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Hearing: "Oversight of the Consumer Product Safety Commission and the FY 2016 Performance Budget Request"

Before the

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Committee on Energy and Commerce

Subcommittee on Commerce, Manufacturing, and Trade

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Chairman Burgess and Ranking Member Schakowsky, thank you for holding today's oversight hearing on the Consumer Product Safety Commission and the Fiscal Year 2016 Performance Budget Request. I am grateful for the opportunity to provide testimony to the Subcommittee. I had the honor of serving alongside many of the subcommittee's distinguished Members in the 112th Congress, and I'm glad to be back on Capitol Hill in my capacity as a Commissioner of the CPSC. I hope that today's hearing renews our partnership to keep American consumers safe from unreasonable risk of injury.

I have been a Commissioner at the agency since July 2013, and what continues to impress me is the dedication of CPSC's staff. They take our safety mission very seriously. Equally, I have been impressed by the cooperation and efforts made by the regulated community to advance safety and comply with our regulations. I also commend my fellow Commissioners for promoting a culture of civility and respect at the agency. That can be a challenge because we often espouse sharply divergent policy perspectives.

As a federal agency we are stewards of the American taxpayers' dollars and we must ensure the regulations we promulgate are reasonable, balanced, and truly address a safety issue. CPSC accounts for only a relatively small amount of our nation's spending, but we have a large regulatory impact and contribute to our nation's alarming spending problem. Our national debt exceeds $18 trillion yet the President is proposing a $4 trillion spending plan for 2016. On top of our debt, the federal regulatory state in the United States costs our economy an estimated $1.86 trillion annually, which is more than the GDP of Canada.

Regulation is a necessary function of government, but I believe that CPSIA has resulted all too often in over-regulation: regulation without regard to risk, let alone cost. Consequently, we are unnecessarily burdening businesses, especially small businesses. We must ask ourselves: what is the problem we are trying to fix, and most importantly, is our proposed solution the least burdensome way to solve the problem?

I did not support the Commission's overall 2016 budget request because I disagree with many of the priorities reflected there.

In 2011, Congress directed CPSC to explore ways to reduce costs associated with third-party testing. To date, however, the Commission has done little to approve actual burden-reduction ideas and has not met the mandate of Public Law 112-28. I am grateful to the House for including $1 million for burden reduction in our FY 2015 appropriation, especially Rep. Blackburn, who initiated the effort to designate those funds. I am hopeful that the agency will spend that money wisely. I regret that the President's Budget Request did not follow Congress' lead in funding burden reduction. We should treat burden reduction as a regular part of our program and operating plan. I urge the Committee to reassert its longstanding support for burden reduction.

Rule review should be a greater priority for CPSC so we can better understand what regulations are effective and which are not. Doing this will allow us to ensure that rules we have promulgated are meaningful and actually improve safety. Rules that are not working or are no longer necessary should be amended or repealed.

Education and outreach also deserve greater emphasis from the agency. It is important to engage consumers and consumer groups on potential hazards and the importance of product safety. Increased awareness and education can

prevent many unfortunate injuries and deaths. Wherever possible, we should be helping industry to comply with the law. If we can better educate and inform the regulated industry as to best practices, we will benefit consumers all the more.

Regardless of the issue, I want to see CPSC engaged in a more active and robust dialogue with the regulated community. We should be placing greater emphasis on developing voluntary standards with industry rather than dictating mandatory ones. We have seen some success with industry input by hosting recent workshops on test burden reduction and electronic certificates. These types of interaction should be the norm rather than the exception. We should continually seek out areas where we can build public-private partnerships to achieve a common goal. These steps take time, patience and sustained commitment, but I believe they are far more likely to yield product safety improvements than insisting on maximum civil penalties.

The common goal among us all – Congress, CPSC, industry, and consumers – is safety; we are all people who have families for whom we want safe products. I have six children and sixteen grandchildren. I do not want

dangerous products hurting them or any American. But the U.S. government cannot and should not try to create a zero-risk society. We must find a balance that keeps people safe from unreasonable risks with solutions that actually address a problem so the regulated community is not unnecessarily burdened. We must do so in a way that spends the American peoples' tax dollars efficiently and effectively.