



U.S. CONSUMER PRODUCT SAFETY COMMISSION
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BETHESDA, MD 20814

COMMISSIONER DANA BAIOTTO

The Honorable Robin L. Kelly
U.S. House of Representatives
2416 Rayburn House Office Building
Washington, DC 20515

Dear Congresswoman Kelly,

Thank you for your written questions following the April 9, 2019 hearing before the Subcommittee on Consumer Protection and Commerce. I have enclosed my responses using the Word document I received. I am available to discuss these and any other issues further at your request.

Sincerely,

Dana Baiocco
Commissioner

Enclosure

cc: The Honorable Frank Pallone, Jr.
Chairman, Committee on Energy and Commerce

The Honorable Greg Walden
Ranking Member, Committee on Energy and Commerce

The Honorable Jan Schakowsky
Chair, Subcommittee and Consumer Protection and Commerce

The Honorable Cathy McMorris Rodgers
Ranking Member, Subcommittee on Consumer Protection and Commerce

Responses to Additional Questions for the Record

Subcommittee on Consumer Protection and Commerce

Hearing on

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

April 9, 2019

The Honorable Dana Baiocco, Commissioner **U.S. Consumer Product Safety Commission**

The Honorable Robin L. Kelly:

According to the National Center for Injury Prevention and Control, more than 31,000 men, women and children die annually from gunshot wounds in the United States. The burden of gun violence has taken an incredible toll on our nation. A recent study on gun violence found that the loss of quality of life, psychological and emotional trauma, decline in property values and other legal and societal consequences stemming from gun violence cost an estimated \$174 billion, with the government absorbing \$12 billion in costs.

The wide-ranging impact of gun violence is real, and the consequences are too great to ignore. It's critical that we act now to make our communities safer from guns. A bill that I introduced this Congress would amend the Consumer Product Safety Act and remove the exclusion of pistols, revolvers and other firearms from the Consumer Product Safety Commission's (CPSC) definition of "consumer product." This would allow the CPSC – which already oversees hazardous products that pose a threat to American consumers – to issue safety standards for guns and ammunition that will help reduce gun-related deaths.

The CPSC currently has jurisdiction over more than 15,000 kinds of consumer products used in and around the home, like teddy bears and bicycles. However, guns, which kill thousands of Americans every year, are virtually the only consumer product not regulated for health and safety. Regulation of the design of guns and ammunition can save lives and prevent serious injuries. If the CPSC can regulate relatively benign consumer products, it certainly should also be allowed to regulate guns, which pose a far greater threat to consumers. By allowing the CPSC to regulate guns, we'll be taking responsible steps in promoting common sense safety reforms that will reduce gun-related deaths. The sole task of the CPSC is to protect Americans from the dangers of certain consumer products, and by preventing them from regulating easily accessible firearms, we fail to adequately protect the everyday American from an epidemic of gun crime.

The mission of the CPSC is to protect consumers from an unreasonable risk of injury or death associated with use and foreseeable misuse of a consumer product. According to CPSC's data gathered through the National Electronic Injury Surveillance System from approximately 100

Emergency Departments throughout the country, about 22 percent of firearms injuries are unintentional. It is clear that guns pose a risk to consumers.

In that spirit, I ask an open question to all of you:

1. Do you think, given the current state of our nation's gun violence epidemic, if the CPSC were empowered – under the law, and with adequate resources and funding – to regulate firearms it would have a demonstrable impact in reducing gun violence?

No

2. What can we – as a committee and Congress – do additionally to further empower the CPSC to help keep us safe and tackle our nation's gun violence epidemic, including increasing the Commission's funding?

The U.S. Consumer Product Safety Commission (CPSC) has jurisdiction over gun locks and safes. Some studies suggest that when firearms are safely and properly stored and locked, firearm-related incidents, especially among children, are reduced.¹ Ensuring the safe design, manufacture, and sale of these products contributes directly to a safer environment. Furthermore, getting non-compliant and/or counterfeit versions of these products off the market quickly and/or stopping them at the ports is also essential. Thus, Congress might consider empowering the Agency to fortify its activities in these areas so that CPSC may contribute to the overall gun safety effort.

It is also crucial that the Agency fully understand new technologies that are incorporated into products already under its charge. A 2017 CPSC Staff Report entitled *Potential Hazards Associated with Emerging and Future Technologies*² discusses how consumers are using new and emerging technologies to produce products at home. Three dimensional (3D) printing devices, for example, are available in the marketplace and some suggest that weapons can be made using this technology.³ Whether and how guns, locks, safety devices, or any other product can be made or altered using non-traditional methods and new technologies are subject matters that CPSC must fully understand. Therefore, Congress can help CPSC prioritize the study and evaluation of new technologies, including (but not limited to) 3D printers, to ensure that the Agency is able to recognize associated safety hazards before they cause unreasonable harm to the American public.

¹ See, e.g., Miller, M., Azrael, D., Hemenway, D., Vriniotis, M., *Firearm Storage Practices and Rates of Unintentional Firearm Deaths in the United States*, Harvard Injury Control Research Center, Harvard School of Public Health, 661-667 (2005).

² See, e.g., *Potential Hazards Associated with Emerging and Future Technologies (Rep.)* (Jan. 18, 2017), retrieved on May 3, 2019 from U.S. Consumer Product Safety Commission website: https://www.cpsc.gov/s3fs-public/Report%20on%20Emerging%20Consumer%20Products%20and%20Technologies_FINAL.pdf

³ See, e.g., Zhou, Marrian, "3D-printed Gun Controversy: Everything You Need to Know" C-net, <https://www.cnet.com/news/the-3d-printed-gun-controversy-everything-you-need-to-know/> (accessed on May 3, 2019).

In a fast-paced world filled with emerging technologies, CPSC must be empowered to meet this challenging situation with a full complement of resources. As I noted in my written and opening remarks before the Subcommittee on April 9, I believe that CPSC must invest in modern technology and hazard identification systems, and develop promptly a robust plan to study and wholly understand new trends, products, and impending technology issues, which would include those that could ultimately impact the safe storage, operation, and use of firearms. Preparation and knowledge is key to CPSC's ability to contribute to the safety issues you raise.