

111TH CONGRESS
1ST SESSION

H. R. 3076

To establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2009

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Product and
5 Food Safety Information Act of 2009”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to establish a simple, cen-
8 tralized, and comprehensive public information process to
9 notify American consumers about product recalls.

1 **SEC. 3. IMPROVED PUBLIC NOTICE OF PRODUCT RECALLS**
2 **AND PRODUCT SAFETY INFORMATION.**

3 (a) PUBLIC INFORMATION INITIATIVE.—

4 (1) IN GENERAL.—The head of each enforce-
5 ment agency shall design and implement a public in-
6 formation plan to use agency and media resources to
7 provide information to the public concerning—

8 (A) the role of the agency in ensuring
9 product safety;

10 (B) steps consumers can take to enhance
11 their safety while using products under the ju-
12 risdiction of the agency;

13 (C) information about product recalls con-
14 cerning products under the jurisdiction of the
15 agency; and

16 (D) additional information that the agency
17 head determines will enhance consumer safety.

18 (2) COMPONENTS OF INITIATIVE.—The plan
19 under paragraph (1) shall include procedures for de-
20 veloping and distributing the following materials:

21 (A) Public service announcements under
22 subsection (d).

23 (B) Quarterly reports under subsection (e).

24 (C) Posters and other materials under sub-
25 section (f).

1 (D) Other appropriate mechanisms for
2 communicating product safety information to
3 the public.

4 (b) CLEARINGHOUSE.—

5 (1) IN GENERAL.—The Commission shall estab-
6 lish a clearinghouse to collect and distribute product
7 recall and product safety information.

8 (2) CONTRIBUTION OF INFORMATION.—Before
9 the end of the 30-day period beginning on the date
10 the materials listed under subsection (a)(2) are
11 made available to the public by an enforcement
12 agency, the head of each enforcement agency shall
13 provide electronic copies of the materials to the
14 Commission for inclusion in the clearinghouse.

15 (3) AVAILABILITY TO THE PUBLIC.—

16 (A) PHYSICAL LOCATION.—Before the end
17 of the 30-day period beginning on the date the
18 Commission receives the materials under para-
19 graph (2), the Commission shall make the ma-
20 terials available in a central location that is
21 open to the public.

22 (B) WEB SITE.—Before the end of the 14-
23 day period beginning on the date the Commis-
24 sion receives the materials under paragraph (2),
25 the Commission shall make the materials avail-

1 able on the Web site established under sub-
2 section (c).

3 (4) DISTRIBUTION OF MATERIALS.—

4 (A) DISTRIBUTION TO GOVERNMENT ENTI-
5 TIES.—

6 (i) IN GENERAL.—The Commission
7 shall distribute the materials in the clear-
8 inghouse to an entity listed in clause (ii)
9 for further distribution in accordance with
10 that clause, if the Commission determines
11 that the materials are related to the per-
12 sons served by that entity.

13 (ii) ENTITIES; FURTHER DISTRIBUTION.—The entities referred to in subpara-
14 graph (A) are the following:

15 (I) The Federal Citizen Informa-
16 tion Center of the General Services
17 Administration.

18 (II) The Federal Trade Commis-
19 sion, which may provide the materials
20 to the public as appropriate.

21 (III) The Department of Edu-
22 cation, which, as determined appro-
23 priate by the Secretary of Education,
24 may provide the materials—
25

1 (aa) to public schools; and
2 (bb) to the public through
3 the Department of Education
4 Web site.

5 (IV) The Government Printing
6 Office, which, as determined appro-
7 priate by the Director of the Govern-
8 ment Printing Office, may distribute
9 the materials to Federal depository li-
10 braries.

11 (V) State and local government
12 officials, including the head of a State
13 department of health or its equivalent.

14 (B) DISTRIBUTION TO THE PUBLIC.—The
15 Commission shall make available to the public,
16 upon request and without charge, copies of—

17 (i) the quarterly reports under section
18 (a)(2)(B); and

19 (ii) any other materials collected for
20 the clearinghouse that the Commission de-
21 termines is appropriate for direct distribu-
22 tion to members of the public.

23 (5) TOLL-FREE NUMBER.—

24 (A) IN GENERAL.—The Commission shall
25 establish a toll-free telephone number to—

- 1 (i) provide information about—
2 (I) product recalls and product
3 safety; and
4 (II) materials available under
5 paragraph (4)(B); and
6 (ii) to allow individuals to request
7 such materials.

8 (B) ACCESSIBILITY.—The toll-free tele-
9 phone number shall make information avail-
10 able—

11 (i) to the hearing impaired and the
12 visually impaired; and

13 (ii) in English, Spanish, French, Jap-
14 anese, Chinese, Vietnamese, Korean, and
15 Tagalog.

16 (C) FORM OF DISTRIBUTION.—The Com-
17 mission shall distribute materials in an elec-
18 tronic form unless the Commission determines
19 that a hard copy is more appropriate.

20 (e) COMPREHENSIVE PRODUCT RECALL WEB
21 SITE.—

22 (1) IN GENERAL.—The Commission shall estab-
23 lish a public Web site to provide information to the
24 public about product recalls.

25 (2) CONTENTS.—

1 (A) REQUIRED INFORMATION.—The Com-
2 mission shall include on the Web site—

3 (i) information on product recalls, in-
4 cluding information on whether each prod-
5 uct recall was initiated by a Federal agen-
6 cy or by another entity;

7 (ii) electronic versions of the quarterly
8 reports under subsection (e);

9 (iii) access to other information avail-
10 able in the clearinghouse established by the
11 Commission under subsection (b); and

12 (iv) a search function that allows
13 users to use a single search to find product
14 recalls concerning products under the ju-
15 risdiction of multiple enforcement agencies.

16 (B) OPTIONAL INFORMATION.—The Com-
17 mission may include on the Web site—

18 (i) additional information concerning
19 product recalls, including press releases
20 and links to other Web sites providing in-
21 formation about product recalls;

22 (ii) information for consumers on
23 product licensing, certification, and label-
24 ing, including links to other Web sites con-
25 taining such information; and

1 (iii) additional information on product
2 safety for consumers, including links to
3 other Web sites containing such informa-
4 tion.

5 (3) DEADLINE.—The Commission shall make
6 the Web site available to the public not later than
7 30 days after the date of enactment of this Act.

8 (4) UPDATES.—The Commission shall update
9 the information on the Web site before the end of
10 the 14-day period beginning on the date that new in-
11 formation listed in paragraph (2)(A) is submitted to
12 the clearinghouse established under subsection (b).

13 (5) LINKS.—The head of each enforcement
14 agency, each relevant department, the Federal Trade
15 Commission, and the Department of Education shall
16 prominently display a link to the Web site estab-
17 lished under paragraph (1) on the public Web site
18 of such agency or department, respectively.

19 (d) PUBLIC SERVICE ANNOUNCEMENTS.—

20 (1) IN GENERAL.—The head of each enforce-
21 ment agency shall issue national public service an-
22 nouncements via newspaper, radio, television, and
23 the Internet that contain—

24 (A) information on—

1 (i) the role of the agency in product
2 safety;

3 (ii) the types of products regulated by
4 the agency;

5 (iii) the availability and location of
6 print, Internet, and other resources on re-
7 cent product recalls, including information
8 on the Web site established under sub-
9 section (c); and

10 (iv) the role of the consumer in—

11 (I) evaluating the safety of a
12 product prior to purchasing such
13 product;

14 (II) using a product in a safe
15 manner; and

16 (III) participating in a product
17 recall;

18 (B) contact information for consumers
19 seeking information about product safety; and

20 (C) other information that the head of the
21 agency considers relevant to informing con-
22 sumers about product recalls and product safe-
23 ty.

24 (2) REQUIRED INFORMATION FOR A PUBLIC
25 SERVICE ANNOUNCEMENT DESCRIBING A RECALL.—

1 If a public service announcement made under para-
2 graph (1) includes information about a specific prod-
3 uct recall, that announcement must state whether
4 the product recall was initiated by a Federal agency
5 or by a private entity.

6 (3) FREQUENCY.—The head of each enforce-
7 ment agency shall issue the announcements required
8 under paragraph (1) at least one time during—

9 (A) the 30-day period beginning on the
10 date of issuance by the agency of each quarterly
11 report under subsection (e);

12 (B) the 7-day period ending on each Fed-
13 eral holiday; and

14 (C) the 7-day period beginning on each
15 Federal holiday.

16 (e) QUARTERLY REPORT.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the end of each fiscal year quarter, the head of each
19 enforcement agency shall issue in accordance with
20 this subsection a report that lists all products that—

21 (A) were subject to a product recall in the
22 previous quarter; and

23 (B) are within the administrative jurisdic-
24 tion of the agency.

25 (2) CONTENTS.—

1 (A) GENERAL INFORMATION.—The report
2 shall contain the address of the Web site estab-
3 lished under subsection (c).

4 (B) SPECIFIC PRODUCT INFORMATION.—
5 The report shall contain the following informa-
6 tion for each product listed in such report:

7 (i) The product name.

8 (ii) A photograph of the product.

9 (iii) A clear and concise description of
10 the product.

11 (iv) The reason for the product recall.

12 (v) Whether the product recall was
13 initiated by a Federal agency or by a pri-
14 vate entity.

15 (vi) A description of the steps a con-
16 sumer should take to respond to the prod-
17 uct recall, including—

18 (I) returning the product to the
19 manufacturer;

20 (II) replacing a part; or

21 (III) other appropriate action.

22 (vii) The contact information for the
23 manufacturer, including the manufactur-
24 er's—

25 (I) name;

1 (II) postal address;

2 (III) telephone number, including
3 any telephone number dedicated to
4 the product recall; and

5 (IV) Web site, including any Web
6 site dedicated to the product recall.

7 (viii) The contact information for the
8 distributor, including the distributor's—

9 (I) name;

10 (II) postal address;

11 (III) telephone number, including
12 any telephone number dedicated to
13 the product recall; and

14 (IV) Web site, including any Web
15 site dedicated to the product recall.

16 (ix) The date that the product first
17 became available to consumers in the
18 United States.

19 (x) The date that the product recall
20 was issued.

21 (xi) The location of additional infor-
22 mation about the product recall, includ-
23 ing—

24 (I) the telephone number of each
25 hotline dedicated to the product recall

1 that was established by the enforce-
2 ment agency, the manufacturer, or a
3 third party; and

4 (II) the address of each Web site
5 providing information concerning the
6 product recall that was established by
7 the agency, the manufacturer, or a
8 third party.

9 (3) DISTRIBUTION.—

10 (A) ONLINE AVAILABILITY.—The head of
11 each enforcement agency shall make each quar-
12 terly report it issues under this subsection
13 available on the Web site of such agency. If a
14 department has jurisdiction over such agency,
15 the head of the department shall include a link
16 to such report on the public Web site of that
17 department.

18 (B) CONGRESS.—The head of the enforce-
19 ment agency shall submit each quarterly report
20 to Congress.

21 (4) NOTICE.—

22 (A) PRESS RELEASE.—Not later than the
23 end of the 30-day period beginning on the date
24 of issuance of the quarterly report under para-
25 graph (1), the head of each enforcement agency

1 shall issue a press release. Such press release
2 shall announce the availability of such report,
3 including information on how members of the
4 public can access the report.

5 (B) FEDERAL REGISTER.—Not later than
6 the end of the 30-day period beginning on the
7 date of issuance of the quarterly report under
8 paragraph (1), the head of the enforcement
9 agency shall publish in the Federal Register a
10 notice of the availability of the quarterly report.

11 (f) POSTERS AND OTHER MATERIALS IN PUBLIC
12 PLACES.—

13 (1) POSTERS DESCRIBING SIGNIFICANT PROD-
14 UCT RECALLS.—

15 (A) IN GENERAL.—If a significant product
16 recall of a product under the jurisdiction of an
17 enforcement agency occurs, the head of such
18 agency shall print and distribute a poster con-
19 taining information describing such recall.

20 (B) CONTENTS.—The poster shall in-
21 clude—

22 (i) information on whether the prod-
23 uct recall was initiated by a Federal agen-
24 cy or by a private entity; and

1 (ii) information on how to find addi-
2 tional information about product recalls.

3 (C) DISTRIBUTION.—The posters under
4 subparagraph (A) shall be distributed to busi-
5 nesses and other members of the public upon
6 request, at no charge.

7 (D) DEADLINE.—The head of the enforce-
8 ment agency shall print and distribute the post-
9 er under subparagraph (A) before the end of
10 the 30-day period beginning on the date the
11 product recall was issued.

12 (2) POSTERS DESCRIBING AGENCY ROLE IN
13 PRODUCT SAFETY.—

14 (A) IN GENERAL.—The head of each en-
15 forcement agency shall—

16 (i) before the end of the 30-day period
17 beginning on the date of enactment of this
18 Act, issue posters and other printed mate-
19 rials that provide information on the role
20 of the agency in product recalls and prod-
21 uct safety; and

22 (ii) revise such materials as appro-
23 priate.

24 (B) DISTRIBUTION.—The posters and
25 other materials issued under subparagraph (A)

1 shall be distributed to businesses and other
2 members of the public upon request, at no
3 charge.

4 (g) NOTICE OF PRIVATE PRODUCT RECALLS.—Any
5 manufacturer or distributor of a product who voluntarily
6 initiates a product recall for the product as a result of
7 safety concerns shall provide notice of such recall to the
8 enforcement agency with the authority to regulate the
9 safety of the product, before the end of the 10-day period
10 beginning on the date that the manufacturer issues the
11 product recall.

12 (h) REPORT TO CONGRESS.—Not later than the end
13 of the 30-day period beginning on the date of enactment
14 of this Act, the head of each enforcement agency shall sub-
15 mit a report to Congress containing information on—

16 (1) the method by which information on prod-
17 uct recalls is collected and is retained by the agency;

18 (2) a list of all product recalls concerning prod-
19 ucts under the jurisdiction of the agency during the
20 1-year period preceding the enactment of this sec-
21 tion;

22 (3) the current practices of the agency for dis-
23 tributing information about product recalls to the
24 public, including practices for providing information
25 about the product recall—

1 (A) on the Internet;

2 (B) to the press; and

3 (C) to public libraries;

4 (4) the progress that the agency has made in
5 developing the public information plan required
6 under subsection (a); and

7 (5) a budget analysis detailing how the agency
8 will use the amounts appropriated to it for purposes
9 of this section.

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section,
12 in addition to any other amounts otherwise authorized to
13 be appropriated to provide the public with information
14 about product recalls and product safety—

15 (1) to the Commission, \$5,000,000 for fiscal
16 year 2010 and \$2,000,000 for each fiscal year there-
17 after; and

18 (2) to the head of each enforcement agency,
19 other than the Commission, \$1,000,000 for fiscal
20 year 2010 and each fiscal year thereafter.

21 (j) APPLICATION OF DEADLINES.—Each deadline es-
22 tablished in this section for action by an enforcement
23 agency or a manufacturer or distributor of a product ap-
24 plies only to the extent that the enforcement agency, man-
25 ufacturer, or distributor can comply with the deadline and

1 reasonably fulfil its obligations under other Federal stat-
2 utes.

3 (k) DEFINITIONS.—For purposes of this section, the
4 following definitions apply:

5 (1) COMMISSION.—The term “Commission”
6 means the Consumer Product Safety Commission.

7 (2) CONSUMER.—The term “consumer” means,
8 with respect to a product, an individual who uses the
9 product primarily for personal purposes.

10 (3) ENFORCEMENT AGENCY.—The term “en-
11 forcement agency” means any Federal agency, in-
12 cluding any independent agency and any inde-
13 pendent regulatory agency, having authority granted
14 by Federal statute to regulate product safety.

15 (4) PRODUCT.—The term “product” means any
16 article, or component part thereof, including food,
17 produced or distributed—

18 (A) for sale to a consumer for use in or
19 around a permanent or temporary household or
20 residence, a school, in recreation, or otherwise;
21 or

22 (B) for the personal use, consumption, or
23 enjoyment of a consumer in or around a perma-
24 nent or temporary household or residence, a
25 school, in recreation, or otherwise.

1 (5) PRODUCT RECALL.—The term “product re-
2 call”—

3 (A) means a recall of a product issued to
4 protect the safety of consumers; and

5 (B) includes—

6 (i) a corrective action related to a con-
7 sumer product subject to an order under
8 section 12 or 15 of the Consumer Product
9 Safety Act (15 U.S.C. 2061, 2064);

10 (ii) the designation of a product as a
11 banned hazardous substance under the
12 Federal Hazardous Substances Act (15
13 U.S.C. 1261 et seq.);

14 (iii) a voluntary corrective action re-
15 lated to a consumer product taken by the
16 manufacturer, in consultation with the
17 Commission, of which action the Commis-
18 sion has notified the public and that would
19 have been subject to a mandatory correc-
20 tive action under the Consumer Product
21 Safety Act (15 U.S.C. 2051 et seq.) or an-
22 other Act enforced by the Commission if
23 voluntary action had not been taken by the
24 manufacturer; and

1 (iv) a corrective action related to any
2 motor vehicle or replacement equipment
3 that contains a defect related to motor ve-
4 hicle safety or that does not comply with
5 applicable motor vehicle safety standards
6 and is subject to a notification order under
7 section 30118(b) of title 49, United States
8 Code, or a remedy under section 30120 of
9 such title.

10 (6) RELEVANT DEPARTMENT.—The term “rel-
11 evant department” means any executive department
12 that includes an enforcement agency.

○