



WINDOW COVERING
MANUFACTURERS
ASSOCIATION

Media Contact

Paul Nathanson

202-828-1714

Paul.Nathanson@Bracewell.com

**U.S. Court of Appeals Grants WCMA Motion to Stay
Consumer Product Safety Commission Rule on Custom Window Coverings**

Washington, January 11, 2023 – The U.S. Court of Appeals for the D.C. Circuit yesterday (January 10) granted a motion by the Window Covering Manufacturers Association (WCMA) to stay the Consumer Product Safety Commission’s (CPSC) rule, *A Safety Standard for Operating Cords on Custom Windows*, pending judicial review. The CPSC’s rule therefore will not take effect while the case is pending in the D.C. Circuit.

The Court’s order stated that WCMA “satisfied the stringent requirements for a stay pending court review.” One of those requirements is that WCMA demonstrated that it is likely to ultimately succeed in the case.

WCMA filed a lawsuit on November 30, 2022 challenging the CPSC rule because the rule does not substantively advance child safety and ignores the fact that safety incidents have steadily declined since the voluntary standard has been in effect. The CPSC also failed to account for the significant cost increase to consumers, the enormous harm that the rule will cause to small businesses and the large commercial market for custom window coverings, despite the fact that there is no data to suggest those products pose a risk.

WCMA filed the stay motion because, among other reasons, the CPSC had adopted a six-month effective date for the rule, which would have eliminated the availability of proven safe products before the industry could develop new products and would delay consumer transition to available safer products. The CPSC staff briefing acknowledged the industry will need at least two years to develop completely new products.

Over the next few months, WCMA and the CPSC will file briefs to the court, and after that the D.C. Circuit will hear oral argument.

The window covering industry will continue to be required to meet the provisions of the current window covering safety standard, ANSI/WCMA A100.1-2018. The American National Standards Institute (ANSI) recently approved an update to this standard that will require the vast majority of all window covering products sold in the United States to be cordless or to have inaccessible or short cords. The revised updated safety standard strengthens window-covering safety by eliminating the use of free hanging operating cords, free hanging tilt cords, and multiple cord connectors on all made-to-order custom window covering products.

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355 Lexington Avenue, 17th Floor
New York, NY 10017-6603
Phone: (212) 297-2122
Fax: (212) 370-9047

The industry's voluntary standard has been a success and has significantly decreased incidents, spurred product innovation, and improved product safety. Industry members have always considered compliance with the standard to be mandatory, and the CPSC acknowledges that there is substantial compliance with the standard among industry members. Despite that success, the WCMA believes that CPSC promulgated its new mandatory rule, circumventing the process envisioned under the Consumer Product Safety Act (CPSA).

The case number is WCMA v. CPSC, D.C. Cir. No. 22-1300.

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About WCMA

The Window Covering Manufacturers Association (WCMA) represents the interests of the window covering industry manufacturers, fabricators and assemblers. Industry products include blinds, shades, shutters, curtains, curtain rods, drapes, drapery hardware and other window treatments. Visit us on the web at www.wcmanet.com.