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STATEMENT OF COMMISSIONER NANCY NORD
ON TRACKING LABELS GUIDANCE

July 20, 2009

Today the Commission is issuing guidance on the tracking label requirement in Section 103(a) of the Consumer Product Safety Improvements Act ("CPSIA"). The policy statement tries to address issues and concerns raised during the extensive public comment process we conducted over the past seven months to educate ourselves about the impact of this requirement on product sellers and how it will actually work to improve quality assurance and, by extension, recall effectiveness.

It is important to note that the guidance issued today probably will not be the last word on this important issue. We realize that all the issues presented by Section 103(a) cannot be addressed by this document. Recognizing the concern that this provision has caused, I emphasize that the agency initially will be looking for "good faith" compliance in the context of a recall. As companies gain experience in implementing this provision, we encourage them to bring to our attention any need for additional guidance to make this provision work better to achieve its objective.

Unfortunately, the CPSIA does not give the agency the flexibility to phase in the requirements, for example, by first addressing high value products with long useful lives and a history of recall issues. Applying lessons learned, we ideally could then have tailored the requirement to additional products. I discussed these concerns in my statement of May 13, 2009. We have tried to minimize the burdens imposed on all childrens' product manufacturers through this policy statement while we stay focused on how to improve recall effectiveness.