

# BRIEFLY SPEAKING



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## Don't get caught off-track: Proactive recall compliance in the door industry

In the door and access systems industry, the word “recall” can strike fear into the hearts of even the most seasoned manufacturer or distributor. Recalls can be costly, disruptive, and — if mishandled — damaging to both brand reputation and legal standing. But with a solid understanding of the legal framework and a proactive plan, DASMA members can navigate a recall with less chaos and greater control.

### Understanding the legal landscape

In the United States, product safety is primarily overseen by the Consumer Product Safety Commission (CPSC) for consumer-facing products and by OSHA and other agencies for workplace equipment. If a product poses a “substantial product hazard” or creates an unreasonable risk of serious injury or death, then manufacturers, importers, distributors, and retailers have a legal duty to report it to the CPSC immediately — typically within 24 hours of obtaining reportable information.

Failing to report can lead to substantial civil penalties (in recent years, exceeding \$10 million in some cases) and (in extreme situations) even criminal liability. Reporting products that create unreasonable or substantial risk of serious injury or death, and even incidents caused by such products, is not optional; it's a statutory requirement under Section 15(b) of the Consumer Product Safety Act.

### When to consider a recall

Not every defect requires a recall, but the law requires action when there is:

- A pattern of consumer complaints suggesting a safety hazard.
- Injury reports linked to product use.
- Testing or internal evaluations revealing a hazard.
- Failure to meet a mandatory safety standard, such as UL 325 or ANSI/DASMA specifications.

In the door and access systems sector, common triggers might include operator malfunctions that defeat entrapment protection, failure of counterbalance systems, or compromised weather seals that lead to water ingress and electrical hazards.

### Key legal duties during a recall

#### 1. Immediate CPSC notification

Submit a report with all known information about the defect, incidents, injuries, and number of units in commerce. Even if the cause is uncertain, it is safer to report early — agencies favor proactive action over delay.

#### 2. Develop a Corrective Action Plan (CAP)

A CAP plan outlines how you will address the hazard — whether through repair, replacement, or refund — and must be approved by the CPSC before launch.

#### 3. Notify stakeholders

Federal rules often require multichannel notifications (including direct mail or email to customers), press releases, and dealer communications. The messaging must be factual and must avoid downplaying the risk.

#### 4. Implement tracking and recordkeeping

Maintain records of all recall-related communications, repairs, and replacements. The CPSC can audit these records for years after the recall.

#### 5. Cooperate fully with regulators

Agencies have broad investigative powers. Noncooperation can lead to fines and further legal action.

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### Proactive recall preparedness

Waiting until a defect is discovered is possibly the worst time to start planning a recall. A proactive approach can mitigate legal and financial damage:

- **Create an internal recall policy:** Define roles, responsibilities, and procedures for defect investigation, reporting, and response.
- **Establish a cross-functional recall team:** Include legal, engineering, quality control, customer service, and communications departments.

#### • Maintain robust product traceability:

Accurate serial number tracking, dealer sales records, and installation logs make targeted recalls faster and less expensive.

- **Train employees:** Ensure customer service and field technicians know how to escalate reports of potential safety issues.

### Special considerations for DASMA members

Given the mechanical and electrical nature of garage doors, operators, and access systems, recalls often intersect with building code compliance and installation safety practices. A defect may be amplified — or liability shared — if an improper installation contributed to the hazard. Contracts with dealers and installers should address these risk-sharing scenarios through indemnity and insurance provisions.

Additionally, many DASMA members operate in both residential and commercial markets. While CPSC jurisdiction covers consumer products, workplace equipment may also trigger OSHA or state safety agency involvement — expanding the scope of legal duties.

### Protecting your brand and limiting liability

A well-managed recall can actually strengthen trust. Customers are more likely to forgive a defect than a cover-up or delayed response. Being transparent, swift, and safety-focused sends a strong message about corporate values. From a liability standpoint, timely reporting, documented corrective actions, and adherence to CPSC requirements create a defensible record should litigation follow. Conversely, a poorly handled recall can become Exhibit A in a class action lawsuit.

For manufacturers, recall preparedness isn't just good business — it's a legal necessity. Understanding reporting obligations, having a plan in place, and fostering a culture of safety can mean the difference between a controlled recovery and a reputational crisis. ■

\*This article shares general industry and legal information for DASMA members. It is not intended as legal advice. Because every company's situation is different and state and local jurisdiction laws differ, please consult your own attorney for guidance on specific legal questions or issues.