

## **Docket No. 2007N-0330 Presidential Interagency Working Group on Public Safety**

As manufacturers of materials and products that are used in safety applications, foundries are well aware of the problem of imported products that fail to meet our own domestic standards. Often these products are not covered by regulatory requirements but by voluntary or commercial standards. The liability of failure to comply with the standards in case of a failure is a principal inducement for compliance. Imports may not be subject to the same requirements either because the importer and user allows noncompliance for cost reasons or because the producer is not aware of the requirements. As in the US, some fail to meet the requirements but certify compliance.

The problem in our industry is not a regulatory failure of inspection at the border or a requirement failure in product specification. Our industry has seen the major failure as a lack of liability exposure on the part of importers. One example is the import of municipal castings. If a casting fails causing injury, domestic suppliers are liable if the product fails to meet requirements. If an imported casting fails, causes injury, and is non compliant, the injured party may have no recourse. The importer may only be a broker and warehouse and the manufacturer may have no legal exposure or assets in the US.

It would be greatly beneficial if importers were required to provide resources in case of failure and liability. This is a bondable or insurable risk. If importers were required to provide bonding or insurance at some reasonable rate commensurate with their liability exposure, then the current requirements and enforcement structures should be adequate.

This would limit the need for more administrative burden, for regulatory requirements, and more audits or certifications. By addressing the liability issue, our own system of holding producers accountable for product performance and safety could be applied to imports.