FOR MORE INFORMATION:

CALL : (301) 504-0608, ext. 15

SEE : **July 24, 1997, Federal Register,
pages 39827-39828;
16 C.F.R. 1115.13(d); and
CPSC CORRECTIVE
ACTION HANDBOOK**

16 C.F.R. § 1115(13)(d) FULL REPORT

(1) The name, address, and title of the person submitting the "full report" to the Commission.

(2) The name and address of the manufacturer (or importer) of the product and the addresses of the manufacturing plants for that product.

(3) An identification and description of the product(s). Give retail prices, model numbers, serial numbers, and date codes. Describe any identifying marks and their location on the product. Provide a picture or a sample of the product.

(4) A description of the nature of the defect, failure to comply, or risk. If technical drawings, test results, schematics, diagrams, blueprints, or other graphic depictions are available, attach copies.

(5) The nature of the injury or possible injury associated with the product defect, failure to comply, or risk.

(6) The manner in which and the date when the information about the defect, noncompliance, or risk (e.g., complaints, reported injuries, quality control testing) was obtained. If any complaints related to the safety of the product or any allegations or reports of injuries associated with the product have been received, copies of such complaints or reports (or a summary thereof) shall be attached. Give a chronological account of facts or events leading to the report under section 15(b) of the CPSA, beginning with receipt of the first information which ultimately led to the report. Also included may be an analysis of these facts or events.

(7) The total number of products and units involved.

(8) The dates when products and units were manufactured, imported, distributed, and sold at retail.

(9) The number of products and units in each of the following: in the possession of the manufacturer or importer, in the possession of private labelers, in the possession of distributors, in the possession of retailers, and in the possession of consumers.

(10) An explanation of any changes (e.g., designs, adjustments, and additional parts, quality control, testing) that have been or will be effected to correct the defect, failure to comply, or risk and other steps that have been or will be taken to prevent similar occurrences in the future together with the timetable for implementing such changes and steps.

(11) Information that has been or will be given to purchasers, including consumers, about the defect, noncompliance, or risk with a description of how this information has been or will be communicated. This shall include copies or drafts of any letters, press releases, warning labels, or other written information that has been or will be given to purchasers, including consumers.

(12) The details of and schedule for any contemplated refund, replacement, or repair actions, including plans for disposing of returned products (e.g., repair, destroy, return to foreign manufacturer).

(13) A detailed explanation and description of the marketing and distribution of the product from the manufacturer (including importer) to the consumer (e.g., use of sales representatives, independent contractors, and/or jobbers; installation of the product, if any, and by whom).

(14) Upon request, the names and addresses of all distributors, retailers, and purchasers, including consumers.

(15) Such further information necessary or appropriate to the functions of the Commission as is requested by the staff.

EXAMPLES OF FORMS OF SAFETY NOTIFICATION

- 1. Establish dedicated 800/888/877 toll free numbers with sufficient number of operators to handle volume of calls**
- 2. Letters mailed directly to consumers and members of distribution chain advising them of the recall and action to take**
- 3. Mailgrams and telegrams**
- 4. Company bulletins advising employees of the actions being taken by the firm**
- 5. Notices in billings to consumers and members of the distribution chain**
- 6. Notices included with replacement parts**
- 7. Telephone calls to consumers and members of the distribution chain**
- 8. Notification to sales and customer service representatives**
- 9. Notice on company web site/home page**
- 10. Nationwide joint firm/CPSC press release**
- 11. Local press releases disseminated to specific areas of distribution of affected products**
- 12. Point of purchase posters in retail sales**
- 13. Paid safety notices in newspapers, magazines and trade journals**
- 14. Video news release**
- 15. Notices in future sales catalogues and product brochures**
- 16. Radio and television spots**
- 17. Notification posters displayed at locations to be seen by owners of the affected products, e.g., medical offices, hospitals, day care centers, repair shops, etc.**
- 18. Inclusion of incentives (gifts, product accessories) or bounty (discounts, money) to encourage distribution chain and consumer repair, replacement or refund of affected products**

NEWS from CPSC

U.S. CONSUMER PRODUCT SAFETY COMMISSION

OFFICE OF INFORMATION AND PUBLIC AFFAIRS

WASHINGTON, D.C. 20207

FOR IMMEDIATE RELEASE

Month XX, 199_

Release # 97-XXX

CONTACT: XXX XXXX

(301) 504-0580 Ext. XXXX

CPSC, GOOD COMPANY INC. ANNOUNCE RECALL TO REPAIR WRANGLE WIGGETS

WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), The Good Company Inc. of Yourtown, Pa., is providing a free repair kit for 150,000 Wrangle wiggets with defective blades that can break apart during use. The defective blades used for slicing and dicing wood can cause death and serious injuries to wigget operators and bystanders.

CPSC has received 2 reports of deaths in Chicago and Baltimore and 9 reports of hospital emergency room-treated injuries from pieces of broken blades that flew out from the wiggets. The Good Company has received 50 reports of Wrangle wiggets having pieces of broken blades caught in sections of the cut wood.

To prevent blade breakage, the Good Company is offering a free repair kit, consisting of a new steel attachment bracket and fasteners, along with two new blades.

Wrangle wiggets subject to this recall are models 10233, 10234, 10235, and 10236. The wiggets were sold in four blade sizes, 12-inch, 16-inch, 20-inch, and 24-inch with "The Good Company" and the model number and blade size embossed on the wigget handle.

[graphic: drawing or photograph]

Major department stores and appliance stores, such as Easy Does it Hardware and Homemaker's Helper sold the Wrangle wigget nationwide from March 1995 to July 1995 for about \$75.

Consumers should stop using the recalled wiggets immediately and call the Good Company at (800) XXX-XXXX anytime for the free repair kit and installation instructions or write to The Good Company at 62008 Industry Lane, Yourtown, PA 10089.

The U.S. Consumer Product Safety Commission protects the public from the unreasonable risk of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury and for information on CPSC's fax-on-demand service, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (301) 595-7054. To order a press release through fax-on-demand, call (301) 504-0051 from the handset of your fax machine and enter the release number. Consumers can obtain this release and recall information via Internet gopher services at cpsc.gov or report product hazards to info@cpsc.gov.

HEADING:

1. Should only have a CPSC contact; company contacts should be included in last paragraph.
2. Date agreed on by company and Compliance with input from Public Affairs.

HEADLINE:

1. Reads: CPSC AND COMPANY ANNOUNCE RECALL OF XXXXX

FIRST PARAGRAPH:

1. Begins: In cooperation with the Consumer Product Safety Commission...
2. Includes:
 - name of company
 - location of company; city, state
 - name of product; short description if necessary
 - total number of recalled products
 - description of the hazard

SECOND PARAGRAPH

1. Includes:
 - CPSC and company knowledge of deaths and injuries
 - CPSC and company knowledge or related incidents
 - Location by city and state of a death if known

THIRD (FOURTH) PARAGRAPH

1. Includes detailed description of the product:
 - colors
 - shapes; sizes
 - used for; used by
 - label information
2. Place photo or line drawing here (optional)

FIFTH PARAGRAPH

1. Includes:
 - Where products were sold (retailers, catalogues, dealers, nationwide, regional...)
(Specific names of stores are always helpful)
 - Time period or when they were sold (not manufactured)
 - Cost of product

SIXTH PARAGRAPH

1. Includes instruction for the consumer for:
 - whether to stop using product
 - how to return, repair, refund, etc...
 - postage included?
 - company address
 - working 800 number for company is preferred; company toll number secondary
 - company media contact (optional)

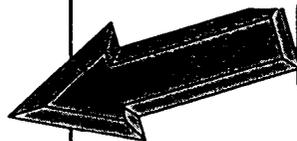
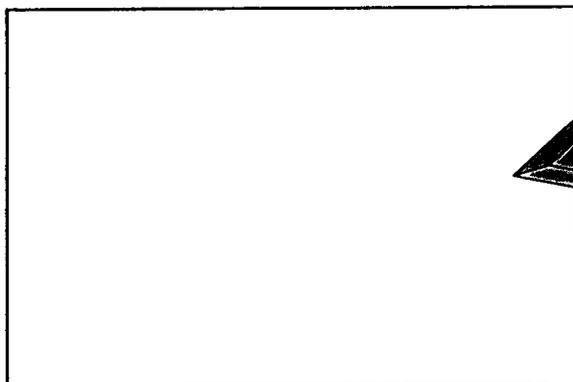
LAST PARAGRAPH

1. CPSC standard mission statement/boiler plate

SAFETY RECALL

Free Repair For Good Company Wrangle Wiggets

Two deaths and 22 severe lacerations resulted when some Wrangle Wigget blades broke and flew out while consumers were cutting wood. Recalled Wrangle Wiggets may have 12-, 16-, 20-, or 24-inch blades.



Look for Model
Number Here

Nos: 233, 234, 235, 236

Stop using your Wrangle Wigget immediately and call for free repair kit, installation instructions, and two new blades. Call:

(800) 123-4444

**THE GOOD COMPANY
YOURTOWN, PA 10000**

POST UNTIL: [6 months from recall]

News from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, D.C. 20207

For Immediate Release
August 6, 1997
Release # 97-170

Contact: Marc Schoem
(301) 504-0608 Ext. 1365

CPSC Adopts No PD Program to Speed Recalls and Save Lives

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission (CPSC) announced today the permanent adoption of the No Preliminary Determination (No PD) program. Under the No PD program, if a company agrees to recall a potentially defective product quickly, CPSC staff will not make a preliminary determination whether the product contains a defect that presents a substantial risk of injury to the public. Rather, the staff will work with the firm to recall the product. This will accelerate the recall process, save the government and companies time and money, and get dangerous products out of the marketplace in a matter of weeks.

By law, companies are required to report the discovery of potential product defects to CPSC. CPSC staff then preliminarily determines if there is a product defect and a substantial risk to consumers. If so, CPSC staff seeks from the company the submission of a voluntary corrective action plan to notify consumers of the hazard, locate the products, remove them from the distribution chain, and recall the product. The entire process can take months because CPSC staff must often conduct extensive technical evaluation of the product to identify a defect and determine whether the defect presents a substantial risk of injury to consumers.

Under the No PD program, a company reports a potential product defect to CPSC and informs CPSC of its plans for a corrective action to recall the product within 20 days. CPSC then evaluates the adequacy of the corrective action plan. If CPSC finds the corrective action plan to be adequate, it waives its preliminary determination and works with the company to expedite the recall.

-more-

Companies claimed that CPSC's formal preliminary determination process was a deterrent to their reporting product defects because companies were concerned of the possible adverse consequences CPSC's findings could have in private litigation. By eliminating deterrents to prompt reporting, the No PD program is expected to contribute to the quicker removal of millions of products from the marketplace that could injure or kill consumers.

Although companies may still choose to follow standard regulatory procedures, many companies have recognized the advantages of the No PD program. Since CPSC instituted a pilot No PD program in August 1995, it has approved 162 expedited recalls affecting nearly 14,500,000 potentially defective product units. In addition, CPSC has seen a higher rate of products returned by consumers with expedited recalls than with standard recalls. The success of the pilot program led to the permanent adoption of the No PD program on March 24, 1997.

For further information about this program or guidance on CPSC reporting requirements, companies should call (301) 504-0608, extension 1365.

The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury and for information on CPSC's fax-on-demand service, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (301) 595-7054. To order a press release through fax-on-demand, call (301) 504-0051 from the handset of your fax machine and enter the release number. Consumers can obtain this release and recall information at CPSC's web site at <http://www.cpsc.gov> or via Internet gopher services at cpsc.gov. Consumers can report product hazards to info@cpsc.gov.

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