

S 2045

CPSC Reform Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Sep 12, 2007

Current Status: By Senator Inouye from Committee on Commerce, Science, and Transportation filed written report. Repo

Latest Action: By Senator Inouye from Committee on Commerce, Science, and Transportation filed written report. Report No. 110-265. (Feb 25, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/2045>

Sponsor

Name: Sen. Pryor, Mark L. [D-AR]

Party: Democratic • **State:** AR • **Chamber:** Senate

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		Sep 12, 2007
Sen. Durbin, Richard J. [D-IL]	D · IL		Sep 20, 2007
Sen. Klobuchar, Amy [D-MN]	D · MN		Sep 20, 2007
Sen. Nelson, Bill [D-FL]	D · FL		Oct 3, 2007
Sen. Brown, Sherrod [D-OH]	D · OH		Oct 15, 2007
Sen. Schumer, Charles E. [D-NY]	D · NY		Oct 30, 2007
Sen. Menendez, Robert [D-NJ]	D · NJ		Nov 2, 2007
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Nov 7, 2007
Sen. Harkin, Tom [D-IA]	D · IA		Dec 6, 2007
Sen. Wyden, Ron [D-OR]	D · OR		Feb 14, 2008

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Hearings By (subcommittee)	Oct 4, 2007

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
110 HR 4040	Related bill	Aug 14, 2008: Became Public Law No: 110-314.
110 S 2663	Related bill	Mar 6, 2008: See also H.R.4040.

CPSC Reform Act of 2007 - (Sec. 3) Amends the Consumer Product Safety Act to authorize appropriations: (1) to carry out the Act; (2) for the office of Inspector General; (3) to make capital improvements to the research, development, and testing facility of the Consumer Product Safety Commission (CPSC); and (4) for research into safety issues related to the use of nanotechnology in consumer products.

(Sec. 4) Requires the CPSC, subject to the availability of appropriations, to increase by at least 500 the number of its full time employees and by at least 50 the number of its port of entry and overseas production facility inspectors. Requires the CPSC to develop and implement a professional career development program. Prohibits the competitive appointment of an individual less than one year after termination of CPSC political appointee employment. Prohibits the CPSC from reducing the number of full-time employees in the immediate office of a commissioner unless the reduction is authorized by a unanimous vote of the CPSC.

(Sec. 5) Urges the President to nominate members to fill any vacancy in CPSC membership as expeditiously as practicable. Removes a provision limiting the funding for the number of CPSC Commissioners to no more than three.

(Sec. 6) Adds CPSC annual, semiannual, and other regular periodic reports to the list of reports required to be submitted indefinitely under the Federal Reports Elimination and Sunset Act of 1995.

(Sec. 7) Modifies provisions concerning the public disclosure of information regarding a consumer product where disclosure will permit the public to ascertain readily the identity of the manufacturer or private labeler.

(Sec. 8) Modifies procedures for promulgating consumer product safety rules under the Consumer Product Safety Act or the Flammable Fabrics Act or regulations under the Federal Hazardous Substances Act.

Removes provisions providing that an action for judicial review of a flammability standard or regulation survives any change in the persons occupying the office of CPSC commissioner or any vacancy in such office.

(Sec. 9) Expands the authority of the CPSC to prohibit the stockpiling of a product (for the purpose of circumventing a consumer product safety rule) to which a consumer product safety rule applies.

(Sec. 10) Requires third party laboratory testing (and related certification) of certain products (other than medications, drugs, or foods) for use by, or care of, a child seven or younger that are subject to a consumer product safety standard or a rule.

Requires, if an advertisement, label, or package contains a reference to a consumer product safety standard, that there be a statement regarding whether the product meets all requirements of that standard.

Requires the CPSC, with regard to consumer products in general and children's products in particular, to: (1) establish protocols and standards regarding certification or continuing guarantees of compliance; and (2) provide for accreditation of the third party laboratories. Prohibits importation of children's products lacking certification.

Authorizes the CPSC, by rule, to extend to other consumer products (or to classes or categories of consumer products) a requirement that a product's manufacturer of a consumer product that is subject to a consumer product safety standard certify that the product conforms to the standard or is not a banned hazardous product.

(Sec. 11) Amends the Federal Hazardous Substances Act to require, when a product's packaging or retail display must

include a choking warning (as with balloons, small balls, or marbles), that associated advertising (including on Internet sites or in catalogs or other distributed materials) also bear the warning. Treats that requirement as a consumer product safety standard.

Requires the manufacturer of a children's product or other consumer product (as required by the CPSC) to place distinguishing marks on the product or its packaging that will enable the ultimate purchaser to ascertain the source, date, and cohort of production.

(Sec. 12) Requires each manufacturer of a consumer product or other product or substance over which the CPSC has jurisdiction under any Act to notify the CPSC of certain substantial product hazards. (Current law requires such notification only regarding a consumer product, but makes no reference to other products or substances over which the CPSC has jurisdiction.)

(Sec. 13) Modifies requirements regarding action plans of manufacturers, distributors, or retailers to deal with products that present a substantial hazard.

(Sec. 14) Requires manufacturers and their subcontractors, importers, retailers, or distributors of a product or substance to identify each other upon CPSC request.

(Sec. 15) Authorizes the CPSC to refer a customs broker with repeated violations to United States Customs and Border Protection and requires that agency to revoke the broker's license.

(Sec. 16) Makes it unlawful to sell, offer for sale, manufacture, distribute, or import any product or substance regulated under any Act enforced by the CPSC that is not in conformity with an applicable consumer product safety standard, is subject to voluntary corrective action, is subject to an order issued under provisions relating to imminent hazards or substantial product standards, or has been designated a banned hazardous substance under the Federal Hazardous Substances Act.

Authorizes the CPSC, notwithstanding any other provision of law, to prohibit the export of a product or substance that is: (1) not in conformity with applicable CPSC requirements and does not violate applicable safety standards established by the importing country; (2) subject to an order issued under provisions relating to imminent hazards or substantial product standards, or has been designated a banned hazardous substance under the Federal Hazardous Substances Act; or (3) subject to voluntary corrective action taken by the manufacturer, subject to exception.

Prohibits selling, offering for sale, distributing, or importing any consumer product bearing a false certification of compliance with a safety standard established by a nationally recognized testing laboratory.

Prohibits exercising or attempting to exercise undue influence on a third party laboratory.

(Sec. 17) Increases the maximum civil penalties under the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act. Modifies criminal penalties under those Acts.

(Sec. 18) Prohibits changing, by rule or regulation (or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation), provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, and the Poison Packaging Prevention Act of 1970 that establish the extent to which those Acts preempt or otherwise affect any other federal, state, or local law, any rule or regulation, or any state cause of action.

Makes those provisions preemptive of any state or local law or any state cause of action only to the extent provided in those Acts unless compliance with duties imposed by state law would make compliance with federal rules or regulations under those Acts impossible.

(Sec. 19) Authorizes the CPSC to make certain information obtained by the CPSC available to any federal, state, local, or foreign government agency, provided there is an agreement that the information will be maintained in confidence and used only for law enforcement or consumer protection.

(Sec. 20) Authorizes the CPSC, by rule, to require the posting of a bond or other security by manufacturers, distributors, or persons who have committed multiple significant violations of any CPSC-enforced Act in an amount sufficient to cover recall costs or, in the case of an imported product or substance, to cover holding and destruction costs.

(Sec. 21) Allows states to bring actions to enforce any Act enforced by the CPSC, except during the pendency of an action brought by the CPSC.

(Sec. 22) Creates protections for public and private sector whistle-blowers.

(Sec. 23) Treats any children's product designed or intended for use by, or care of, a child seven or younger that contains lead over a specified level as a banned hazardous substance under the Federal Hazardous Substances Act regardless of whether the lead is accessible to children. Requires the CPSC, if it determines it is not feasible for electronic devices, including batteries, to comply with that requirement, to issue standards and establish a schedule for full compliance. Allows the CPSC to establish more stringent levels than those specified in this Act.

Lowers the lead threshold at which paint becomes a banned hazardous product.

(Sec. 24) Requires the CPSC to study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard that is statistically comparable to the parts-per-million measurement standard now used in laboratory analysis.

(Sec. 25) Requires the CPSC to study disparities in the risks and incidence of preventable injuries and deaths among minority children related to products intended for use by children. Requires a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Authorizes appropriations.

(Sec. 26) Amends the Poison Prevention Packaging Act of 1970 to prohibit construing provisions relating to household substance special packaging to protect children to require a cost-benefit analysis in connection with the establishment of a standard.

(Sec. 27) Requires the CPSC's Inspector General to conduct reviews and audits of implementation of the Consumer Product Safety Act by the CPSC and report annually to the CPSC, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

Requires the Inspector General to review CPSC employee complaints about violations of rules or regulations of any Act enforced by the CPSC and the process by which corrective action plans are negotiated with such employees and report to the CPSC and such committees.

Requires the Inspector General to review whether, and to what extent, there have been unauthorized and unlawful disclosures of information by CPSC Members, officers, or employees and report to the CPSC and such committees.

(Sec. 28) Requires the CPSC to establish and maintain: (1) on its home page a direct link to the CPSC's Office of Inspector General; and (2) on the home page of its Inspector General website a mechanism by which individuals may anonymously report cases of waste, fraud, or abuse regarding the CPSC.

(Sec. 29) Establishes, as a consumer product safety rule, a requirement that each portable gasoline container conform to the child-resistance requirements in a specified standard issued by ASTM International.

(Sec. 30) Considers a specified ASTM-International standard on toy safety to be a consumer product safety rule.

(Sec. 31) Requires the CPSC, notwithstanding any other provision of law, to establish as a mandatory consumer product safety standard a specified American National Standard for four-wheeled all-terrain vehicles developed by the Specialty Vehicle Institute of America. Makes it unlawful for any manufacturer or distributor to import or distribute any new all-terrain vehicle unless: (1) the vehicle complies with the standard, is subject to an all-terrain vehicle action plan, and bears a label certifying such compliance and certain other information; and (2) the manufacturer or distributor is in compliance with the action plan.

Prohibits the importation of new three-wheeled all-terrain vehicles until a mandatory consumer product safety rule applicable to three-wheeled all-terrain vehicles is in effect.

Requires the Comptroller General to study the utility, recreational, and other benefits of certain all-terrain vehicles and the costs associated with accidents and injuries involving all-terrain vehicles.

(Sec. 32) Requires, notwithstanding specified provisions of the Consumer Product Safety Improvement Act of 1990 or any amendment by the American National Standards Institute Underwriters Laboratories of specified standards, that all automatic garage door openers that directly drive the door in the closing direction include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

(Sec. 33) Sets a deadline for the CPSC to issue a final rule in a specified proceeding relating to portable generators.

Requires the CPSC to report to the Senate Committee on Commerce, Science, and Transportation regarding charcoal briquettes.

(Sec. 34) Sets a deadline for the CPSC to issue a final rule mandating general safety standards for cigarette lighters in specified proceedings.

(Sec. 35) Requires the CPSC to promulgate final consumer product safety rules that require manufacturers of durable products for children under five years to: (1) provide consumers with postage-paid consumer registration forms with each such product and maintain the submitted information in order to improve recall effectiveness; and (2) permanently label the product with information about the manufacturer and product.

Requires the CPSC to study, and report to Congress on, the effectiveness of such rules in facilitating product recalls.

Actions Timeline

- **Feb 25, 2008:** By Senator Inouye from Committee on Commerce, Science, and Transportation filed written report. Report No. 110-265.
- **Dec 5, 2007:** Committee on Commerce, Science, and Transportation. Reported by Senator Inouye with an amendment in the nature of a substitute. Without written report.
- **Dec 5, 2007:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 523.
- **Oct 30, 2007:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Oct 4, 2007:** Committee on Commerce, Science, and Transportation Senate Subcommittee on Consumer Affairs, Insurance, and Automotive Safety . Hearings held.
- **Sep 12, 2007:** Introduced in Senate
- **Sep 12, 2007:** Read twice and referred to the Committee on Commerce, Science, and Transportation.