

Opening Statement of the Honorable Michael C. Burgess, M.D.
Subcommittee on Commerce, Manufacturing, and Trade
Hearing on “Industry Perspectives on the Consumer Product Safety Commission”
February 10, 2016

(As Prepared for Delivery)

This morning we continue our oversight of the Consumer Product Safety Commission and its mission to protect consumers against unreasonable risks of injury associated with consumer products. It is a very timely hearing as we also prepare to enter into budget season.

This subcommittee held a hearing earlier this Congress with four of the Commissioners about the status of the agency agenda. Two key issues emerged that warrant further attention. First, the need for collaboration between the Commission and industry to achieve voluntary safety standards for regulated products. Second, there were concerns about the Commission’s overextended rulemaking docket, mission creep and repeated requests for unprecedented user fee authority without the requisite justification. I stressed at that time and will stress again that when your mission is safety and your resources are scarce it is critical that you prioritize activities where you have clear authority and where you can protect the most people.

I hope that we will hear about progress today, particularly on the R O V front. I also hope that we will hear about a Commission that wants to use technology to help innovation rather than hinder it. We have done a whole set of hearings on technology disrupting industry. At some point we need to look at how technology can disrupt Washington and make it work better to encourage innovations and job creation.

The innovation driven by the private sector cannot be replicated in the confines of the government. This is recognized by the preference for voluntary safety standards in the Commission’s authorizing statute, the National Technology Transfer and Advancement Act, and even the Office of Management and Budget’s Circular A-119 that is currently being updated.

The American National Standards Institute, A.S.T.M. International, and Underwriters Laboratory, are widely-known and respected institutions that have worked with countless industries, within and outside the Commissions’ jurisdiction, to develop voluntary consensus standards. These standards are technical in nature and are generally set to achieve, as their name implies, performance goals—as opposed to government mandated product construction.

Turning to the Commission’s rulemaking docket and request for unprecedented user fee authority, I am interested in hearing from the witnesses about how these outstanding issues impact companies’ ability to plan for the future and innovate.

For example, since our last hearing, there has been no change in the status of some of the most controversial process rulemakings. This includes a rulemaking that is still pending to upend the incredibly successful, and award winning, voluntary recall program.

The import surveillance rulemaking, commonly known as the 1110 Rule, has now been turned into a pilot program with eight participating companies. The pilot’s implementation guide was updated just a few weeks ago to reflect the first set of feedback received from the Customs and Border Protection Trade Support Network Working Group.

The Commission has renewed their request for unprecedented user fee authority which, besides the constitutional questions, is clearly premature given the early stages of the pilot project. I am interested to hear from the panelists what outstanding issues remain with the pilot’s development and what benchmarks we should be looking for when the Commission reports on the pilot’s progress.

Finally, it is incumbent upon this subcommittee to find out whether there has been any progress on reducing third party testing burdens for small businesses in the U.S. This is a bipartisan concern that has been addressed multiple times by Congress since 2011. It is frustrating to be sitting here today, years later without this issue being resolved.

We all share the goal of preventing tragic and unfortunate injuries from consumer products. I look forward to hearing from the witnesses about the status and tenor of their working relationship with the Commission and how those relationships can be leveraged to achieve that common safety goal. Industry certainly must do its part.

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