

Reporting Of Choking Incidents

Reporting Requirements Under Section 102



Section 102 of the CPSA requires that companies report certain choking incidents to the Commission. A manufacturer, distributor, retailer or importer of a marble, a ball—with a diameter of 1.75 inches or less, a latex balloon or a toy or game that contains one of these or any other small part must report information that reasonably supports the conclusion that a child (regardless of age) choked on the small part and that as a result of the incident the child died, suffered serious injury, stopped breathing for any length of time or was treated by a medical professional.

The Section 102 report should include:

- The name and address of the child who choked
- The person who notified the firm of the incident
- A detailed description of the incident and any resulting injuries or medical treatment
- Information about any changes that were made to the product or its labeling or warnings to address the risk of choking
- And the details of any public notice or other corrective action planned

Firms must file within 24 hours of obtaining the information. A company can file a Section 102 report with the Division of Recalls and Compliance by mail, telephone or fax. Telephone reports must be followed with a written confirmation.

Confidentiality of Reports:

The Commission is prohibited from releasing information unless a remedial action plan has been accepted by the firm in writing, a complaint has been issued or the reporting firm consents to the release. The reporting firm must mark “confidential” on the report if the information submitted is trade secret, confidential commercial or financial information

Where To Report

Telephone: 301.504.7913

Fax: 301.504.0359

Electronically at www.cpsc.gov



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