

MARK A. KINZIE • PRINCIPAL



Mark Kinzie works in product safety and regulatory compliance for product manufacturers. The subject of his legal work is always a product, and his client is always an entity in the supply chain. In the U.S., Mark frequently works with manufacturers' compliance with CPSIA, FHSA, PPPA, FAA, FDA, OSHA, EPA, FIFRA, TSCA, & Cal Prop 65. Outside the U.S., he has regulatory experience with the Canadian CPSA & Hazardous Products Acts, the Australian ACCC, TPA, & NICNAS, and EU Directives for General Product Safety, REACH, RAPEX, and the Classification, Packaging, and Labeling (CLP) of substances. He typically represents companies that range from Fortune 500 companies to mid-size manufacturers.

Currently, Mark is a member of the ANSI TAG delegation to ISO PC 240 & 243, which has responsibility for writing the first international standards on Consumer Product Safety and Product Recall, ISO 10377 and ISO 10393. Before *AVERTURE*, Mark was Chair of the Product Liability group at Stinson Morrison and defended manufacturers in product liability, MDL, and mass tort litigation as national counsel and lead trial counsel.

Previously, Mark's family business manufactured component parts for general aviation aircraft.

EDUCATION

- University of Central Oklahoma, B.B.A., 1986;
- University of Oklahoma, J.D., 1989;
- Notes Editor, *Oklahoma Law Review*, 1989.

LEGAL EXPERIENCE

RELEVANT REPRESENTATION

- Led Product Recall for Consumer Products Manufacturer that resulted in successful CPSC Corrective Action Plan, 0 lawsuits from consumers, and removal of 80% of units from market.
- Managed CPSC product investigations for Consumer Product Manufacturers in wrongful death and personal injury matters.
- Led Product Recall for global footwear company that sought recovery of 1.5 million units before U.S. CPSC and Health Canada.
- Led National Counsel Team defending Industrial Equipment Manufacturer in 4800+ product liability suits in MDL and 14 states.
- Created hazard communications programs for Consumer and Industrial Products manufacturers, including SDS compliance.
- Implemented Product Safety Programs for Consumer Products Manufacturers to secure company's deliberate emphasis on safety.
- Procured Master and Local Insurance Coverage for global Industrial Equipment manufacturer.
- Worked with Product Engineers to implement defensive Protective Headgear Testing Criteria and Standards for sporting goods company.
- CPSIA regulatory compliance for multiple children's products involving lead, phthalates, and tracking labels.
- Closed transactions to sell aircraft component manufacturer and to purchase product lines from OEM.

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ADMITTED TO PRACTICE

- Missouri, 1989
- Illinois, 1990
- US Court of Appeals, Eighth Circuit
- USDC, Eastern District of Missouri, Southern District of Illinois

CONTACT

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OF NOTE

Mark is the leading co-author of the textbook, *Product Liability Litigation* (West 2002), published for law schools and graduate programs. The text "combines case law, statutes, regulations, restatements, treatises, and law reviews into a broad approach to product liability law and its application in day-to-day circumstances." Annotation © Book News, Inc. (2002).





PRODUCT EXPERIENCE

Helmets

Protective Eyegear

Toaster Ovens

Medical Devices

Pharmaceuticals

Chemical Goods

Industrial Pumps

Crawler Excavators

Forklifts

Farm Equipment

Automobile Tires

*Nutritional
Supplements*

Beverages

Respiratory Masks

Adhesives

Sealants

Paints

Aircraft Components

*General Aviation
Aircraft*

Camping Equipment

Evaporative Coolers

LEGAL EXPERIENCE *(continued)*

RELEVANT REPRESENTATION

- Created Defense Strategy for Industrial Products Manufacturers that ended mass tort lawsuits and implemented management's proactive strategy to stop new lawsuits in asbestos, benzene, welding fume, silica, and ephedra.
- Prepared warnings, use & care instructions, warranties, and packaging statements for Consumer and Industrial Product Manufacturers.
- Defended OTC drug manufacturer in alleged failure to warn and RICO violations.
- Defended Medical Device Manufacturer in case alleging radiation burns and wrongful death.
- Created and implemented Hazard Communication Program for Industrial Equipment manufacturer, including REACH, CLP, and OSHA compliance.
- Led National Counsel Team defending Home Appliance Manufacturer in multiple suits alleging fires resulting in death and personal injury.
- Prepared warnings and instructions for medical device manufacturer's prescription and OTC patient devices.
- Prepared warnings for home fire safety appliance and high-voltage industrial power strip.
- Defended general aviation aircraft manufacturers in aircraft crash accidents.
- Defended FAA administrative actions for aircraft component manufacturers regarding safety certifications for PMAs and STCs.

SELECTED LECTURES/SPEECHES

- *"The Recall of Consumer Products in the U.S.,"* 4th International Product Safety Workshop, Korean Agency for Technology & Standards (KATS), (Seoul, Republic of Korea) (26 Nov 2010).
- *"Laws Regulating Products,"* 7th Annual Midwest Product Safety & Liability Conference, (Chicago, IL) (13 July 2011).
- *"Practical Considerations During Multi-Jurisdictional Recalls,"* 6th International Consumer Products Health & Safety Organization (ICPHSO) (Toronto, CAN) (28 Oct 2009).

SELECTED ARTICLES/PAPERS

- *"Solutions to Manage Cross-Border Liability in the Supply Chain," International Comparative Legal Guide to Product Liability* (May 2011).
- *"Four Things to Know About New CPSC Regulations," In-House Defense Quarterly* (Fall 2010).
- *"Identification Systems in Food Traceability," The Food Chain* (August 2010).
- *"Transparency and Value in Product Recall and Section 15 Reporting," In-House Defense Quarterly, DRI* (Fall 2009).
- *Product Liability Litigation*, Mark A. Kinzie & Christine F. Hart (West 2002).
- *"Component Part Manufacturer and Bulk Supplier Liability in Product Liability Cases: A Fifty-State Survey,"* Contributing Editor, *ABA Subcom. on Chemical and Industrial Equipment Mfgs.*, (1999).
- *"The Rule for Admissibility: Building a Balance Between the Interests of Air Safety and the Interests of Aviation Litigation," Personal Injury Review* (Matthew Bender 1989).

INDUSTRY ASSOCIATIONS

- American National Standards Institute (ANSI).
- International Consumer Product Health and Safety Organization (ICPHSO).
- International Consumer Product Safety Caucus (ICPSC).
- Society for Chemical Hazard Communication (SCHC).