

**Committee on Energy and Commerce**

**Opening Statement  
of  
Full Committee Ranking Member Greg Walden**

***“Protecting Americans from Dangerous Products: Is the Consumer Product Safety Commission Fulfilling Its Mission?”***

**Tuesday, April 9, 2019**

Remarks as Prepared for Delivery

Good morning and welcome to our subcommittee hearing today with the Consumer Product Safety Commission.

I would especially like to welcome our former colleague and current Acting Chair of the CPSC, Ann Marie Buerkle. Hopefully, your recent third vote of confidence by the Senate Commerce Committee will be the charm, and your confirmation will move swiftly through the Senate.

In her short time as Acting Chair, Ms. Buerkle has put consumer safety first. Under her leadership, the Commission has – among other items – implemented or revised more than 12 safety standards; helped improve window covering safety; pushed industry to utilize flow restrictions on liquid nicotine packaging to improve safety and reduce risks to children; and has secured tens of millions of dollars in civil penalties against bad actors.

I want to thank you for your work and look forward to your continued commitment to safety as confirmed Chair.

The CPSC is a critical safety agency that must have clear leadership. There are significant constitutional questions with respect to actions taken by the CPSC in the absence of such leadership, from President Trump’s inauguration through the Fall of 2017. During that time, the agency consisted of only one Republican commissioner, Acting Chair Buerkle, to three Democrat commissioners. Such questions may require the agency to divert resources needed to fulfill its safety mission to deal with potential legal challenges.

It is imperative that the CPSC’s process actually works to protect consumers and not lead to expensive and unneeded litigation. The CPSC must rely on up-to-date, scientifically sound data to base its decisions and not prejudge or litigate in the court of public opinion. I’m encouraged that the agency is turning the corner with respect to these issues under Acting Chair Buerkle’s leadership.

The CPSC protects consumers from unreasonable risks, we know there are a lot of them out there, and hazards from consumer products by working with industry to establish voluntary, or industry-based, standards; by developing mandatory standards where industry-based standards are not sufficient; and through recalls.

April 9, 2019

Page 2

Given the size of the CPSC and the breadth of your jurisdiction, Congress had the foresight to encourage the CPSC to engage industry to carry out its mission. In a bipartisan effort I would add.

However, some are attempting to discredit the open lines of communication between the agency and regulated industries.

But shouldn't our goal be to protect consumers in the most efficient manner possible? Having an open dialogue and an open line of communication with industry helps the CPSC solve problems earlier and protect consumers better.

We must continue encouraging the CPSC to engage industry and in-the-field experts on complex issues with consumer products. Industry provides unique expertise and insights into what is happening in the marketplace and helps identify potential harms.

It is no secret that bureaucratic government agencies do not move fast. Yet, because of industry's willingness to work with the CPSC, programs like the Fast Track Recall program, Retailer Reporting Program, and the small business Regulatory Robot are now up and running.

Cutting industry completely out of the process benefits no one and increases the risk of keeping dangerous products in the market longer.

The bottom line is that CPSC does important work to help protect children and consumers by working with all stakeholders and safety remains the Commission's priority, as it should.

Thank you to the commissioners for your service in this capacity, I know there's a lot on your plate. You've heard of a few more items from up here on the dais. I look forward to hearing more about the CPSC's agenda and its efforts to protect consumers.

Thank you and I yield back.

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