RETAIL INDUSTRY LEADERS ASSOCIATION

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Submitted via Electronic Filing

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

Re: Request for Information - Reducing Regulatory Burdens; 90 Fed. Reg. 24791 (June 12, 2025); Docket No. CPSC-2025-0009

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) Request for Information (RFI) on reducing regulatory burdens. 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 70+ 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 reviews areas of opportunities to reduce burdens and costs of the agency's existing rules, regulations, or practices without impacting safety, RILA wishes to raise ways the Commission can reduce regulatory burdens and increase process efficiencies that enhance consumer protection efforts. Additionally, RILA wishes to take this opportunity to renew and reemphasize its recommendations raised in previous engagement with, and in formal comments to the Commission[1], on process improvements the Commission can make that increase efficiency and reduce burdens to better protect consumers from unsafe products.

The Commission should:

- Enhance communication, embrace practical and low-cost recall process improvements, and strengthen collaboration with retailers to improve overall recall efficiency and effectiveness;
- Expand, refine, and improve the Retailer Reporting Program (RRP) to allow for additional participants, streamline reporting cadence, and provide improved clarity around reporting thresholds and responsibilities;
- Prioritize improvement and modernization of CPSC maintained webtools and recall search functions;
- Adhere to established regulatory frameworks and ensure that guidance and standards are grounded in the CPSA framework;
- Take proactive steps to establish clear, consistent national standards that can guide industry practices nationwide;
- Modernize processes and revisit safety standards to alleviate burden on industry without increasing risk to consumer safety; and
- Continue to embrace opportunities and participate in forums for engagement with industry stakeholders to maximize the impact of the Commission's resources.

The above recommendations are provided in detail, in the comments below.

Comments

I. Increase Communication and Strengthen Collaboration with Retailers to Reduce Burdens and Improve Overall Recall Process Efficiencies and Effectiveness

RILA and its members fully support the Commission in its long-standing mission to prevent hazardous products from reaching consumers and recognize that there are times when evidence of product safety hazards will necessitate a recall. As the Commission examines ways to reduce burdens and increase efficiencies, RILA wishes to reemphasize its previously raised recommendations to improve overall recall communication between the Commission and retailers,

[1] *See* RILA Comments re: Agenda and Priorities Fiscal Year (FY) 2026 and/or FY 2027; 90 Fed. Reg. 15564 (April 14, 2025) and RILA Comments re: Proposed Agenda and Priorities Fiscal Year (FY) 2025 and 2026; 89 Fed. Reg. 22393 (April 1, 2024); Docket ID: CPSC-2024-0011-0002

reduce burdens, and improve processes involved with the Commission's vital work to identify and prevent defective products from harming consumers. RILA has received some indications from members of some improvement at times in closing the communication gaps discussed below. However, this has been inconsistent, and the July 2025 recall of an above-ground pool[2] (hereinafter "pool recall") offers a very recent example to explore the still too common communication and process breakdowns surrounding recalls. RILA is reiterating the process improvement recommendations below, which will enhance overall recall execution, increase process efficiencies and reduce burdens on recalling stakeholders.

A. Increase Advanced Notice of Recalls & Unilateral Warnings

RILA supports the Commission's goal of warning consumers about product safety issues and implementing effective and efficient recalls. Clear and collaborative communication in advance of recall announcements and unilateral warnings is essential to protect consumers from recalled hazardous products.

RILA encourages the Commission to prioritize notifying retailers ahead of public recall announcements and unilateral press releases, especially those in which they are named. RILA members are committed to swiftly removing recalled products from sale/store shelves and informing consumers of recalled products. Having advanced notice of recalls or unilateral press releases is critical to ensure that retailers can take prompt action on recalled products and get safety warnings to consumers. However, taking the pool recall as an example, RILA members named on the notice reported that they were not notified in advance of the recall, prior to the public announcement. As RILA has shared in past discussions with the Commission and in public comments, this is a common occurrence. Outside of the pool recall, one RILA member shared they have been impacted by 8 "surprise recalls" this year so far, involving various manufacturers, where they did not receive advance notice.

Lack of prompt communication of recalls, or being surprised when named in unilateral press releases, only hinders swift action and immediate safety warnings to consumers. In the same vein, retailers' execution of recalls is enhanced when manufacturers bring retailers into the dialogue prior to public recall announcements. Unfortunately, there persists a common misunderstanding among manufacturers, particularly those that may be facing a recall for the first time, that they are prohibited from providing advance notice of a recall to their retailer partners. The CPSC should clarify with manufacturers when engaged in recall negotiation processes with the Commission when they are permitted to inform retailer partners about a recall. Retailers are ready and willing to partner with manufacturers and the Commission to ensure timely actions are taken when recalls emerge. Advanced warning and collaboration ahead of recall announcements allow retailers to

[2] *See* Consumer Product Safety Commission "Bestway, Intex, and Polygroup Recall Certain Above-Ground Pools 48-Inches and Taller Due to Drowning Hazard; Nine Deaths Reported; Five Million Pools Sold Since 2002." (July 21, 2025)

proactively work through the extensive tasks related to recall, containment, and disposition activities.

RILA urges the CPSC to prioritize notifying retailers about recall announcements and unilateral press releases prior to announcement, especially those in which they are named, as well as prompt public notification of recalls. Doing so would reduce burdens through streamlining the recall process and allow retailers to more effectively and efficiently mobilize their internal teams and processes, to ensure all unsafe products are removed from the marketplace. Additionally, RILA renews its invitation to Commission staff to work with RILA to facilitate the compilation of a list of key retail contacts that could be utilized when urgent recall matters emerge, necessitating timely and effective outreach.

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

RILA also continues to encourage the Commission to include universal product codes (UPCs) and other model identifiers in CPSC recall announcements (*e.g.,* notices, posters). Retailers have long faced challenges in identifying recalled products due to missing or vague information on recall postings, sometimes even resulting in penalties for failing to act on recalls they could not clearly verify. Including standardized identifiers such as UPCs would enable retailers to more accurately and efficiently match recalled items with their inventory, reducing the risk of oversight.

Including UPC information is especially important when the products being recalled are older, discontinued, and/or may no longer be carried by retailers as part of their inventory. By incorporating UPC information into recall notices, the agency can assist industry in swiftly and more accurately finding the recalled product. Taking the pool recall as an example, where there are multiple manufacturers involved and no standard identifiers (*e.g.,* UPCs or stock keeping units (SKUs)) included in the recall posting, retailers can spend hours tracking down the impacted SKUs. One RILA member reported that they only received a list of impacted SKUs from the manufacturers four business days after the recall was announced. The lack of standard identifiers in the notice and lag time in providing retailers with information on impacted products only adds to the burdens faced when conducting recalls.

In March 2024, RILA was encouraged to hear from CPSC's Office of Compliance and Field Operations that it had received similar feedback from other retail stakeholders and were working to implement the inclusion of UPCs on recall notices. To date, however, RILA's members have not observed that CPSC has implemented this process improvement. RILA is interested in any update on the status of implementing this change and if there is any further background our members could provide to support this update.

The inclusion of consistent and detailed product data is especially crucial as industry stakeholders continue to develop technological solutions to integrate the CPSC's Recall Application Program Interface (API). Any technological solution created to assist with recalls is only as good as the data that industry can utilize to build the solution. By providing consistent information to identify

recalled products, the Commission would be able to enhance recall accuracy and reduce the time and resources retailers must spend manually verifying the scope of recalls, which ultimately lowers compliance burdens and improves consumer safety outcomes.

C. Reduce Redundancies and Increase Efficiencies for Recalls & Corrective Action Plan (CAP) Negotiations

RILA encourages the Commission to explore opportunities to reduce redundancies and enhance efficiencies in the recall and CAP negotiation process. Through enhancements and streamlining of the procedures detailed below, the Commission can alleviate regulatory burdens and ensure more timely and effective recall processes.

i. Improve Recall Documentation Processes

Known and established stakeholders, like RILA members, have a long history of working with the CPSC on recalls on a regular basis. RILA encourages the Commission to take meaningful steps to reduce compliance burdens and streamline recall coordination for these stakeholders that regularly engage in the recall process. Currently, regardless of whether they have a long history of collaboration with the agency on recall execution, retailers must effectively start at square one and complete the same boilerplate questions about their company's processes and capabilities for recalls. Additionally, retailers are experiencing major inconsistencies within CAP templates and requirements, depending on what compliance officer is assigned to their case. RILA urges the Commission find ways to maintain documentation on large stakeholders' (*e.g.,* firms, retailers) recall processes and capabilities, to reduce redundancies, accelerate recall approvals, and improve consistency.

ii. Eliminate Redundancies and Improve Response Formats of Form Requests

In RILA members' experience, many of the current questions included in the initial reports and subsequent information submissions are often inapplicable or redundant, and the format given to answer often limits the ability to provide meaningful responses to the question. The Commission should review and reevaluate the questions asked, and information received through these report submissions to ensure that the information requested is relevant, clearly formatted, and aligned with the data the agency requires.

To support more efficient and accurate reporting, CPSC should additionally develop and share a tutorial or screen capture walkthrough of the submission process. These improvements would improve data quality, reduce stakeholder confusion, and decrease the administrative burdens on stakeholders and CPSC staff alike when collaborating on recalls.

iii. Eliminate Destruction Notification Requirement

The Commission can further improve recall efficiency and reduce delays by eliminating the blanket requirement to notify the agency for planned destruction of units in recall cases. Especially considering that, in most cases, CPSC allows for the destruction of products with certification only

and rarely opts to witness the destruction of recalled products. This requirement adds unnecessary burdens in the form of unnecessary delays, increased storage costs, and confusion. Additionally, these burdens are compounded when third party logistics providers are involved. RILA recommends eliminating the blanket destruction notification requirement to help streamline the recall process and help reduce administrative burdens and costs for both the CPSC and industry stakeholders.

iv. Revise Compliance Program Requirements

Another way the Commission can reduce inefficiencies within CAP and recall requirements is to eliminate some of the routine elements typically included in a CAP requirement to implement a compliance program designed to ensure compliance with the CPSA. This includes the requirement to designate a "Safety Officer" or "Safety Committee." Each of these terms are overly broad, lack regulatory grounding and create routine inefficiencies and tension during recall negotiations.

This also includes the additional requirement to correct any "material deficiencies" the CPSC deems as requiring correcting. CPSC has never implemented a regulation defining a compliance program. The term "material deficiencies" has no relationship to a recall, is overly broad, and lacks any supporting criteria for what constitutes a deficiency. If CPSC views a company as particularly deficient, it should instead address this on an individual basis, rather than including it within a standard CAP template. Eliminating these requirements would allow CPSC to address deficiencies directly with relevant stakeholders, minimizing burdens and increasing overall efficiencies of the recall.

v. Ensure Consistent and Documented Recall Remedies

To reduce unnecessary burdens and improve the CAP process, RILA urges the Commission to ensure that all technical data informing the Commission's actions be made available for recalling parties, and that all recall remedies be consistent and grounded in the Consumer Product Safety Act (CPSA).

Any technical data or analyses utilized by CPSC technical staff during the CAP process should be consistent, process oriented, and made available to recalling stakeholders. Doing so removes challenges faced by retailers and other industry stakeholders when trying to make decisions about corrective actions based on withheld, partial, or sometimes even secretive information. Furthermore, the CPSC technical staff providing the data should be available for additional discussions about the data. CPSC staff should maintain transparent and direct communication lines during the recall negotiation process, as data is crucial for making well-informed decisions and ensuring effective collaboration.

RILA further emphasizes the importance that all recall remedies are consistent with the CPSA and other applicable regulations. RILA members have shared experiences of negotiating a CAP with CPSC staff, only to have it rejected or altered by Commissioners based on preferences not

grounded in statute or regulation. This practice only adds to uncertainty and delays within the CAP negotiations process, particularly when companies need to put processes in motion to implement the recall well before receiving final approval. To reduce burdens and ensure fairness and predictability, remedy determinations should follow transparent codified criteria, consistent with the CPSA.

vi. Streamline CAP Accept Letter Process

CPSC can also reduce burdens on industry stakeholders and further streamline recalls and CAP negotiations by streamlining the CAP Accept Letter drafting process. RILA members have often received a CAP Accept Letter that has several inaccuracies well after a recall announcement. This leaves retailers with little to no recourse to request corrections of the letter. Allowing some time prior to a recall announcement for recalling stakeholders to review and raise any correction needs will benefit the overall recall execution and minimize confusion.

vii. Include Recall Terms Standard to Typical Recalls

The Commission can further improve recall efficiency and reduce unnecessary delays by streamlining the CAP to include only those terms standard to a typical recall. RILA members have reported getting initial drafts of CAP Agreements back from compliance officers that routinely contain multiple terms for the recall, that are either disproportionate and/or not usually included in typical recalls. Some examples of these unusual requests include excessive social media posting requirements, inefficient provisions for paid advertising that are ineffective and not aligned with general understanding of media reach, and other broad compliance program obligations. These additional requirements only add complexity, friction and prolong the CAP negotiation process without improving any safety outcomes, particularly when they are ultimately waived or modified.

viii. Adopt Proven Recall Strategies

The CPSC can additionally further streamline recall processes and CAP negotiations by adopting practices already employed by other federal agencies. Similar to the U.S. Department of Energy's approach, RILA encourages the CPSC to publish CAP templates on the Commission's website. Making templates readily available allows retailers and industry stakeholders to increase their familiarity with CAP processes and stay up to date on any changes in advance of a recall event.

Additionally, RILA urges the Commission to consider adopting a scaling system of recalls such as that used by the U.S. Food and Drug Administration (FDA), which categorizes recalls based on risk, hazard and priority. Doing so would allow both the agency and industry stakeholders to prioritize resources based on the severity of product hazard posed. The structured approach would streamline decision-making, minimize unnecessary delays for lower risk recalls, and provide clear expectations for industry response and communication.

Furthermore, RILA recommends the Commission consider adopting a recall notification process more closely aligned with that of the FDA. Under the FDA's approach, once a product hazard is

identified, the recalling firm is permitted to immediately notify the public and initiate removal of the product from circulation for use. In contrast, the current CPSC process for voluntary recalls can often take weeks or months to obtain CPSC approval for the firm to announce a recall - thereby extending consumer exposure to potentially hazardous products. To mitigate this risk and expedite consumer protection, RILA urges the agency to develop processes to streamline and expedite approval of voluntary recalls to enable expedited public announcements of an identified product hazard. This expedited notification could be contingent upon the firm offering a full refund or replacement product as a remedy, rather than a lesser form of redress.

II. Expanding, Refine, and Improve the Retailer Reporting Program (RRP)

With data collection and analysis being central to both the CPSC's mission and retailers' daily operations, RILA urges the Commission to expand, refine, and improve the Retailer Reporting Program (RRP). Since RRP's inception, many RILA members have actively participated in the program and have continued to find great value in the RRP. The program enables retailers to harvest insights to identify early issues and hidden hazards and utilize those discoveries to guide their decisions to request fast track recalls. The RRP expedites informing manufacturers about product issues, which ultimately better protects and benefits consumers.

A. Expanding the Retailer Reporting Program (RRP)

Opening the RRP to more retailers will help the CPSC gain access to a broader and more diverse set of incident data and enable earlier detection of product safety issues without relying so heavily on resource-intensive investigations. This would allow the agency to prioritize high-risk cases more effectively, reduce duplication of effort, and allocate staff and funding more efficiently. The standardized reporting from a larger pool of retailers would improve data quality and consistency, further alleviating the burden on CPSC staff.

RILA recognizes that barriers, including system limitations, may detract from being able to manage, analyze, and make the best use of the data collected. However, the Commission should view expansion of the RRP participants as an opportunity to work collaboratively with retailers to leverage available data to the best extent possible to inform earlier action and better protect consumers.

B. Refining & Improving the Retailer Reporting Program (RRP)

The Commission should further improve the RRP, by increasing clarity and reducing unnecessary burdens within the program without compromising consumer safety. Ambiguities around reporting thresholds required by the RRP – particularly the requirement of what constitutes "information that reasonably supports" a defect posing a hazard, can lead to inconsistent interpretations and excessive submissions from industry stakeholders. By providing clearer parameters and guidance, the Commission would be able to help stakeholders reduce the number of unnecessary submissions and identify the crucial information to report. This would streamline the reporting process and allow the Commission to focus on the information that is most relevant.

Similarly, the "adequately informed" requirement creates challenges for retailers operating in complex supply chains, where it is often unclear whether suppliers have already notified the Commission of a potential hazard. The responsibility to report should lie with manufacturers and retailers should be able to reasonably rely on supplier acknowledgements in good faith, that their suppliers have notified the Commission. RILA urges the Commission to clarify through regulation and/or guidance, that once a retailer has notified a supplier and received acknowledgement, the retailer has met its requirement to "adequately inform" the Commission about the potential hazard.

Furthermore, while retailers recognize the importance of routine reporting, the cadence of monthly progress reports, especially when there have been no new incidents, can be overly burdensome. RILA recommends the Commission allow firms to submit progress reports on a quarterly basis over a 12-month period, and/or limit the monthly reporting requirement to a 6-month period, provided no new hazards have been reported over that time. By adjusting the reporting cadence, the Commission would help reduce administrative burdens while maintaining oversight, making the RRP more efficient and practical for all parties involved.

III. CPSC Webtools

RILA recommends the Commission continue to prioritize improving and modernizing CPSC maintained webtools. By improving webtools such as the Regulatory Robot and the recall search functions and notification alerts, the Commission would significantly reduce burdens and remove barriers to industry more effectively and efficiently navigating compliance. These tools provide accessible, self-service guidance that helps manufacturers, importers, and retailers to understand their compliance obligations, discern what rules and regulations apply to their products, and help consumers and industry alike, identify recalled products. RILA's recommended improvements set forth below would empower consumers and industry stakeholders to find accurate information more independently, promote consistency and transparency in regulatory interpretations, and minimize confusion and the need for the agency to address case-by-case clarifications.

A. Improvements to Recall Search Function

Currently, the recall search functions in use by the CPSC routinely makes searching for past recall events a difficult and frustrating process. Many retailers have shared experiences where the website search functions failed to return any useful or related recall information. If retailers struggle to locate the necessary information, it can be assumed that consumers may face more substantial hurdles when attempting to locate the same information. Improving the recall search functionality will enable industry and consumers to more swiftly and accurately locate and act on recall information.

B. Enhancements to Recall Alert Systems & the Regulatory Robot

RILA encourages the CPSC to improve their recall processes through investing in a system which can share live recall alerts with retailers and consumers alike. An alert system that notifies interested parties in real time would eliminate the need for stakeholders to have to source their own tools to try and catch recall information earlier than the once a week recall summary emails that are currently sent by the Commission. As it stands currently, the most reliable method for retailers to find up-to-date information on recalls is to perform manual checks of the CPSC recall webpage multiple times daily, or to utilize a paid third-party service (*e.g.,* web-scraping tools) that will monitor the site and provide alerts on any new information or changes made (which could be innocuous changes not related to a new recall event).

Additionally, the CPSC should explore improving recall processes further by expanding its Regulatory Robot's scope, functionality, and accessibility. Other enhancements to the tool could include incorporating information on new voluntary industry standards, offering more detailed explanations of applicable federal regulations, and/or enabling batch processing and user accounts to allow businesses to search, save, and track multiple past queries.

IV. Increase Adherence to Established Regulatory Framework

While RILA is supportive of the Commission's goal to implement standards that better protect consumers, the current processes in use have become increasingly burdensome and inefficient. The Commission often leans on the practice of pressuring companies via letters and public notices on issues they believe pose hazards, as opposed to engaging in the regulatory process to establish a clear and defensible standard that will increase consumer safety. Furthermore, the Commission is frequently issuing opinion notices and guidance documents that go beyond what is codified in the law. These practices circumvent the CPSA framework and have only led to confusion within the industry, as companies scramble to locate the latest compliance information and keep up to date. RILA urges the Commission to refrain from "regulation by letter" and return to practices that adhere to the CPSA framework.

V. Prioritize Advancing National Mandatory Standards Ahead of Emerging State/Local Regulations

As the regulatory landscape continues to evolve, it is increasingly important for federal agencies to take proactive steps in establishing clear, consistent standards that can guide industry practices nationwide. The CPSC plays a critical role in ensuring that emerging safety concerns are addressed through leveraging existing data from other federal agencies and prioritizing product safety standards that preempt a state patchwork of requirements.

A. Prioritize Product Safety Standards at Risk for State Patchworks

As new product regulatory hazards emerge, RILA encourages the Commission to prioritize promulgating national mandatory standards where state and local authorities are working to develop locally applicable product safety standards. A patchwork of rules and regulatory differences between states and localities are especially burdensome for retailers, manufacturers and other industry stakeholders operating across multiple states. Moreover, a lack of a federal standard only leads to industry confusion, unfair business practices, and fails to prevent potential unsafe products making their way onto the market and into American consumers' homes. Establishing a mandatory federal standard preempts a patchwork of state and local requirements under the CPSA, thereby providing a single, clear, and enforceable set of safety expectations that retailers and other industry stakeholders alike could follow.

One recent example where local jurisdictions have begun to implement their own product safety standards is lithium-ion (Li) battery powered micromobility products (*e.g.,* e-bikes and e-scooters). Li-batteries have a well-documented history of posing significant safety risks associated with battery failures, including thermal runaway, extreme fires, and electric shock. In the absence of any federal standard, many states and local governments have leaned toward adopting their own safety requirements. In 2023, New York City swiftly established an enforceable standard[3] applicable to Li-battery powered micromobility products sold in its five boroughs in an effort to combat an alarming trend of fires in apartment buildings attributed to these items. NYC pointed to a newer voluntary standard that had, at that time, only recently been made available. Additionally, this requirement was issued without the usual rulemaking framework that a national mandatory standard issued under the CPSA would have provided, including important notice and comment processes and sufficient opportunity to adopt and implement the standard. As additional states and local jurisdictions contemplate regulations comparable to that of New York, the regulatory landscape may become increasingly fragmented.

RILA is aware that the Commission recently voided the June 17 vote to reinstate and publish the Notice of Proposed Rulemaking to Establish a Safety Standard for Lithium-Ion Batteries in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries (NPR on Lithium-Ion Batteries). RILA strongly urges the CPSC to reinstate and publish the NPR to establish a mandatory federal standard for Li-batteries used in micromobility products. This proposed federal standard is not only critical for addressing the well-documented safety risks associated with battery failures but is also critical for ensuring regulatory consistency across jurisdictions. A uniform federal standard would streamline compliance, reduce administrative burdens and costs for industry stakeholders, and provide industry with much-needed consistency and predictability.

[3] *See* New York City Council. (2023). *Int. No. 0663-A*. *"Sale, Lease, And Rental Of Powered Bicycles, Powered Mobility Devices And Storage Batteries."*

Having a uniform federal standard would also reduce burdens on the Commission, as it would streamline enforcement and compliance over micromobility devices. With one singular nationwide mandatory standard, CPSC staff would be able to more efficiently evaluate products for any safety risks posed and focus resources on high-risk products.

B. Leverage Available Data & Other Agency Expertise

The growing focus by states and other government agencies on PFAS warrants attention. Historically, when regulations have been limited to a few states, retailers have managed compliance on a state-by-state basis. However, as PFAS has become a growing focus for state and federal regulators alike, enforcement efforts have intensified, increasing complexity and burdens for industry stakeholders.

As the CPSC continues its review of PFAS, RILA encourages the Commission to strengthen its regulatory review process by utilizing existing data and methodologies from other federal agencies, such as the U.S. Environmental Protection Agency (EPA). Other agencies like the EPA can offer valuable insights and information into PFAS toxicity, exposure pathways and health & safety impacts that can inform risk assessments and product safety standards. By tapping into existing federal data, methodologies, and expertise, the CPSC can help reduce burdens and cost through ensuring regulatory consistency and avoiding duplication of efforts.

VI. Modernizing and Streamlining Safety Standards

As the Commission considers ways it can reduce regulatory burdens and costs without increasing risk to consumer safety, RILA urges the Commission to work within the CPSA framework to prioritize its efforts to modernize its processes and to revisit some safety standards.

A. Prioritize and Refine eFiling

RILA wishes to express its continued support for the Commission's prioritization of the Certificate of Compliance eFiling rule (eFiling) and appreciates the CPSC's ongoing engagement with industry through initiatives such as the "eFiling Office Hours." While RILA encourages the Commission to maintain its prioritization of eFiling, RILA is recommending the Commission further streamline the rule. The suggestions detailed below aim to reduce burdens for the agency and industry alike, while upholding safety standards.

As industry moves toward full implementation of eFiling, RILA wishes to take this opportunity to reraise concerns and recommendations regarding the critical need for enhanced resources and support for eFiling.[4] While RILA remains supportive of the eFiling rule, we recommend that the Commission prioritize technical assistance to support the significant system and process changes required for full implementation of eFiling; increase staff dedicated to eFiling implementation; and

[4] *See* RILA Comments re: Agenda and Priorities Fiscal Year (FY) 2026 and/or FY 2027; 90 Fed. Reg. 15564 (April 14, 2025)

provide additional resources and guidance to industry. By dedicating sufficient staff and resources, the Commission will help ensure product certifications are processed accurately and efficiently, as well as enhance oversight over all inspections and monitoring of imported products into the domestic market. Furthermore, continued engagement with industry stakeholders, including technical support resources and guidance, will assist the Commission in providing clearer guidance and support to all importers and will facilitate more seamless eFiling implementation.

RILA additionally recommends the CPSC provide clearer guidance on its eFiling web resource pages regarding products subject to enforcement discretion, particularly in cases where a certificate is not required due to the existence of an applicable rule, ban, standard or regulation.[5] Feedback from RILA members indicates that this area remains a source of significant confusion. By providing clear messaging/guidance in its eFiling resources (e.g., additions to FAQs, etc.) on the products subject to enforcement discretion, the Commission would help eliminate unnecessary data submissions, ensure consistent compliance, and reduce uncertainty for manufacturers, importers, and retailers.

B. Modernization of Standards Development

As the Commission continues to modernize and streamline its approach to standards development, RILA urges the Commission to consider the opportunity to mitigate inadvertent regulatory burdens that stem from traditional warning label methods, by including in safety standards the option to utilize digital labeling technologies where appropriate, such as QR codes and weblinks.

Traditional labeling methods, including stickers, paper brochures, manuals, and hangtags, are made of paper or plastic and significantly contribute to packaging waste and increase compliance costs related to other regulatory obligations, including packaging Extended Producer Responsibility (EPR). By allowing required warnings and product information to be delivered digitally, CPSC could help reduce the materials, time, energy, and other burdens associated with physical labeling. Permitting the use of digital labeling also assists the Commission and retailers with meeting consumers where they are, as it would allow consumers to gain instant access to real time information, in a number of widely spoken languages across the country other than English. Additionally, the utilization of digital labeling technology could significantly aid in the industry's decarbonization efforts.

While RILA encourages the Commission to accommodate digital labeling in its modernizing and streamlining efforts around standards development, digital labeling should be an *option* and not a

[5] For example, the impact on the 2016 enforcement policy providing a testing exemption and enforcement discretion for General Certificates of Conformity (GCCs) for most *adult apparel* under the Flammable Fabrics Act. The final 2024 eFiling SNPR clarified that the 2016 policy remained in place, however, the CPSC in practice continues to recommend the use of disclaim message sets for imported products that don't require a GCC. This has led to confusion. The Commission should make clear that importers will not be penalized for not providing information that is only *recommended* and not required.

requirement in final standards it issues. Mandating the use of digital labels for consumers to gain access to labeling information could pose an accessibility issue for some consumer demographics. While many consumers are familiar with and have experience using QR codes, not all consumers will be able to make use of smart technology to access labeling information. Additionally, in many cases, updating all products with digital labels would be a very costly and impractical endeavor for brand owners, including small businesses, without sufficient benefits.

C. Review and Revision of Mandatory Standards

RILA appreciates the opportunity to share feedback with the Commission on ways to reduce burdens and costs of the agency's existing and proposed rules, regulations, guidance, interpretations or practices without increasing the risk of death or injury to consumers. While RILA is supportive of the Commission's efforts to implement mandatory safety standards that protect consumers, it respectfully raises concerns regarding two supplemental notices of proposed rulemakings (SNPRs), currently under consideration. RILA urges the Commission to refrain from advancing these SNPRs without first addressing the recommendations outlined below.

i. Address Critical Flaws in Proposed Safety Standard for Portable Generators

While RILA is supportive of the CPSC's mission to prevent carbon monoxide poisoning risks associated with gas generators, several concerns remain that were raised in June 2023 comments[6] regarding the SNPR for a Safety Standard for Portable Generators. As written, the proposal is based off outdated, inaccurate and incomplete market data and current staff estimates on product compliance with voluntary safety standards for portable generators are not aligned with retailers' current understanding and experience with the portable generator market. Moreover, the SNPR and underlying Proposed Standard together would limit all portable generators to 150 grams/hour of CO emissions, regardless of generator size. Additionally, the suggested 180-day compliance timeframe for this rule, does not account for industry supply chain realities, and could lead to product shortages during critical times – such as hurricanes, tornadoes, snow and ice storms, wildfire and extreme heat, among other natural disasters and events.

Furthermore, RILA urges the Commission to not proceed with the SNPR for portable generators as currently drafted, as the proposed CO emission limits conflict with existing industry standards from regulating bodies such as the U.S. EPA and the California Air Resources Board (CARB). The Commission should address these challenges and regulatory barriers to implementation for generators sold in California, prior to finalizing a mandatory standard that will be applicable nationwide.

[6] *See* RILA Comments re: Safety Standard for Portable Generators; Supplemental Notice of Proposed Rulemaking; 88 Fed. Reg. 24346 (April 20, 2023); Docket No. CPSC-2006-0057

ii. Explore Alternative Approaches to Safety Standard Addressing Blade-Contact Injuries on Table Saws

RILA urges the Commission to pause proceeding with the proposed rule on blade-contact injuries for table saws due to significant concerns about patent barriers and market competition. The rule relying on a single company's technology – Active Injury Mitigation (AIM) technology, promotes unfair business practices and a de facto monopoly. By relying on a singular company's work product, the Commission would limit innovation, increase costs for manufacturers and consumers, as well as raise serious antitrust concerns. The Commission should instead advance safety through open and competitive means, and RILA recommends the Commission explore alternative approaches that preserve fair competition practices and promote product safety innovation.

iii. Review and Amend Button and Coin Cell Standard for Non-Children's Products

RILA appreciated the opportunity to comment in March 2023[7] on the underlying proposal for the final Reese's Law standard and retailers take very seriously the compliance and safety of all products they sell. While RILA supports the Commission's mission to protect some of our most vulnerable populations from the serious dangers posed by button cell and coin cell batteries, there are several real word scenarios that were not fully considered when finalizing Reese's law. RILA recommends that the Commission consider amending the rule to expand exemptions to include the use cases detailed below, to address unnecessary burdens that may not have been fully recognized during the initial rulemaking process.

As Reese's Law is implemented, RILA recommends that the Commission consider updating the current standard to incorporate targeted exemptions for products that are not accessible to children. Products such as investment watches or similar high-value items can typically only be opened by professionals in controlled settings, such as retailer's workshops, and therefore do not pose the same risk of accidental battery access by children as many other products. For example, luxury investment watches generally require use of a specialized screwdriver or other tool to open the backside of the watch and then unscrew a small metal bar to access and release the button cell or coin cell battery inside – an action that is best performed by a professional in a watch shop to avoid damaging the watch. These actions require a bit of strength, dexterity, and fine motor skills to remove the screws, open the back of watch, and not strip the grooves of the screw making it nearly impossible to remove the screws without drilling them out. While consumers may replace batteries themselves by purchasing tools to open the watch and other similarly sealed products, the risk is very low that a child would be able to open the battery compartments of these products.

Furthermore, RILA recommends that the Commission reconsider the size and placement of warning labels for products such as investment watches or similar small, high-value jewelry goods.

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[7] *See* RILA Comments re: Safety Standard and Notification Requirements for Button Cell or Coin Cell Batteries and Consumer Products Containing Such Batteries; 88 Fed. Reg. 8962 (February 9, 2022); Docket No. CPSC-2023-0004

In many cases these products are packaged in a decorative or keepsake box and requiring a large, permanent external label will undermine the products' intended presentation and value. Allowing warning labels to be placed on the inside of the packaging rather than prominently on the exterior of the packaging would allow for the preservation of the keepsake qualities of these specialty goods while still ensuring consumer awareness of the battery risks.

VII. Embracing Opportunities for Stakeholder Engagement

The CPSC's vital role in and mission to protect consumers from unsafe products is strengthened by its ongoing engagement with industry to promote product safety and compliance. RILA encourages the CPSC to continue engaging with industry stakeholders through a variety of forums. In particular, the International Consumer Product Health and Safety Organization (ICPHSO) offers a unique and valuable opportunity for the CPSC to connect with a broad and diverse range of stakeholders – including retailers, consumer safety advocates, product manufacturers, importers, distributors, testing laboratories, and international regulatory peers. Active participation in ICPHSO events allows the agency a "one stop shop" opportunity to maximize the impact of its resources by fostering dialogue, gathering insights, and promoting collaboration with stakeholders. Continuing to participate in forums like ICPHSO will help streamline the Commission's stakeholder engagement and advance the agency's mission of consumer protection against hazardous goods.

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 to continue the partnership and dialogue between RILA, our retailers, and the Commission moving forward.

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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