

CONSUMER PRODUCTS INDUSTRY

Consumer products are tangible goods used by individuals and households. They cover a broad variety of items including apparel, electronics, office supplies, cleaning products, recreational products, health services products, lumber and building products, do-it-yourself products, personal care products, toys and children's products, computer and communications products, chemical products such as pesticides and pharmaceuticals, agricultural products, food and beverages, automobiles, aircraft, and many more.

Businesses operating in the consumer products industry face a highly competitive landscape. Shifting consumer attitudes, declining brand loyalty, online shopping and social media trends are a few of the challenges that make it increasingly more difficult for companies to grow their profits. Additionally, governments around the globe are paying closer attention to the impact consumer products have on individuals and the environment, resulting in new rules and regulatory requirements for the industry.

Environmental Laws and Regulations Governing Consumer Products

Consumer products are subject to extensive government regulation. Whether the goods are electronics, apparel, food, toys, pharmaceuticals or other products, consumer product companies must ensure product safety. In the United States, various statutes regulate consumer products. These include:

1. Consumer Product Safety Act;
2. the Federal Hazardous Substances Act;
3. the Flammable Fabrics Act;
4. the Toxic Substances Control Act;
5. the Federal Insecticide, Fungicide, and Rodenticide Act;
6. the Federal Food, Drug, and Cosmetic Act; and
7. the Poison Prevention Packaging Act.

With so many regulations, manufacturers, retailers, suppliers and distributors must regularly confirm their compliance with requirements. California regulates products across the entire life cycle of the product, from source material to end-of-life. This increases the cost and design of the products. For example, California's Safer Consumer Products Act requires consumer product manufacturers, retailers and distributors to assess certain products containing specified chemicals to determine if those chemicals are necessary or can be replaced with alternatives that are safer for the consumer and the environment.

TSCA

The Toxic Substances Control Act (TSCA) regulates the production, importation, use and disposal of certain specific chemicals and chemical substances including asbestos, polychlorinated biphenyls (PCBs) and lead-based paint. TSCA gives the EPA broad authority to impose reporting, record-keeping, testing, and restriction requirements to prevent chemicals from posing an unreasonable risk. Under TSCA, companies are required to comply with pre-manufacture notifications for "new chemical substances" before they manufacture their products. Additionally, as new chemicals are commercially manufactured and imported, they are added to TSCA Inventory which contains over 83,000 chemicals.

Beyond the United States, the industry must also comply with a myriad of international regulations which include the Strategic Approach to International Chemicals Management (SAICM), the European Union's Directive on Restriction of Hazardous Substances (RoHS), the Directive on Waste Electrical and Electronic Equipment (WEEE), and the EU's Registration, Evaluation, Authorization and Restriction of Chemicals (REACH).

California Environmental Compliance Lawyers Advising The Industry

Bick Law represents businesses throughout the consumer products industry. Our lawyers advise manufacturers, retailers, distributors, suppliers and importers on the full spectrum of environmental regulations impacting their operations. We help our clients address consumer product management and reporting/warning regulations, including California's Green Chemistry Initiative and Proposition 65. We focus on helping clients meet regulatory requirements for consumer products in the U.S. and around the globe.

Bick Law understands the critical role product stewardship plays within the industry and we help to build effective stewardship programs. For example, our California environmental compliance attorneys represented a major toy company to develop a corporate procurement policy and implement

procedures to eliminate rainforest products in paper packaging materials in response to an initiative brought by Greenpeace. In addition, we prepared and submitted comments on behalf of our clients during rulemaking proceedings for California's Safer Consumer Products Act and Washington's Children's Safe Products Act.