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Submitted via e-mail
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Alberta E. Mills
Office of the Secretary
U.S. Consumer Products Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Re: Agenda and Priorities Fiscal Year (FY) 2027 and/or FY2028; [91 Fed. Reg. 45795] (July 21, 2026)

Dear Secretary Mills:

The Retail Industry Leaders Association (RILA) appreciates the opportunity to submit written comments on the U.S. Consumer Product Safety Commission's (CPSC or Commission) proposed agenda and budget priorities for FY 2027 and FY 2028 (FY27 and FY28). RILA and its members support the Commission's critical consumer safety mission and appreciate the CPSC's leadership on product safety matters, including consumer educational campaigns and stakeholder outreach.

By way of background, RILA is a trade association of the world's largest, most innovative, and recognizable retail companies and brands. We convene decision-makers, advocate for the retail industry, and promote operational excellence and innovation. Our aim is to elevate a dynamic retail industry by transforming the environment in which retailers operate.

RILA members include more than two hundred retailers, product manufacturers, and service suppliers, who together employ over 42 million Americans and account for $2.7 trillion in annual sales and hundreds of thousands of stores, manufacturing facilities, and distribution centers domestically and abroad. RILA's many retailer member communities include a very active Consumer Products Committee. The Committee routinely gathers 100+ members for monthly calls and two in-person meetings each year, to discuss top-of-mind issues in product safety, hear from subject matter experts and agency officials, and benchmark with their retail peers.

RILA and its members have a long history of collaborating with the CPSC to address consumer product safety issues. RILA members cooperate regularly in implementing product recalls, actively participate in the Commission's industry partnership programs, and promote CPSC's consumer awareness initiatives.

As the Commission finalizes its FY27 and FY28 priorities, RILA wishes to renew and reemphasize its previous recommendations to the Commission that were raised in written comments on the

proposed agenda and priorities for FY2026 and FY2027[1] (or RILA's April 2025 comments), as well as a few additional priority recommendations, detailed below.

The Commission should:

- Continue to maintain technical assistance for eFiling, to ensure accurate data submissions, improve data quality, and support effective import surveillance;
- Provide stakeholders with a minimum 180-days advance notice for any material system and/or eFiling reporting changes to support compliance and improve data quality;
- Improve communication and strengthen collaboration with retailers to improve overall recall efficiency and effectiveness;
- Include Universal Product Codes (UPCs) in recall notices to facilitate recall efficiency;
- Reduce redundancies within the recall process to ensure operational effectiveness;
- Align new rule implementation with supply chain realities, including setting at minimum 180-day standard implementation timelines and ensuring all mandatory standards are clear as to scope of covered products;
- Develop civil penalty guidelines and justification documents to ensure determinations are fair, predictable and grounded in established criteria;
- Streamline full report requests to improve the quality of data received, reduce duplicative reporting and support more efficient hazard investigations.
- Expand the Retailer Reporting Program (RRP) to allow for additional participants and expand upon the data systems' current limited capacity and capabilities; and
- Embrace opportunities for stakeholder engagement to strengthen relationships across the product safety community, enhance awareness of emerging issues, and ensure an informed and collaborative approach to product safety.

The following input reemphasizes areas RILA raised in past conversations with the Commission and comments on previous years' budget and priorities, including RILA's April 2025 comments. Each of these recommendations, and their connection to the Commission's goals set forth in its 2026-2030 Strategic Plan[2], are discussed in more detail below.

I. Preventing Hazardous Products from Reaching Consumers

RILA strongly supports the Commission's efforts to strengthen import surveillance as well as its commitment to leveraging data, technology, and intelligence-driven enforcement to identify and prevent unsafe products from entering the U.S. marketplace. The Commission has an opportunity to build upon the eFiling program's recent launch by enhancing transparency, technical support, data quality, and continued collaboration with industry. RILA's recommendations below are

[1] *See* RILA Comments re: Agenda and Priorities Fiscal Year (FY) 2026 and/or FY2027; 90 Fed. Reg. 15564 (April 14, 2025); Docket ID: CPSC- 2025-0014-0025

[2] *See* U.S. CPSC Strategic Plan for 2026 - 2030 at Strategic Goals

intended to help ensure that eFiling achieves its intended safety objectives while facilitating efficient movement of compliant products through the supply chain.

A. Maintain Robust Support and Transparency for eFiling Operations

RILA applauds the Commission and U.S. Customs and Border Protection for its July 2026 launch of eFiling, which reflects years of thoughtful development and continued engagement with stakeholders. As previously raised in RILA's April 2025 comments,[3] the transition to mandatory electronic certificate filing required industry to make substantial investments, including the development of new databases, integrations, and internal processes to create, manage, transmit and store certificate data. Though officially implemented earlier this summer, continued investment in robust agency support, particularly in these initial months, is essential to ensuring the program's long-term success.

As additional importers, customs brokers, testing laboratories, and supply chain partners engage with the system, RILA encourages the Commission to continue investing in technical support resources and dedicated staff to promptly address any questions and system issues that arise. Ongoing support will help promote accurate submissions, improve data quality, and enhance the effectiveness of the Commission's import surveillance efforts.

RILA and its members appreciate the Commission's commitment to stakeholder engagement throughout the eFiling rollout and encourages it to maintain these opportunities going forward. Regular webinars, office hours, and technical working sessions will continue to provide an important forum for stakeholders to raise questions and address evolving compliance and operational challenges.

Furthermore, RILA recommends that the Commission provide greater transparency regarding the eFiling program's performance and outcomes. Periodic reporting on filing volumes, common challenges encountered, system enhancements and the program's role in improving product compliance, would help stakeholders better understand compliance expectations and identify opportunities for continuous improvement. More meaningful transparency would also reinforce industry confidence in the program and demonstrate how eFiling data is being used to advance the Commission's import surveillance objectives.

B. Provide Adequate Advance Notice for eFiling System Updates & Program Changes

While RILA recognizes that updates to eFiling requirements, system refinements, technical specifications and guidance are inevitable as the program matures, it is critical that any changes made are accompanied by consistent and sufficient lead times to allow for proper compliance. In the months leading up to full implementation, industry continually saw the Commission issue

[3] *See supra*, footnote 1, RILA April 2025 Comments at Section I

implementation updates[4]. While industry has made significant investments in the systems and processes needed to comply with eFiling, even modest changes can require extensive programming, testing and supply chain updates and coordination.

Accordingly, RILA recommends the Commission provide stakeholders with a minimum of 180-days advance notice for any material system and/or eFiling reporting changes and, whenever practicable, provide up to one year of lead time for any significant modifications, while continuing to seek stakeholder input before implementation. A minimum of 180-day notice period is necessary given the realities of global supply chains. With products often on the water for 12 to 16 weeks before arriving in the United States, many retailers aim to have eFiling submissions completed and any compliance issues resolved before the products are shipped. Retailers need more than a matter of weeks to analyze new requirements, make system modifications, conduct testing, and coordinate changes across suppliers and logistics partners before affected products begin entering the supply chain. Adequate implementation lead times are necessary to maintain a predictable and transparent change-management process, the Commission can promote compliance, reduce disruptions across the supply chain, improve data quality, and ensure the continued success of the eFiling program.

II. Vigorously Enforce Product Safety Laws & Improve Recall Effectiveness

RILA and its members acknowledge that, in certain circumstances, recalls may be necessary to address product safety hazards and protect consumers from injury. RILA supports the Commission's goal of continuously improving its operational effectiveness and ensuring resources are deployed in ways that maximize consumer protection outcomes. As the Commission implements its 2026-2030 Strategic Plan, RILA wishes to renew the following recommendations to enhance recall communications, effectiveness, and execution; reduce inefficiencies; and promote transparency and consistency in enforcement activities.

A. Advancing Recall Efficiencies & Effectiveness Through Improved Communications

RILA and its members support the Commission's goal to warn consumers about product safety issues and implement effective and efficient recalls. However, concerns remain regarding the efficiency of current recall processes and RILA wishes to reiterate the following recommendations to improve recall effectiveness and execution. Additionally, RILA always welcomes opportunities to engage with the Commission on how these and other approaches to recall processes can improve recall effectiveness.

i. Increase Advance Notice of Recalls

Advanced communication with retailers prior to recall announcements and unilateral warnings is critical to protect consumers and ensure recalled products are removed from the marketplace,

[4] For example, the updates to CATAIR specifications and to the list flagged list of HTS codes. *See* U.S. CPSC Guidance and HTS List for the Electronic Filing (eFiling) of Certificates of Compliance and CBP and Trade Automated Interface Requirements – CPSC eFiling Implementation Guide Version 2.5

without delay. While RILA members remain committed to rapidly removing recalled products from sale and informing consumers, these efforts are significantly more difficult when retailers are not notified in advance and are consistently surprised by recalls through public announcements. In 2025 alone, one retailer reported being surprised by approximately 60 percent of the recalls they were impacted by. Absent the retailer's rigorous internal processes to review every recall announcement posted, recalled products would have remained on store shelves for longer, increasing consumer exposure to potentially hazardous products.

Furthermore, the growing use of unilateral press releases has exacerbated these same challenges. In another instance, a retailer was surprised by being named in a unilateral press release without prior notification and had no opportunity to proactively take ownership of a recall where the manufacturer was unwilling to do so. Retailers have also found that unilateral press releases may not always include enough information to assess whether products in their inventory or marketplace listings are affected. For example, retailers have encountered products sold under different sellers or brand names that appear similar in design to products referenced in recent unilateral press releases, making it difficult to determine whether a potential connection exists. In these situations, additional information or enhanced product identification tools could help retailers evaluate affected products more efficiently and support more timely corrective actions. While there have been some signs of improvement, retailers continue to be impacted by surprise unilateral press releases.

At a minimum, where recall notices and unilateral press releases name a retailer(s), RILA strongly urges the Commission to provide advance notice and engage with affected retailers prior to any public announcement. Earlier communication enables retailers to mobilize internal response procedures more quickly, remove products from sale more efficiently, and enhance consumer outreach efforts. These improvements directly support the Commission's goal of executing safety actions as effectively and efficiently as possible.

ii. Inclusion of UPCs in Recall Notices Facilitates More Efficient Recalls

In past discussions with the Commission and in previous comments[5], RILA has consistently emphasized the importance of including UPCs and other product identification information in recall notices. Since spring 2024, the Commission has indicated they were working to implement the inclusion of UPCs on recall notices. To date this improvement has not been widely or consistently incorporated. RILA encourages the Commission to invest in resources that the Compliance Office may need to implement this change, which will greatly improve overall recall efficiency and effectiveness.

Many retailers have reported shared experiences of being penalized for not "finding" that a product they carry or previously carried had been recalled; even though the recall notices published

[5] *See supra*, footnote 1, RILA April 2025 Comments at Section II.A.ii

contained incomplete and/or little identifiable information. Including UPCs and other standardized product identifiers would help retailers and consumers alike, more accurately identify recalled products, reduce the risk of misidentification, and improve overall recall execution.

As industry stakeholders develop technological solutions to integrate with the CPSC's Recall Application Program Interface (API), the effectiveness of those tools is dependent on the quality and consistency of the underlying data. By consistently including UPCs and other standardized product identifiers in recall notices, the Commission could significantly improve recall execution and enhance consumer protection outcomes.

iii. Reduce Redundancies and Increase Efficiencies for Recalls

Consistent with the Commission's Strategic Plan's emphasis on operational effectiveness and efficient use of agency resources, RILA encourages the Commission to continue identifying opportunities to reduce unnecessary administrative burdens within the recall process while maintaining strong consumer protection outcomes. Retailers have a long history of working collaboratively with CPSC to achieve successful recall outcomes, and the targeted improvements laid out below would benefit both stakeholders and the agency, while also supporting consumer protection objectives.

RILA recommends that the Commission:

- **Reduce duplicative information requests for established stakeholders** by developing mechanisms to document the recall capabilities, processes, and points of contact of known stakeholders to minimize repetitive information requests and streamline recall coordination.
- **Increase consistency and transparency** by publishing standardized recall and Corrective Action Plan (CAP) templates to improve consistency across recalls, provide greater transparency into agency expectations, and help stakeholders prepare for potential recall events.
- **Periodically review and modernize existing recall requirements** to ensure they continue to meaningfully contribute to recall effectiveness, with greater focus on modern communication tools and consumer engagement strategies that reflect today's retail environment.

By pursuing these improvements, the Commission can enhance operational efficiency, promote greater consistency in the recall process, and strengthen consumer protection outcomes.

B. Increase Alignment of Implementation Timeframes with Supply Chain Realities & Improve Clarity for New Requirements

RILA appreciates the Commission's vital role in establishing mandatory standards that enhance consumer safety. In cases where the Commission determines that requirements beyond existing

voluntary standards are warranted, implementation timelines play a critical role in supporting successful compliance and marketplace adoption.

RILA was encouraged to see the Commission propose a 180-day effective date in the latest Notice of Proposed Rulemaking related to safety standards for li-battery powered micromobility products[6], reflecting an understanding of the time needed for stakeholders to make necessary product, testing, manufacturing and supply chain adjustments. This approach recognizes the realities of today's global supply chains and helps facilitate smooth implementation while advancing the Commission's safety objectives. RILA encourages the Commission to continue providing implementation periods of at least 180-days to support efficient compliance and effective transitions to new requirements.

RILA also encourages the Commission to continue prioritizing clear guidance, product scope determinations, and regulatory interpretations when establishing new federal product safety standards. Providing stakeholders with clarity regarding the applicability and expectations of new requirements promotes consistent implementation, reduces uncertainty, and supports effective compliance efforts. Clear and predictable requirements benefit regulators, retailers, manufacturers and testing laboratories alike by fostering a shared understanding of regulatory obligations and advances the Commission's goals of improving regulatory effectiveness, stakeholder understanding, and consumer safety outcomes.

C. Enhancing Transparency and Consistency in Civil Penalty Determinations

As the Commission works to strengthen public trust and promote effective, outcome-driven enforcement, RILA encourages the CPSC to enhance clarity, consistency, and predictability in its civil penalty process through the development of civil penalty guidelines and justification documents that clearly explain how statutory penalty factors are evaluated and applied in enforcement matters.

Greater transparency regarding civil penalty determinations would promote consistency, improve stakeholder understanding of compliance expectations, and help ensure enforcement actions are viewed as fair, predictable, and grounded in established criteria. Clear guidance can also help facilitate more efficient resolution of enforcement matters and reduce unnecessary burdens on both the agency and regulated entities. Many other federal agencies, including the Environmental Protection Agency[7] and the Occupational Safety and Health Administration[8], already have established guidelines in place for their penalty calculations. Establishing guidelines would

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[6] *See* U.S. CPSC Notice of Proposed Rulemaking - Safety Standard for Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries at Section XII (June 24, 2026).

[7] *See* U.S. Environmental Protection Agency Resource Conservation and Recovery Act (RCRA) Civil Penalty Policy

[8] *See* U.S. Occupational Safety and Health Administration 2026 OSHA Civil Penalties Update

additionally help further the Commission's goal of promoting public trust and confidence in its enforcement activities.

III. Investigating New, Existing and Hidden Hazards

RILA recognizes the critical role the Commission plays in identifying, investigating and addressing existing and emerging product safety hazards. Consistent with the goals laid out in the Commission's Strategic Plan, effective hazard identification depends on high-quality information, efficient investigative processes, and strong collaboration between the agency and stakeholders. RILA offers the following recommendations to support the Commission's goals of strengthening intelligence capabilities and improving consumer safety outcomes.

A. Improving Clarity and Efficiency in Full Report Requests

While RILA and its members fully support the Commission's mission to investigate potential safety hazards, RILA recommends the Commission take a more directed and streamlined approach to full report requests for national branded products to ensure investigative efforts are detailed, efficient and effective.

In contrast with past agency practice, retailers have reported an increase in requests for full reports on nationally branded products. These requests often overlap with reporting sought from manufacturers for the same products, resulting in duplicative submissions and unnecessary administrative burden. Historically, as manufacturers generally have greater visibility into nationally branded product design, testing, manufacturing and complaint information than retailers, retailers have been able to defer to manufacturers to complete the full reports. RILA recommends that the Commission prioritize information requests to manufacturers for nationally branded products where appropriate. Doing so would improve the quality of data received, reduce duplicative reporting and support more efficient hazard investigations.

Additionally, retailers have also raised concerns regarding the lack of clarity in these requests made by the Commission, noting that they frequently are not given details for what has prompted the request and multiple rounds of follow-up were required to receive clarifying details to aid in the identification of the product. RILA encourages the Commission to provide greater transparency regarding the basis for full report requests and include more detailed product identification information whenever possible. Improved clarity would enhance response accuracy, reduce delays, and support the Commission's efforts to obtain high-quality data needed to identify and address product safety risks.

B. Expanding the Retailer Reporting Program (RRP)

Data collection and analysis are critical to the Commission's consumer protection mission and to retailers' ongoing product safety efforts. The Retailer Reporting Program (RRP) serves as a valuable example of effective collaboration between industry and the Commission, facilitating early hazard identification and supporting data-driven decision making. Participating retailers and RILA

members have used the program to identify emerging issues, facilitate communication with manufacturers, and support timely corrective actions which have all resulted in improved consumer safety outcomes.

RILA wishes to reraise the recommendation for the Commission to invest in expanding the RRP and reopening participation to additional retailers[9]. Despite the value and great interest from additional retailers not already participating in the program, the RRP remains closed to new entrants. While RILA recognizes existing system and capacity constraints, we urge the Commission to view expansion of the program as an opportunity to work collaboratively with retailers to enhance the RRP and better protect consumers. Expanding the program would provide the Commission with access to a broader set of incident data, improving its ability to identify emerging hazards, analyze trends, and proactively address consumer safety concerns – all of which directly support the Commission's priority of strengthening intelligence capabilities.

Additionally, RILA remains ready to work collaboratively with the Commission to address barriers to strengthening and expanding the RRP. As an immediate step, adopting more uniform data formats aligned with current CPSC system capabilities would reduce existing constraints and enable retailers to submit more accurate and up-to-date data.

IV. Embracing Opportunities for Stakeholder Engagement

RILA strongly supports the Commission's commitment to protecting consumers through informed decision-making, strong partnerships, and effective use of available resources. Consistent with the Commission's Strategic Plan, meaningful engagement with stakeholders plays an important role in strengthening the agency's intelligence capabilities, identifying emerging product safety issues, and supporting effective consumer protection efforts.

As RILA has in the past, we encourage the Commission to continue dedicating time and resources to meaningful engagement with stakeholders through forums such as the International Consumer Product Health and Safety Organization (ICPHSO). These events bring together retailers, manufacturers, consumer advocates, testing laboratories, standards developers, and regulators to exchange information, discuss emerging product safety challenges and identify practical solutions.

As the Commission works to strengthen its ability to identify and address emerging risks, participation in stakeholder forums that facilitate information sharing and collaboration can provide valuable support for these objectives. By continuing to engage in these collaborative opportunities, the Commission can further strengthen relationships across the product safety community, enhance awareness of emerging issues, and advance its consumer protection mission through informed and collaborative approaches to product safety.

[9] *See supra*, footnote 1, RILA April 2025 Comments at Section III

Conclusion

In conclusion, RILA and its members support the Commission's safety mission to protect consumers by ensuring that all products meet or exceed safety standards. RILA values the longstanding relationship with the Commission and offers these comments in the spirit of continuing a collaborative partnership and open dialogue between RILA, our retailers and the Commission.

If you have any questions or need any additional information, please contact Luisa Lobo at luisa.lobo@rila.org / (202) 866-6811 and Susan Kirsch at susan.kirsch@rila.org / (202) 866-7477.

Sincerely,

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