

THE PRODUCT RECALL BLAME GAME: STEREOTYPICAL VILLAINS VS. ACTUAL RECALL FAILURE FACTORS

The most consistent issue in product recall policy discussion is the ineffectiveness of many recalls, and the reasons for recall failure. The present study recognizes four stereotypical recall villains, thought to impair recall outcomes; industry, regulatory agencies, media, and the public.

In fact, suboptimal recalls result from one or more of ten complex factors, identified and documented in the present study. These ten factors include flaws in recall legislation, the commercial nature of the media, fragmented recall political jurisdictions, the sheer volume of recalls, and the fact that inadequate attention is paid to the communication nature of recall campaigns.

A model to explain recall newsworthiness, and resultant media play and public attention, is suggested.

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Product recalls pose significant challenges to American manufacturers, retailers, trade associations, consumer groups, regulatory agencies, and other product recall stakeholders. The antecedents and consequences of recalls can be profoundly important for a variety of parties, including consumers, the media, regulatory agencies, and perhaps most of all, those responsible for the recall. Recalls affect the public health, employment, innovation, stock market valuation of products and firms, gross national product, and even whether or not a firm continues to exist. It is no overstatement to claim that recalls are potentially a matter of life and death, for consumers and corporations alike.

American product recall public policy has evolved in a piecemeal, ad hoc manner over nearly a century. One of the central concerns, if not the single most important issues, is the question: Why are recalls less effective than possible? The corollary question asks: How can suboptimal recalls be improved? The present study addresses these queries, and offers a series of answers, based upon the author's empirical research, and historical/critical analysis of the product recall literature from the business, law, and communication disciplines, in addition to business periodicals and related sources.

To advance our systematic understanding of recalls, and focus on salient dimensions of recall policy, four main topics will be considered: 1) Historic concern over recall effectiveness; 2) Stereotypical recall villains; 3) Actual recall failure factors; and 4) A model to explain recall newsworthiness.

HISTORIC CONCERN OVER RECALL EFFECTIVENESS

According to some writers on recall policy, the first recalls were voluntary, around the turn of the 1900s. Since then, criticism of recall policy and interest in enhancing recall outcomes has been manifested repeatedly, in a variety of ways. We can appreciate this ongoing concern over recall effectiveness by realizing three things: 1) the frequency of recall policy studies; 2) expert opinion on recall effectiveness; and 3) actions taken to enhance recall policy.

The Frequency of Recall Studies

A number of studies have examined recall effectiveness. Most have examined recall return rates for a particular Federal regulatory agency. In this section, we will examine a dozen such studies, spanning more than two decades, and conclude that they deservedly demonstrate concern over recall effectiveness.

A 1975 study of 298 recalls by the National Highway Traffic Safety Administration found that 34% of the units were recovered. However, when three large recalls are removed from the sample, the NHTSA success rate climbs to 60% (GAO, 1975). Sears commissioned a review of its 1975 dishwasher recall, where 59% of the units were returned (Diamond, 1977, 1). Interestingly, 72% of the units were located.

The Office of Strategic Planning of the US Consumer Product Safety Commission released the Recall Effectiveness Study in May of 1978. It identified seven variables “that exhibit strong relationships with recall effectiveness at the consumer level... product price, product life, number of units, time in distribution, percentage of units in consumer’s hands, recall action, level of direct consumer notification” (Lange, 1978, 2).

NHTSA commissioned Marketfacts, Inc., to prepare a 1980 study, Study to Determine Why Vehicle Owners Respond to or Ignore Recall Notifications. A large number of factors were found to play relatively minor individual roles in influencing recall outcome (Heisler and Bernstein, 1980). That same year, the Report of the Recall Effectiveness Task Force of the Consumer Product Safety Commission was issued. It began with this observation, “The Task Force was created to address a continuing major concern of the Commission regarding the sometimes low rate of return, by consumers, of recalled hazardous products. The seriousness of this concern was reflected in the Commissioner’s vote of November, 1979, to place the issue of recall effectiveness on its published list of regulatory process priorities” (Task Force, 1979, 1).

The Administrative Conference of the US studied the recall regulatory system and issued a series of legislative and policy recommendations (Administrative Conference, 1984, 1-7). One recommendation suggested manufacturer and/or retailer responsibility for obtaining purchaser necessary for purchaser identification when recalls occur.

A summit meeting of Federal recallers was convened on May 8, 1990, by the Office of Special Advisor to the President for Consumer Affairs. The Consumer Affairs Council Working Group on Product Recalls was created, according to Bonnie Guiton, CAC Chair and Special Advisor to the President, “in response to consumer, media, Congressional and agency concerns about the effectiveness of Federal recall programs” (Seltzer, 1990, 1). Recall success rates of 50% for the Environmental Protection Agency recalls were noted, as was CPSC’s 2-15% return rates (Seltzer, 1990, 3).

NHTSA admitted abysmal infant car-seat recall results in a 1992 report; only five of 16 car-seat recalls had response rates of at least 10% (“Owners of...; 1992, H-4). The Center for

Auto Safety claimed that NHTSA car seat recalls averaged about a 15% rate of return.

Between 1993-94, CPSC recall outcomes weren't much better. Of CPSC's 176 1993 recalls, an 11% return rate was attained; in the first half of 1994, a 7% success rate was achieved in 120 recalls (Consumer Union, 1994, 732). A 1998 GAO study of Food and Drug Administration plasma product recalls found that "Across all plasma products that the manufacturers attempted to remove from the market either through recalls or withdrawals, of the 2,295,388 vials sought, only 25,077 vials, or 5 percent of the amount, has been recovered" (Steinhardt, 1998, 8).

Fise discussed CPSC's recent recall success in her presentation at CPSC's national recall effectiveness forum in 1999. She revealed an 18% rate in 1996, followed by a drop to 16% for 1997. She noted, however, that CPSC's new Fast Track recall program had improved recall return rates to 50% (Fise, 1999, 1).

A recent document by the Food Safety and Inspection Service of the US Department of Agriculture, *Improving Recalls* at the Food Safety and Inspection Service, demonstrates that agency's concern over FSIS recall effectiveness. FSIS held public hearings on September 24, 1997, when about 30 individuals offered their opinions on FSIS recall policy (FSIS, 1997, 4).

Expert Opinions

Eig's perceptive 1999 piece on infant deaths from recalled cribs typified journalistic concern over recall effectiveness. He noted that, overall, recall success rates of 30-40% were being attained by federal regulators (Eig, 1999,3).

About a decade earlier, Scanlon alleged that "The first warning many Americans get about unsafe products is not a recall notice, but a tragedy... Millions of Americans are threatened every day by products that are dangerous, even deadly, because industry, bureaucrats, and news agencies fail to tell them about defects that have been discovered" (1990, 1).

Warned had voiced similar sentiments regarding recall policy failure a decade before Scanlon. He referred to a consensus that recalls are typically ineffective (1980, 21).

Recall Events

A final way to understand the gravity and pervasiveness of the recall effectiveness issue is to note the significant events occasioned by those concerns. The 1990 CAC Working Group on Product Recalls, described earlier, attests to the concern about improving recalls. The self-study conducted by FSIS, with public hearings and the preparation of an outstanding report on FSIS recall policy improvement options, similarly demonstrates that agency's commitment to enhancing recall outcomes.

The Product Recall Research Group was formed in 1998. This loose coalition of academics, public relations practitioners, recall experts, and interested others encourages research on product recall issues, including ways of increasing recall effectiveness. The best recent evidence of interest in improving recalls was the CPSC's national forum on improving product recalls, in March of 1999. This meeting brought together Federal recallers, industry and trade associations, retailers, consumers, and other interested stakeholders, to address common concerns and begin to build bridges of understanding and mutual respect.

STEREOTYPICAL RECALL VILLAINS

The frequent criticisms of recall policy failure often identify the analysts' perceived culprit in recall ineffectiveness. These recall villains represent those responsible for recall failure. As might be expected, there is no consensus on who is to blame, and there is a variety of possible suspects. 2 It strikes me that there are four such stereotypical recall villains; the recalling firm (manufacturers, distributors, and retailers), regulators, the media, and the public.

The Recalling Firm

A prime candidate for receiving the blame for bad recalls, the recalling firm is often the target of blame and criticisms when recalls go awry. Felcher and Liberman noted, "While manufacturers make use of their resources and marketing savvy to sell a crib, they do not always make the same effort later to tell consumers that the same crib could be deadly" (1998, 17).

A 1994 Consumer Reports analysis echoed Felcher and Liberman, "Critics say that manufacturers are often more concerned with making products that sell than products that are safe. For them, safety is a nicety, not a necessity" (733).

Tobin described manufacturer opposition to vehicle recalls, "Manufacturers have succeeded in reducing the scope of some recalls, in minimizing the extent of the necessary corrective action in others, and even in reversing the agencies' (NHTSA) preliminary identification of a safety-related defect" (1982, 283).

Regulatory Agencies

Federal agencies with recall authority are sometimes chastised for their action, or inaction, by victims' families, consumer groups, and other recall stakeholders. Some trade association representatives have opposed recent legislative proposals to enhance regulatory recall authority, generally condemning Federal regulatory ability.

"Critics say the CPSC doesn't have the power or the funding to require companies to make aggressive recall efforts... In fact, the CPSC has such a low profile that some manufacturers are not aware that they are required to report their faulty products" (Eig, 1999, 6).

Perhaps CPSC's most vocal critic is Robert Adler, a professor of legal studies at the University of North Carolina and long-time recall expert. "The CPSC is not very good at all; they're terrible," he recently declared (Riley, 1992, 2).

In 1987, Simison suggested that the American auto industry recession resulted in political pressure to forego recalls of 2.6 million Ford vehicles with defective transmissions (1). A year later, another Wall St. Journal article corroborated Simison's allegations of inadequate regulatory recall action due to political pressure (1988, 20).

Media Gatekeepers

Editors, News Directors, Station Managers, and similar media professionals control access to desired publics through the channels of mass communication. They are frequently blamed by regulatory agency staff, and by other journalists.

"We were handing out press releases (on recalls) and getting no coverage about these products. Absolutely none. I used to have to beg," recalled CPSC spokeswoman Kathleen Begala (Johnson, 1999, 2). Another CPSC staffer, Russ Rader, realized that "They're deaths, and they're tragedies, but they're preventable... It turns out that the newspaper had never printed anything

about the recall round-up earlier this year, and they didn't print our reannouncement after the Chicago death. Of course, now they're doing front page stories. Maybe if they had printed something when they had the two opportunities this year, it might have changed the outcome" (Eig, 1999, 8).

Journalists blame other journalists. Katherine Snow-Smith, of the St. Petersburg Times, declared "I blame the news media for covering the flashy recalls much more than the mundane" (1998, 1).

Consumers

A final stereotypical villain, the consumer, is accused of being the cause of suboptimal recalls. It is claimed that even when effective recall campaigns are conducted, apathy or other public attitudinal barriers interfere with campaign compliance.

"Even with thorough recall programs, it has not been possible to recover all of the products that are in the field. Some consumers simply do not return the product even if they are aware of the recall," Juran noted (1988, 20.34).

The 1980 NHTSA study found that vehicle owner attitudes accounted for slightly more than 22% of recall noncompliance (30-2). The psychological basis for consumer recall noncompliance was postulated by Chandran, et al, "It is difficult to get people to think about safety until after an accident. Moderate fear appeals, which are typically used for promoting safe use of products, have been generally ineffective. Until an accident happens, there is the natural inclination to avoid unpleasant thoughts and have the 'it won't happen to me' syndrome" (1979, 38).

ACTUAL RECALL FAILURE FACTORS

Mindful of the alleged culpability of business, regulators, the media, and consumers for ineffective recalls, it is now appropriate to move beyond stereotypical conceptions and perceptions and appreciate the variety of complex factors actually responsible for recall failure. As indicated in Figure One, there are ten factors in recall ineffectiveness: 1) the commercial nature of the media; 2) the volume of recalls; 3) incomplete recall legislation; 4) consumer inattention; 5) recalls lack feedback loops; 6) the profit motive; 7) regulatory agency limitations; 8) insufficient attention is paid to communication variables; 9) fragmented recall jurisdictions; and 10) politics.

The Commercial Nature of the Media

The members of the media are not the villains behind ineffective recalls. Rather, their basic mission is misunderstood; their job is not to deliver news, but to deliver audiences to advertisers. Any information conveyed in the process is nice, but not a result of the execution of a primary mission or responsibility. This misunderstanding of the commercial nature of the media is reflected in three nuances of the media; 1) media gatekeepers, 2) the newshole, and 3) the story.

Media Gatekeepers

The values and news judgments of media gatekeepers serve to restrict access to mass media channels of communication. Newspaper Editors and Television and Radio station News Directors, among others, control what stories are used, and how much play to give them, with what angle and from what perspective.

“Much depends on the editor or station program manager. It is said that editors control 58% or more of the readership by the placement and display given a particular story. This suggests the importance of sharing this kind of research with editors and program managers who may not realize what major roles they play in conveying critical information in a product recall,” Warner asserted (1980, 22).

The 1980 CPSC study perceived and addressed this potential problem, “The point is that the editor’s perception of the ‘newsworthiness’ of a hazard message may not always be equivalent to our perception of the severity of the subject hazard” (19).

The Newshole

The newshole concept is the second problem with relying on public relations-generated editorial coverage of recalls. Simply put, the newshole is that amount of space a newspaper has for news (the same is true, after a fashion, for television and radio) after all of the ads have been placed in the newspaper layout for a given edition. After all, in America the media do not exist primarily as a vehicle for conveying governmental or business safety messages; they exist primarily to deliver audiences to advertisers, and they must make a profit by adhering to accepted publishing business practices.

Warner realized this limitation to publicity, “There are a number of variables that involve the media and the way it decides to use, or fails to use, recall stories. The choice of the day of the week on which the announcement is made is a factor. If the announcement is made on a light news day, it might get heavy play; if it is made on a heavy news day, it may get rather light exposure or no exposure. Seriousness or potential danger is another factor in the editor’s news judgment of the story” (1980, 22). The capricious nature of reliance upon publicity was underscored by Warner, “When you are dealing with editorial decisions you are dealing with editorial judgment. That means that if the morning paper had the story first, it may not be given exposure in the afternoon paper” (1980, 22).

The Story

Journalists typically try to turn information on a subject into a ‘story.’ Stories usually have good guys and bad guys, victims and victimizers. Often there is a central conflict to the story, followed by resolution. In a sense, this can be characterized as a ‘morality play’ perspective on events.

In recalls, those hurt by defective products, their families and supporters are the good guys, and they fulfill the victim role. The bad guy is often a manufacturer and/or retailer, although regulatory agency staff frequently elicits fervent criticism, as does the media for not adequately publicizing recalls.

Legislators, unmindful of these barriers to voluntary media participation in publicizing recalls, assumed the cooperation of the mass media in drafting contemporary recall legislation. These laws do not provide adequate funding of Federal recall programs, for instance, there is no budget for advertising, which is the only way to guarantee media coverage of an event.

The Volume of Recalls

The second reason for suboptimal recall outcomes is a simple one-- the large volume of recalls. As long ago as 1977, Warner noticed that “Product recall is not as uncommon as many would think. It could become a fact of life for any practitioner with product responsibility” (1977, 11).

More recent evidence of a considerable volume of recalls is available. A study of 1996 recalls quantified their incidence; at least 1,885 recalls that year, or 5.16 per day, and 36.24 each week (Gibson, 1998). In 1997, there were at least 2,447 recalls; 6.70 daily, or nearly 47 per week (Gibson, in press).

Because there are so many recalls, it is difficult to pay attention to them all. In addition, the volume of manufacturing and retail sales further complicates the recall process. According to McGarrie, “Although manufacturers are required by law to contact distributors about any product safety issues, the sheer volume of retail chains that carry a particular item can be prohibitive. When SRAM Corporation recalled 25,000 Sachs bicycle chains, some shops never received the word” (1999, 2).

Incomplete Legislation

In the clamor to criticize recallers, regulators, and/or the media, one overlooked culprit is the Congress. The legislative foundation of the Federal regulatory system is generally appropriate, but a few critical flaws severely hamper recall public policy effectiveness. Four specific deficiencies in current recall legislation are evident: 1) they assume media compliance; 2) they lack ad budgets; 3) they fail to compel point-of-sale information gathering; and 4) they lack sanctions.

Media Compliance Is Assumed

As we discussed in the last section, contemporary recall laws skirt the issue of how to publicize recalls. It is tacitly assumed that media gatekeepers will automatically, somehow, decide to feature all government-supplied recall information. That hasn’t been the case to date, and nothing has changed in that respect.

No Ad Budget

Consumer Reports investigated the national recall system in a 1994 report. Its assessment of CPSC applies equally well to NHTSA, FDA, USDA (FSIS), EPA, and other Federal agencies with recall jurisdiction, “The Commission has no budget for advertising” (733).

Point-of-Sale Recordkeeping Not Required

For recall campaigns to precisely target defective target purchasers, it is essential that accurate records be kept by manufacturers, distributors, and retailers. This information allows rapid, direct purchaser identification and notification. Only these firms can gather this information, as they are the point-of-sale location.

“CPSC staff is reviewing whether the agency can legally force product makers and retailers to keep records on purchasers. If it can, the Commission hopes to propose rules early next year that would require manufacturers to include safety cards,” O’Donnell noted (1998, 1).

No Sanctions for Recall Non-Compliance

Manufacturers and retailers, it is said, do not fear or respect the regulatory agencies, because there are no meaningful sanctions for non-compliance. Consumer Reports referred to “the Agency’s inability to impose sanctions on manufacturers that ignore the law” (1994, 732).

A 1984 report by the Administrative Conference of the US addressed Federal recall policies. It advocated specific amendments to the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Poison Prevention Packaging Act, and (5) US Code 706.

These legislative recommendations involved giving all Federal recalling regulatory agencies direct recall authority, requiring point-of-sales purchaser recordkeeping, creating a Federal interagency recall liaison office, and giving the recalling agencies some additional power (Administrative Conference, 1984, 6-7).

Consumer Non-Compliance

Rational, intelligent consumer behavior is assumed by recall campaign planners. Unfortunately, not all consumers act in rational ways at all times, resulting in failed recall communication.

Some consumers avoid and ignore safety messages. The 1980 NHTSA study quantified this group at about 22% of the public (Heisler, 30-2).

Even diligent, conscientious consumers might miss many messages. Mary Ellen Fise, Product Safety Director at the Consumer Federation of America, observed that “:for the average consumer to keep up with recalls is really difficult” (Maasarani, August 21, 1998, 3). Liberman and Felcher concurred with Fise, “But there are no guarantees that the information will reach parents. These are often one-time messages that a parent can easily miss” (1999, 33).

The 1975 Sears dishwasher recall is generally considered a textbook success story. Still, “Even with all these measures, we still get a lot of people who don’t respond. Some of them can’t be found. Others just don’t realize the importance of the recall... they tell us the machine is running well and they don’t want any technician ‘messaging it up’,” recalled a Sears executive involved in the recall (Diamond, 1977, 19).

Whether most consumers are well-intentioned but busy, or merely derelict in their attitudes and safety behavior, the present recall system may require too much consumer effort. According to Kristin Raggert, Director of the Head Start Christopher House in Ravenswood, IL, “Not enough information about recalls of child equipment is disseminated broadly enough. Parents must hunt down lists of recalls in some specialty magazines such as Parent” (Bigness and Kaiser, 1998, 3).

Recall Campaigns Lack Feedback Loops

One of the cardinal rules of communication requires two-way communication through a feedback loop. When a professional communicator stimulates two-way communication with important target publics, half the battle is won.

Contemporary recall campaigns mirror the ad hoc national recall system, in that neither systematically solicits information from the most salient recall publics of all; the media and the general public. It is essential that benchmark research be conducted to ascertain contemporary attitudes towards recalls, recallers, and regulatory agencies held by the media and the public.

Firms Are Reluctant to Recall

Manufacturers, distributors, retailers, trade associations, and their constituents are the likely “heavies” or bad guys in the recall ‘story.’ They are criticized for not doing as much to promote product safety as they spend on advertising. In this section, we will consider four aspects of recaller recalcitrance: 1) recalls are unpleasant; 2) the profit motive discourages recalls; 3) recallers fear strongly-worded safety messages; and 4) recaller reluctance is common.

Recalls Are Unpleasant

An important initial realization-- recalls are inherently unpleasant, with the potential to be devastating. Smith et al cautioned that "Product recalls are increasing... Recalls for both new and established products occur all too often, and they can have serious repercussions. In some cases, they have destroyed brands and even companies" (1996, 102).

Profit Motive Recall Disincentive

Corporate executives are sometimes reluctant to order a recall, in light of the potential consequences. On a cost/benefit scale, recalls are thought to be a bad option unless the product is shown repeatedly to cause injury and/or death. Thus, many firms choose to 'wait out' a potential defective product, or product liability situation, and see if enough civil litigation is likely to make a recall necessary.

"Recalls are obviously expensive, in terms of both diminished reputations and dollars expended to take back goods, particularly if insurance coverage excludes recall costs," Jackson and Morgan suggested (1988, 152).

One negative consequence of recalls is stock market devaluation. A 1992 study found, "the stock market reacts significantly and negatively to recall announcements" (Davidson and Worrell, 1992, 472). Davidson and Worrell replicated the work of Marcus (1987), who concluded that "The value of a stock falls after a recall because of the lower estimated earnings per share and because of an increase in the discount rate attendant to the increase in systematic risk" (299).

More recently, Rubin estimated that recalls cost companies, on the average, seven per cent of their net worth (Felcher and Liberman, 1999, 18).

Recallers Fear Strongly Worded Warnings

Corporate executives fear the implications of their recall communication to other aspects of their marketing and advertising communication system. They suspect a carryover effect from recall messages, such as admissions of errors and strong warnings, to other parts of the company's communication efforts, such as ads.

One study decided that "Manufacturers fear that unduly strong notices will cause consumers to overreact and discourage future sales" (Schwartz and Adler, 1984, 442). More recently, empirical research has discovered that "manufacturers often express concern that placing strongly worded warning labels on a product may deter business. Therefore, in designing a warning label, some manufacturers prefer to 'water down' the hazard so as not to scare consumers away" (Pollock-Nelson, 1994, 299).

Recaller Reluctance is Common: A Recent Survey

Although many firms act responsibly when recalls are needed, some balk at the prospect and resist. A survey of ten recent instances of recaller resistance will be offered, to illustrate this phenomenon and demonstrate that such behavior is not uncommon. Initially, GM resisted the recall of approximately nine million Chevrolet and GMC pick-up trucks in 1994, although these vehicles posed an incendiary risk. Then-Transportation Secretary Federico Pena settled with GM, because "Proceeding with the recall process would have taken years in court," Pena declared, adding "During all that time, the trucks subject to this investigation would have remained on our highways" ("GM Trucks...", 1994, A1).

Pena's rationale for settling with GM, and avoiding a recall, is troubling, because his

compromise did not remove those vehicles from the road or get them fixed, “GM will spend more than \$51 million on safety research and programs over the next five years, and will drop its lawsuit challenging the government’s handling of the case. In return, the government will close the case with no formal decision and no recall” (“GM Settles...,” 1995, S-2).

“There is simply no legal or scientific basis on which to seek a recall of these trucks,” claimed Bruce G. McDonald, a Vice President at GM (AP, 1994, E-2). Two auto safety groups disagreed; according to the Center for Auto Safety and Public Citizen, those GM products killed 1600 people (Reuters, 1997, 18).

In a second noteworthy example of reticent recallers, Chrysler at first attempted to minimize and downplay the safety aspects of an anti-lock brake problem. According to Nomani, “The recall came after NHTSA officials responded angrily to a Chrysler announcement that it planned a ‘repair and reimbursement campaign,’ something that would fall short of an actual recall” (1996, A-3). Michael Brownlee, a NHTSA safety assurance administrator, recalled that “one of the concerns we have with the Chrysler position is that nowhere do we see safety mentioned” (Nomani, 1996, A-3).

The Center for Science in the Public Interest described two recent reluctant recallers. In June of 1997, Cedar’s Mediterranean Foods conducted an incomplete recall, necessitating FDA follow-up action. Two months later, Royal Line Smoked Salmon’s “US distributor refused to cooperate in the recall, leaving American consumers at risk of food poisoning from the product” (1999; 6-7).

Chrysler has resisted the recall of several million minivans with defective rear latches. According to Christian et al, “Chrysler attempted to use political muscle to alleviate regulatory oversight of alleged safety problems with its minivan latches. Documents filed in the case show that Chrysler tried to use allies in Congress to pressure NHTSA not to force a recall” (1997, A8). A Chrysler internal memo suggested that “If we want to use political pressure to squash a recall letter, we need to go now” (Christian et al, 1997, A8).

How did Chrysler attempt to manipulate NHTSA? According to Geyerlin, “The company mounted a campaign in Washington to pressure NHTSA into dropping its voluntary recall policy. Chrysler’s Washington office mobilized, contacting the House Commerce Committee, which oversees NHTSA... Chrysler helped Committee staffers draft a letter criticizing the recall policy” (1997, A10).

Black and Decker’s recall reticence forced CPSC to file an Administrative Complaint against it in 1997, regarding the Spacemaker under-the-counter toaster. A CPSC release announced that “Although the firm has announced a recall of the product, the staff is not satisfied with the firm’s recall program. The Complaint was filed after prolonged negotiations broke down” (1997,1).

Evenflo, Inc., incurred the wrath of both CPSC and NHTSA with its reluctant recall of 800,000 infant car-carrier seats. Ann Brown, CPSC Chairperson, asserted “We felt like we’ve been dragging them every step of the way” (Strong, 1998, B4). Also in 1998, “Mattel took a long time, they were slow and difficult,” according to Brown. Canedy added that “the toys remained on the market two years longer than necessary because of the company’s repeated lack of cooperation” (1998, A-14).

The EPA and Justice Department filed lawsuits against Toyota in July of 1999, when the automaker rejected a government settlement offer in the case of 2.2 million faulty smog control computers. Officials in California are considering a recall of these vehicles in that state (Sniffen,

1999, C-4). That same month, GM petitioned NHTSA to “exempt the company from a recall because GM believes that the (air bag) test failure is not related to the vehicle’s safety.” At issue are 279,000 sports utility vehicles with defective air bags (AP, 1999, C7).

Regulatory Agency Limitations