

# An Analysis of Consumer Product Recalls in 2022

by Don Mays

The U.S. Consumer Product Safety Commission, the agency that has jurisdiction over more than 15,000 types of consumer products, is charged with protecting consumers from products that pose fire, electrical, chemical, or mechanical hazards or can injure children. One of the ways the agency accomplishes its mission is to prompt the recall of unsafe products that have found their way to the marketplace and into consumers' homes.

I have been following product recalls for years and always find the information included in CPSC's recall press releases to be quite revealing. I completed an armchair analysis of recalls announced in 2022 by the CPSC and have added context to the data.

**Recalls by the Numbers:** In 2022, the CPSC announced 292 recalls involving nearly 70 million units. While that's a five-year high, it pales in comparison to 2007, which was coined "The Year of The Recall" by Kids In Danger<sup>1</sup>. That year, there were 448 recalls—more than half were for children's products. New regulations were passed in 2008 that tightened existing or imposed new requirements for children's products. Still, many of today's products violate those regulations. In 2022, one-third (98) of all recalls were for children's products.

**Violating Regulations:** Remarkably, 21 of the recalls for children's products were due to their failure to meet federal flammability standards. Another 20 products were recalled due to failure to meet the federal lead content ban, and 15 products were recalled because they lacked child-resistant (CR) closures. Since flammability, lead, and CR testing are three of the most common tests for compliance, it's a wonder that these products got to market at all. Perhaps that's due to a lack of awareness of existing regulations.

**Choking:** In 24 of the children's products recalls, choking was cited as the main hazard. Many of those recalled products would likely have failed the small parts regulations right out of the box. Some recalls were due to small parts that broke off during use. Again, I wonder how adequately these children's products were tested before they got to market.

**Compliance vs. Safety:** While many recalled children's products failed to comply with federal regulations, the great majority (73 percent) of all recall announcements did not cite a violation. Some products may have failed a voluntary ASTM or UL standard, but CPSC press releases rarely indicated when that occurred. So if recalls primarily involve products that are compliant with regulations and standards, it's likely that safety hazards were uncovered once

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<sup>1</sup> [https://kidsindanger.org/docs/reports/2008\\_year\\_of\\_the\\_recall.pdf](https://kidsindanger.org/docs/reports/2008_year_of_the_recall.pdf)

the products were in the hands of consumers. While companies may focus on compliance, many are shortsighted in thinking that compliance ensures safety. I've often lectured that compliance is just the license to bring a product to market and provides no guarantee of safety. Safety goes beyond the simple check-the-box activity practiced by most companies' compliance departments; it involves a deep understanding of foreseeable use and misuse, quality, durability, and failure modes and effects analysis (FMEA) related to the product's design or manufacturing process.

**Incidents:** Each CPSC recall notice indicates the number of incidents reported by the manufacturer as well as any deaths, injuries, or property damage. In total, I calculated 8,426 incidents of various degrees. The highest number of incidents occurred with two different types of exercise equipment. Johnson Health Tech Trading reported the greatest number of incidents, 874, for sudden acceleration or stopping of their treadmills that resulted in 71 related injuries. Similarly, a close second was Myx Fitness for exercise bikes that were associated with 864 reported incidents and 75 injuries. When so many incidents and injuries amass prior to a recall, it indicates a lack of process and/or technology to expeditiously address a safety problem. In some cases, it could also indicate executive management's reluctance to address the problem.

**Fatalities:** Fortunately, there were only seven fatalities associated with 2022 CPSC recalls. Past years have been much worse. Two of the fatalities were associated with a children's weighted blanket when two children, a 6 year old and a 4 year old, were asphyxiated after climbing inside and becoming entrapped in the blanket's removable cover. Two additional incidents of entrapment were also reported for that product. About 204,000 of the recalled weighted blanket were sold exclusively at Target.

**Injuries:** There were approximately 800 total injuries associated with the products under recall. Many were due to burns or lacerations. Some were due to crash injuries suffered from use of off-road vehicles. Fitbit reported the most injuries (78 in the U.S. and 40 internationally) for burns associated with their Ionic smart watches. About 1.7 million were sold.

**Property Damage:** There were 50 reports of property damage associated with recalled products last year. Ten of those were related to over-heating, smoking, and fire from short-circuiting Samsung top-load washing machines. About 663,500 units were included in the recall.

**The Biggest Recall - Bacteria:** A shocker for sure, but Clorox recalled 37 million units of its Pine-Sol cleaners for possible bacteria exposure risk. The CPSC stated: "People with weakened immune systems, external medical devices, and underlying lung conditions who are exposed to the bacteria face a risk of serious infection that may require medical treatment. The bacteria can enter the body if inhaled, or through the eyes or a break in the skin." But Clorox

was not the only one with a bacteria risk. The Laundress recalled 8 million units of their laundry detergent for a similar problem. That was the second largest recall. And, A1En also recalled 14,500 units of their laundry detergent for possible bacteria exposure risk.

**Companies with Most Recalls:** There was a tie between two outdoor recreational power equipment manufacturers for the most recalls in 2022. Polaris and Yamaha each had six recalls announced by the CPSC. The recalls were for a variety of equipment including snowmobiles, ATVs, and other off-road vehicles. As a category, off-road vehicles are problematic from a safety standpoint. There were 28 recalls in this category last year. This suggests that more thorough testing is required to identify hidden safety issues. However, frequent recalls may not necessarily indicate endemic gaps in a company's safety process; it could indicate a company's desire to take quick corrective action once a safety issue is identified.

**The Strangest Recall:** It was quite surprising to read about the recall of Backyard Nature's birdbath due to a fire hazard. Apparently, focused sunlight going through the acrylic birdbath can burn nearby surfaces. There were two reports of the birdbaths causing overheating, smoking, fire, and scorching to homes' decking and siding. You can't make this stuff up.

**The Bottom Line:** Recalls give insight into how companies misstep when bringing products to market. Too often, premarket testing is not conducted to ensure compliance with even the simplest regulations. More-advanced testing for safety beyond compliance is frequently not in the playbook for companies. Many companies lack the post-market surveillance processes and technology to promptly identify emerging safety issues so that action can be taken before someone gets hurt. And, unfortunately, because of time, money, or risk of embarrassment, some companies don't have the will to recall products even when a recall is warranted.

It's clear that the current CPSC commissioners have become more aggressive than prior commissioners. It's likely that we will see more recalls in the future as well as more civil penalties, and perhaps criminal penalties levied against egregious wrongdoers.

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