



CPSC Approves New Rule Requiring Companies to Provide Specific Information in Mandatory Recall Notices

The Consumer Product Safety Improvement Act (CPSIA) continues to present new challenges for companies facing a potential product recall. On Monday, January 11, 2010, the Consumer Product Safety Commission (CPSC) announced it has unanimously approved a new rule requiring companies to provide specific information in mandatory recall notices, including information about the product, the manufacturer and significant retailers, and the number of injuries or deaths. Mandatory recall notices can be ordered by the CPSC or a United States District Court under the provisions of the CPSIA. According to the CPSC, the additional information will help consumers identify the product being recalled, the hazard presented by the product and the remedy being offered to consumers. Although the rule does not require the same information in voluntary recall notices, it will serve as a guide for those notices as well. The new rule, proposed by President Barack Obama when he was a member of the U.S. Senate, will go into effect 30 days after publication in the Federal Register.

The CPSC has not, however, moved as quickly to comply with other deadlines established by the CPSIA. In December, the CPSC announced it had voted to extend a stay of enforcement on the testing and certification of many regulated children's products for one year past the original February 2010 deadline. Although the enforcement of specific testing requirements has been stayed, products still must comply with all applicable regulations. Moreover, the stay will not apply to all children's products, and will end on February 10, 2010 as originally planned for certain products.

The CPSC has recognized that the new requirements have created a measure of "chaos in the marketplace" over the past year and a half since the CPSIA was passed. The dramatic increases in civil and criminal penalties that may be imposed for failing to comply with the CPSIA's requirements, together with uncertainty regarding the scope and application of the new requirements, have resulted in growing concern among manufacturers, distributors and retailers. If you have any such concerns, please contact a member of the Product Liability Group at Reinhart Boerner Van Deuren. We have been tracking these new rules, and would be happy to work with you to determine how they may affect you or

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