



Recalls & Enforcement Under the New CPSC

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attorney advertisement

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Consumer Product Safety Commission

- Federal regulatory agency, created in 1972
- Protects public from unreasonable risks of serious injury or death associated with consumer products
 - Rulemaking to create or adopt safety standards
 - Enforcement to identify and eliminate product hazards
- Jurisdiction over thousands of tangible consumer products



CPSC Recalls

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CPSC Seeks Recalls to Address “Substantial Product Hazards”

Regulated product violates mandatory standard

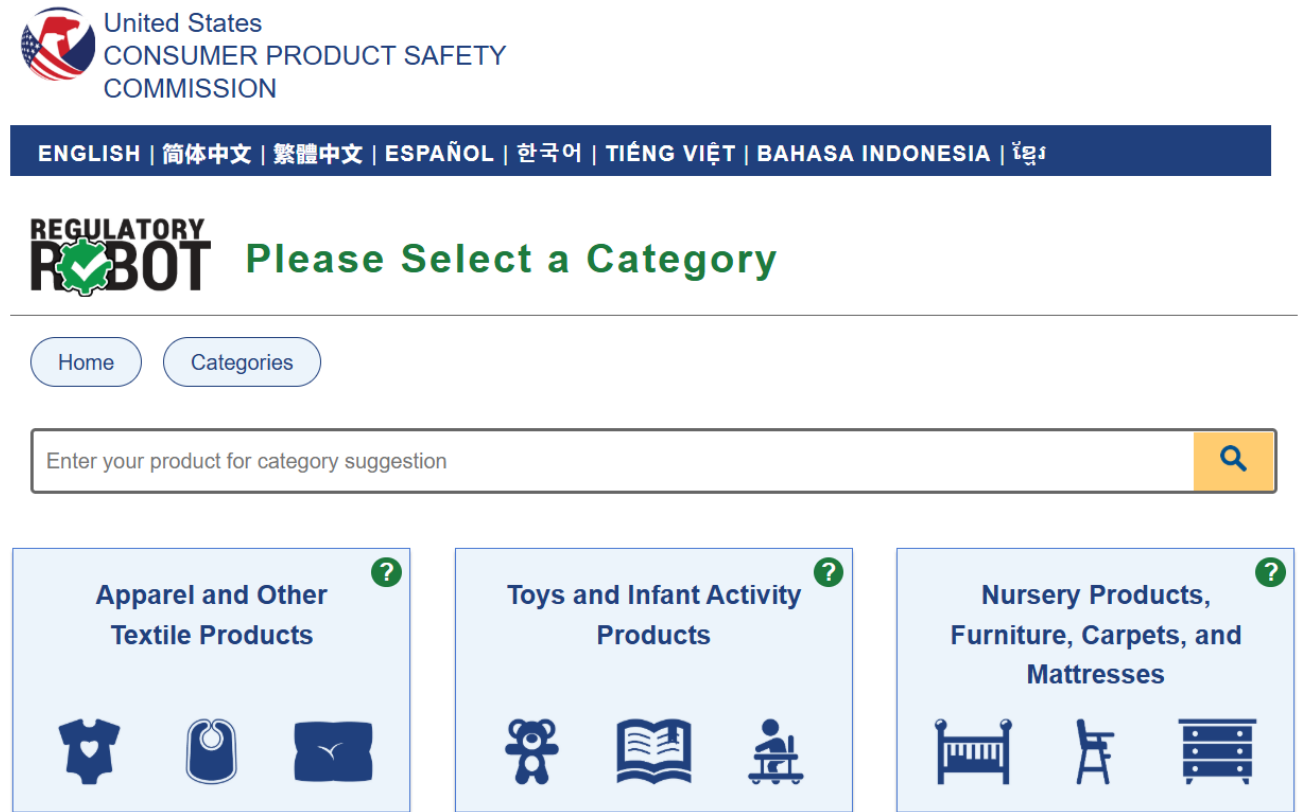
- Objective performance requirements to prevent specific hazards
- Compliance verified with testing, manufacturer certification, labeling

Product defect presents a “substantial risk of injury”

- Design, manufacturing, or instructions/warnings defect poses risk of likely or serious injury
- Subjective, retrospective determination often based on incidents or injuries, not standards

Common Issues to Watch with Home Furnishings

- Flammability testing
- Button or coin cell batteries
- Lead and phthalate testing
- Labeling and certification requirements
- Stability and tip-over testing
- Entrapment hazards
- Materials and design elements affecting durability or weight



<https://business.cpsc.gov/robot/decision>

Basic Components of a Recall

- Stop sale
- Public notice of hazard
- Consumer remedy
- Reverse logistics
- Recall administration
- Monthly progress reporting



Recent CPSC Recalls



Recalled Oliver & Smith 6-inch Mattress

Name of Product:

Oliver & Smith 6-inch Mattresses

Hazard:

The recalled mattresses violate mandatory flammability standards for mattresses, posing a fire hazard and risk of serious injury or death to consumers.

Remedy:

Repair

Recall Date:

June 12, 2025

Units:

About 16,530



Recalled Creekliybear "Pack and Play" Aftermarket Play Yard Mattress

Name of Product:

Creekliybear "Pack and Play" Aftermarket Play Yard Mattresses

Hazard:

The aftermarket play yard mattresses violate the mandatory standard for [crib mattresses](#), as the mattresses exceed thickness requirements and may not adequately fit certain play yards, posing a deadly entrapment hazard. Babies can suffocate in gaps between an undersized mattress, or extra padding, and side walls of a product, especially when the infant's face becomes trapped against the side and the mattress, preventing the infant from breathing.

Remedy:

Refund

Recall Date:

July 10, 2025

Units:

About 21,500

Report an
unsafe product

Recent CPSC Recalls



Recalled Kentfield Dresser (front view)

Name of Product:

Kentfield Solid Wood Eight-Drawer Dressers

Hazard:

The recalled dressers are unstable if they are not anchored to the wall, posing serious tip-over and entrapment hazards that can result in injuries or death to children. The dressers violate performance requirements of the STURDY Act.

Remedy:

Repair

Recall Date:

April 10, 2025

Units:

About 675



Recalled Sivan six-drawer double dresser (front view)

Name of Product:

Sivan Six-Drawer Double Dressers

Hazard:

The recalled dressers are unstable if they are not anchored to the wall, posing serious tip-over and entrapment hazards that can result in injuries or death to children. The dressers violate the performance requirements of the STURDY Act because they can tip over with fewer than 60 pounds applied horizontally, and the dressers also fail to meet the labeling requirements of the STURDY Act.

Remedy:

Refund

Recall Date:

May 22, 2025

Units:

About 170

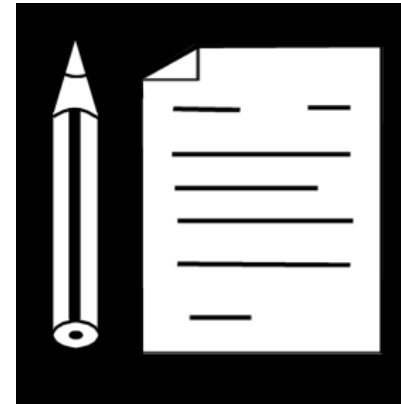
Report an
unsafe product

Enforcement under the New CPSC

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CPSC Enforcement Mechanisms

- Required self-reporting and recordkeeping
- Voluntary recalls
- Unilateral public warnings
- Litigation
- Detention, seizure, and forfeiture at importation
- Civil penalty investigations
- Criminal penalty investigations



2025: Increased Enforcement Is Trending

Shorter Deadlines, Faster Escalation

- More small-volume recalls
- More unilateral public warnings
- More warnings and recalls without incidents or injuries

More CBP Coordination

- Lower threshold to inspect imports with end of de minimis entries
- More inspections
- More technical violations

No Pause on Penalty Work

- Civil penalty investigations, demands, and litigations continue
- Two criminal penalty enforcement actions concluded this year

Expect Continued Enforcement: Post-sale Monitoring, Reporting, and Recalls

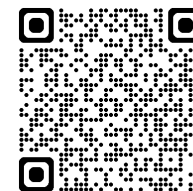
- Section 15(b) (15 U.S.C. § 2064(b)) requires self-reporting of information “which reasonably supports the conclusion” that a product
 - fails to comply with a mandatory standard;
 - contains a defect which could create a substantial product hazard; or
 - creates an unreasonable risk of serious injury or death.
- Applies to manufacturers, importers, distributors, and retailers
- Failure to report promptly, completely, or accurately can lead to civil and/or criminal penalties (15 U.S.C. § § 2068-2070)

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Questions?



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