



WINDOW COVERING
MANUFACTURERS
ASSOCIATION

U.S. Court Vacates the CPSC's Custom Window Coverings Rule **Questions and Answers**

1. What was the issue involved in the WCMA's lawsuit challenging the CPSC rule, *A Safety Standard for Operating Cords on Custom Window*?

For decades, the Consumer Product Safety Commission (CPSC) worked cooperatively with WCMA on the ANSI/WCMA voluntary safety standard. Despite the success of the voluntary standard in reducing risk and incidents, the CPSC promulgated a new mandatory rule, circumventing the process envisioned under the Consumer Product Safety Act (CPSA). CPSA requires the CPSC to rely on a voluntary standard that adequately reduces the risk of injury and has substantial compliance among the industry members, rather than promulgate its own rule. The ANCI/WCMA voluntary standard has been effective in reducing the risk, and the industry substantially complies with it. Yet the CPSC promulgated a mandatory rule anyway. In doing so, the CPSC completely failed to account for the significant cost increase to consumers and the enormous harm that the rule will cause to the billion-dollar commercial market for custom window coverings, despite the fact that there is no data to suggest that these products pose a substantial risk.

2. Did WCMA file the lawsuit because it is against stricter safety standards on corded window coverings?

No. WCMA has finalized the seventh update to the ANSI/WCMA voluntary safety standard. That update specifically addresses the custom product category and has the same goal as the proposed rule – to eliminate all free hanging cords from custom products. Unlike the CPSC final rule, the updated voluntary standard is based on an analysis of actual incident data and the technical expertise of the industry. Until recently, the CPSC had always supported the industry's efforts.

3. What did the Court decide?

On September 13, 2023, the U.S. Court of Appeals for the D.C. Circuit unanimously [ruled in favor](#) of granting the WCMA's petition for review, vacating the CPSC's rule, and remanding the matter to the CPSC. The court agreed with WCMA that the CPSC failed to provide an opportunity to comment on the underlying incident data, conducted a flawed cost-benefit analysis that ignored the enormous harm that the rule would have caused the multibillion-dollar custom window coverings industry, and selected an arbitrary effective date for the rule.

4. Given the Court's decision to vacate the CPSC rule, what safety standard is in place?

The ANSI/WCMA A100.1-2018 window covered standard is the only safety standard in effect and compliance with the standard is still required. The 2022 revision to the ANSI/WCMA window covering standard, ANSI/WCMA A100.1-2022, has been approved by ANSI. The compliance date for the new standard for all companies manufacturing, distributing or selling window covering products in the U.S. is June 1, 2024.

5. What about the CPSC's mandatory rule?

Because the court vacated the rule and remanded the matter to the CPSC, the agency would need to start over with its rulemaking process if it wanted to pursue a mandatory rule, this time abiding by the CPSA statute and other requirements that the court ruled that the agency violated in its rulemaking process. The CPSC could also appeal the decision by U.S. Court of Appeals for the D.C. Circuit. The CPSC has not made any official announcements regarding its plans to appeal or restart the rulemaking process.

6. How can I stay informed about the lawsuit?

WCMA will update its members regularly. However, as questions come up, please contact Ralph Vasami, Executive Director of WCMA, at rvasami@kellencompany.com.