

Subcommittee on Innovation, Data, and Commerce
Hearing entitled “The Fiscal Year 2025 Consumer Product Safety Commission Budget”
July 23, 2024

Documents for the record

At the conclusion of the meeting, the Chair asked and was given unanimous consent to include the following documents into the record:

1. Letter from the National Association of Manufacturers to Chair Bilirakis and Ranking Member Schakowsky sent on July 23, 2024, submitted by the Majority.
2. Letter from Commissioner Trumka Jr., sent on April 18, 2024, submitted by Rep. Duncan.
3. USA TODAY Article titled “Hazardous goods found for sale after consumer protection inspectors were pulled from ports during COVID-19,” published on July 14, 2021, submitted by Rep. Dunn.
4. Letter from Consumer Reports to Chair Bilirakis and Ranking Member Schakowsky sent on July 19, 2024, submitted by the Minority.
5. Letter from undersigned consumer, medical, public health, and parent organizations to Chairman Cole, Ranking Member DeLauro, Chair Joyce, and Ranking Member Hoyer of the Committee on Appropriations sent on July 11, 2024, submitted by the Minority.
6. Letter from the National Center for Health Research to Ranking Member Pallone sent on July 22, 2024, submitted by the Minority.
7. Letter from the Consumer Federation of America and Kids In Danger to Chair Bilirakis and Ranking Member Schakowsky sent on July 22, 2024, submitted by the Minority.
8. Letter from Public Citizen to Chair Rodgers and Chair Bilirakis sent on July 23, 2024, submitted by the Minority.

Charles Crain

Vice President,
Domestic Policy

July 23, 2024

The Honorable Gus Bilirakis
Chairman
Subcommittee on Innovation, Data and
Commerce
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jan Schakowsky
Ranking Member
Subcommittee on Innovation, Data and
Commerce
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Bilirakis and Ranking Member Schakowsky:

On behalf of the National Association of Manufacturers and the 13 million people who make things in America, I write to thank you for holding today's hearing on *The Fiscal Year 2025 Consumer Product Safety Commission Budget*. The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States. The NAM is the largest industrial association in the United States, representing small and large manufacturers in every sector and in all 50 states. The NAM strongly supports the CPSC's mission to protect the public's health, and manufacturers commend the Subcommittee for holding today's important hearing.

The manufacturing sector has long been a partner of the CPSC, working alongside the agency to uphold the high standards of products that consumers deserve. However, in recent years manufacturers have witnessed a marked lack of transparency and consistency regarding decision-making, which impairs the ability of the business community to understand how companies will be regulated. The agency has also failed to develop more modern decision-making processes and refused to disclose their testing methods or results when engaging with regulated entities. Most disappointingly, there has at times been a clear adversarial relationship with stakeholders attempting to work alongside the agency.

The NAM respectfully encourages the Subcommittee to examine the below areas of concern that have impacted manufacturers in recent years.

I. **Section 6(b) of the Consumer Product Safety Act**

Protecting the health and safety of consumers is a critical goal manufacturers share with the CPSC. Manufacturers strongly support maintaining the crucial, balanced and effective information disclosure procedures currently mandated in the Consumer Product Safety Act. These processes allow regulators and industry work to together to ensure Americans' safety; any unnecessary modifications to this regulatory status quo could limit vital information and erode public trust.

The CPSA established the CPSC in 1972, and since that time Congress has updated the CPSC's role and authority with additional regulatory and enforcement tools. Among these tools

are self-reporting requirements for potentially defective or unsafe products to the agency.¹ The information disclosed by companies pursuant to this process is subject to the protections of section 6(b), which requires the agency to work with companies to ensure the accuracy of any statements or information that publicly identify a company.² Taken together, the self-reporting and safeguards currently in place ensure the CPSC has access to information it needs to make regulatory decisions while assuring the public that the information the agency discloses is reasonable and accurate. Further, it encourages self-reporting by easing company concerns that their reports will result in potentially devastating reputational harm from inaccurate or misleading disclosures.

Both Congress and the agency have enacted strong protections to ensure the accuracy of information released by the CPSC, recognizing that consumers must be able to rely on statements related to their health and safety. Section 6 of the CPSA requires the CPSC to take reasonable steps to ensure that disclosure of information identifying a specific product, manufacturer or private labeler is accurate, fair in the circumstances and reasonably related to effectuating the purpose of the statute. Further, the CPSC may only disclose information in specific circumstances.³ Under the CPSC's rules, no false, misleading or unfair information may be released, and the Commission must correct any inaccurate or misleading information it has disclosed.⁴ No publicly available data indicates that these protections have prevented the CPSC from disclosing important information about unsafe products. In fact, the CPSC's own publications make it clear that the agency can act expediently if required.⁵ In short, these important protections have allowed the CPSC to make accurate disclosures to the public in a timely matter.

Unfortunately, in recent years the CPSC has attempted to circumvent these standards, releasing statements that lack any scientific data or research or by taking actions without official agency rulemaking. Manufacturers urge members of this subcommittee to reinforce the importance of this historically effective process and ensure the Chair and commissioners uphold this crucial reporting standard.

II. Effective Communication of Rulemaking and Research with Regulated Businesses

Voluntary standards

Under the CPSA, the CPSC is directed to defer to voluntary standards if the agency determines that compliance with a voluntary standard would eliminate or adequately reduce the risk of injury and there is likely to be substantial compliance with the voluntary standard. In this way, the CPSA recognized that voluntary standards, developed with the expertise of a broad range of stakeholders and representing the consensus view, were a more effective means to regulate products, and could be developed much faster, than via federal regulation.

¹ 15 U.S.C. § 2064(b).

² 15 U.S.C. § 2055(b).

³ These include: a voluntary recall; an administrative proceeding for a mandatory recall; an agreement with the company; a finding that the public health and safety requires disclosure; or a reasonable belief that the product is in violation of the CPSA.

⁴ See 16 CFR § 1101, et seq.

⁵ www.cpsc.gov/s3fs-public/pdfs/blk_pdf_CPSA6bFactSheet.pdf

Despite this requirement, there are recent examples of the agency commencing a proposed rulemaking in an apparent rush to regulate, without first allowing the standards process to play out, and without addressing the two prongs spelled out in the CPSA: assessing 1.) whether a standard was effectively addressing a hazard, and 2.) whether there was substantial compliance with that standard across industry. Manufacturers respectfully encourage the Subcommittee to ensure that the CPSC complies with the CPSA and allows the private sector to develop and comply with voluntary standards rather than imposing a regulation when one is not needed.

Access to data

Voluntary standards are designed to be risk-based, data-driven standards, and the process to develop them reflects broad stakeholder participation and consensus, including from industry, government, medical experts, engineers, academics, consumer representatives and others. In fact, CPSC technical staff have long been active in numerous voluntary consensus committees, and the agency has been an important source of the kind of reliable, validated incident data that is a cornerstone of the standards process.

For stakeholders to meaningfully participate in standard-setting activities and rulemakings, and to engage fully with CPSC staff in compliance actions, it often is critical that they be able to review the data and analyses underlying the Commission's positions. Manufacturers recognize that there can be privacy and section 6(b) concerns with respect to the release of some information, but the CPSC has recently taken to withholding underlying test reports and analyses for reasons other than those restrictions. This creates a burden on manufacturers and ultimately undermines the standard-setting and rulemaking processes.

Manufacturers respectfully encourage the Subcommittee to ensure that the CPSC demonstrates greater openness to sharing information with stakeholders, including in the context of consensus standards-setting, rulemaking and specific compliance actions. Transparency, consistent with privacy laws and principles, improves the quality of CPSC decisions and actions, strengthens the credibility of the CPSC in the eyes of the regulated industry and the public and supports due process and fairness. Further, Section 6(b) should never prevent the CPSC from disclosing information about a manufacturer to that manufacturer. Manufacturers encourage the Subcommittee to work with the CPSC Chair and commissioners provide for a more transparent process when the Commission engages with industry.

Implementation timelines

In recent years, the CPSC has consistently provided for reduced time for manufacturers to implement proposed and final rules, without the CPSC demonstrating urgency or providing a rationale for such compression of time. Implementation periods recently prescribed by CPSC do not consider the realities of manufacturers' complex global supply chains, ignoring the time it could take companies to change their designs, tooling, sourcing, production process and packaging. These compressed timelines have a disproportionate impact on small and medium-sized businesses. The announcement of the direct final rule on Reese's Law, for example, allowed only 180 days for compliance; this 180-day period began the day the DFR was published in the Federal Register, rather than the day it took effect, further compounding the time for companies to achieve compliance.

Unreasonably compressed implementation timelines prevent regulated companies from understanding and complying with a rule—imposing substantial burdens on manufacturers. In

the case of direct final rules, short compliance windows also minimize the opportunity for public comment. Manufacturers respectfully encourage the Subcommittee to ensure that the CPSC provides appropriate time for public comment on and implementation of its rules so that it is feasible for industry to achieve full compliance.

III. **Public engagement by CPSC commissioners and staff**

One of the benefits of a small federal agency with multiple commissioners is the availability of commissioners and senior staff to meet with interested parties on relevant topics. In the case of the CPSC, this level of engagement is vital so that commissioners and staff have a full understanding of the products they are regulating. Both public engagement and private meetings (for matters involving proprietary, confidential or enforcement-related information) are important to a well-functioning CPSC, and these meetings are mutually beneficial for industry and for the agency. Unfortunately, in recent years, the CPSC has been less willing to engage in productive conversations with regulated entities. Manufacturers hope that the Subcommittee can encourage the Commission to adopt a spirit of openness that allows for productive engagement with all members of the CPSC community.

* * * *

Manufacturers are committed to consumer safety and look forward to working with both Congress and the CPSC to achieve that goal. Thank you again for holding today's important hearing.

Sincerely,

A handwritten signature in black ink that reads "Charles P. Crain". The signature is written in a cursive, flowing style.

Charles Crain
Vice President, Domestic Policy
National Association of Manufacturers



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

COMMISSIONER RICH TRUMKA JR.

April 18, 2024

BY EMAIL

[REDACTED]

Dear [REDACTED]

I write to inform you of a consensus among public health agencies, pediatricians, and Safe Sleep proponents: that weighted infant products, like sleep sacks, swaddles, and blankets are not safe for infant sleep. I am aware of **multiple infant deaths** involving weighted infant sleep sacks. Currently, [REDACTED] has listed for sale on its website a number of weighted infant sleep products.¹

Three federal public health agencies² and the American Academy of Pediatrics (AAP),³ an organization representing 67,000 pediatricians, have issued warnings recommending against the use of weighted infant blankets and wearables. CPSC warns: “**Don’t** use weighted blankets or weighted swaddles” for your babies.⁴ The National Institutes of Health (NIH) says that these weighted products “can pose dangers for babies.” And the Centers for Disease Control and

¹ “Weighted infant sleep sack” product search, *Mercari.com* (last accessed Apr. 17, 2024), <https://www.mercari.com/search/?keyword=weighted%20infant%20sleep%20sack>.

² “Safe Sleep – Cribs and Infant Products,” *CPSC* (last accessed Jan. 22, 2024) (available at: <https://www.cpsc.gov/SafeSleep>); “Helping Babies Sleep Safely,” *CDC* (last accessed Jan. 22, 2024) (available at: <https://www.cdc.gov/reproductivehealth/features/baby-safe-sleep/>); “Safe Sleep Environment for Baby,” *NIH* (last accessed Jan. 22, 2024) (available at: <https://safetosleep.nichd.nih.gov/reduce-risk/safe-sleep-environment>).

³ Letter from Sandy L. Chung, MD and President of AAP to CPSC and ASTM International F15 Committee Chair Donald Mays (June 15, 2023) (available at: <https://www.documentcloud.org/documents/23849624-aap-letter-61523>).

⁴ “Safe Sleep – Cribs and Infant Products,” *CPSC* (last accessed Jan. 18, 2024) (available at: <https://www.cpsc.gov/SafeSleep#:~:text=Don%27t%20use%20weighted%20blankets.such%20as%20any%20inclined%20product>).

Prevention (CDC) states that “[w]eighted products such as weighted sleepers, weighted swaddles, weighted sleep sacks, and weighted blankets are not safe for infants.”⁵

Dr. Rachel Moon, of the University of Virginia, the nation’s leading expert on safe infant sleep, and co-chair of AAP’s task force on Sudden Infant Death Syndrome (SIDS) explained to the Washington Post: “When babies are first born, their rib cage is not rigid, and so it doesn’t take a lot of pressure to press on it and create obstruction there. It makes it harder for them to breathe, it makes it harder for their heart to beat properly if there’s pressure on there.”⁶

In June 2023, AAP also explained the risk of brain damage posed by weighted infant sleep products:

These products are associated with concerning reductions in oxygen saturation levels in infants. This means there is evidence that the use of weight sleep products on infants can lead to lower oxygen levels, which if sustained, may be harmful to the developing infant’s brain.⁷

Considering these serious safety concerns, I would like to speak with a representative of your company to discuss a simple question: does [REDACTED] really want to continue selling these products to its consumers? Your consumers place a great deal of trust in your hands.

Please contact my Executive Assistant, Isabella Maxey, IMaxey@cpsc.gov so that we can schedule a telephone call at your earliest convenience. I look forward to speaking soon.

Sincerely,



Richard L. Trumka Jr.
Commissioner
U.S. Consumer Product Safety Commission

⁵ “Safe Sleep Environment for Baby,” *NIH* (last accessed Jan. 18, 2024) (available at: <https://safetosleep.nichd.nih.gov/reduce-risk/safe-sleep-environment>); “Helping Babies Sleep Safely,” *CDC* (last accessed Jan. 18, 2024) (available at: <https://www.cdc.gov/reproductivehealth/features/baby-safe-sleep/>).

⁶ Lauren Kirchner, *Weighted blankets are dangerous for babies, doctors warn*, *WASH. POST*, Jan. 22, 2024 <https://www.washingtonpost.com/wellness/2024/01/22/weighted-baby-blankets-unsafe/>.

⁷ *Id.*

Hazardous goods found for sale after consumer protection inspectors were pulled from ports during COVID-19

USA TODAY

The government's consumer watchdog agency has discovered widely ranging hazards among toys and other products now for sale after it secretly stopped routine inspections of imports during the pandemic.

But the Consumer Product Safety Commission still has not answered basic questions from lawmakers about the risks to consumers from its decision to send its port inspectors home for nearly six months, a safety lapse first exposed by USA TODAY.

In a new report to the U.S. Congress, the agency also failed to disclose what it plans to do about dangerous products now on the market.

It turned up many concerns in a pair of spot checks to assess the potential harm, including red flags in the paperwork of 40% of the 56 companies it deemed at highest risk for having imported unsafe products during the port inspection shutdown. The agency said it followed up with inspections and now is acting on "potential violations discovered."

The agency also scouted online for the types of products that port inspectors commonly cite for safety violations, such as children's toys that can contain poisonous levels of lead, the report noted. Out of 75 products tested, nearly half failed to pass safety standards. The commission said it was taking enforcement action, without providing details.

The agency declined to answer questions from USA TODAY about the report, which did not specify whether the products found online had entered through ports when inspectors were away.

"Major questions still remain," Rep. Gus Bilirakis, the ranking member of the House subcommittee that oversees the agency, said in a statement. Bilirakis, a Florida Republican, added that the report "falls short of informing Congress on what got through our ports during the nearly six months when port investigator personnel were pulled from duty."

Congress ordered the agency review the matter after USA TODAY obtained internal documents detailing the port shutdown from mid-March to September, and revealed the agency did not catch a single toy at the ports with poisonous lead levels between June and July, typically one of the busiest periods for violations.

The 25-page report exposes other gaps in the policing of dangerous imports. The commission acknowledged it routinely screens only "a tiny fraction" of products entering the country and maintains minimal presence at major entry points for small and direct-to-consumer online purchases.

"It fails to answer Congress' central question: What got through and where it went," Commissioner Peter Feldman told USA TODAY. "I question whether or not we've done our jobs here, and I fear the consumer may still be at risk."

Acting commission Chairman Robert Adler has said that even a dramatically expanded port presence would remain “short of what my notion is of what is needed to protect consumers.” At an April meeting, he said the agency continues to face staffing limitations despite Congress swiftly responding to the port closures by sending an additional \$50 million to bolster surveillance.

“CPSC may never get beyond being the runt of the regulatory agency litter,” Adler said. “But we need to be a bigger, more aggressive runt.”

Biden nominee central to port pullout

The report comes at a crucial moment for the agency, which went into the pandemic with an annual budget of \$133 million to ensure the safety of some 15,000 consumer products. This month, President Joe Biden nominated two new commissioners to the agency.

One is Alexander Hoehn-Saric, a lawyer for the House Committee on Energy and Commerce, who would be the agency’s first permanent chairman since 2017. The other is Mary Boyle, now the agency’s executive director and a leader in last year’s decision to pull inspectors from the ports.

Boyle had told commissioners, who agreed to the port pullout in private conversations in March 2020, that the agency could chase problem products later through recalls, according to detailed meeting notes obtained by USA TODAY.

Safety advocates have long stressed the importance of cutting off dangerous products before they are sold because recalls are imperfect and often have low response rates.

Boyle was also in charge of deciding when it was safe for agency staff to return to the field under a strict COVID-19 reentry plan, internal documents showed. She did not clear them until September.

In a statement, the agency defended the pandemic actions.

“Decisions made by CPSC with regard to both consumer and staff safety during the pandemic – including port staffing and the purchase and distribution of personal protective equipment – were made with the full involvement, consultation, and approval of all commissioners, as appropriate for issues of this unprecedented nature,” said spokesman Joe Martyak.

Some commissioners did raise concerns at the time about removing the port inspectors, and again when the shutdown extended through busy summer months for holiday shipments, USA TODAY has reported.

In the report to Congress, the commission said it had not stockpiled personal protective equipment before the pandemic, unlike other federal agencies that work at the ports, and it could not secure supplies such as masks and gloves until late August.

Port inspectors continued to work remotely in partnership with U.S. Customs and Border Protection agents to conduct “virtual exams at ports while working from their home offices,” according to the report.

The agency said it had recalled 65 of the kinds of consumer goods that typically would be intercepted at the ports from the time it started working remotely through this past March. It did not explain how the agency discovered they were dangerous.

The agency noted that it issued fewer safety citations because trade also decreased during the pandemic. Imports flagged through its risk assessment tracking system declined by as much as 80% during the shutdown, the report noted.

But the agency's own charts show that such imports were back up by late summer, even as the agency's port inspectors stayed home.

Consumer advocates called the report evidence of the challenges facing the agency.

Nancy Cowles, executive director of the nonprofit Kids in Danger, said the agency's underfunding before the pandemic left it without the resources "to do much more than what they did."

"I don't think that they were wrong to try and protect staff," she said.

Remington Gregg, an attorney at Public Citizen, called the report "honest in its assessment of where the agency had stumbled." He said Congress shares responsibility for underfunding it.

But Gregg could not determine from the report exactly how the commission plans to improve port operations, or who is accountable. The report has no named author and its title page includes a disclaimer that it does not necessarily reflect the views of commissioners.

"It's unclear to me who's in charge of this, to be blunt," Gregg said. "You can't expect miracles, but what you can expect is improvement."

Congress sent CPSC \$50 million to improve

In April, Feldman asked for more reporting on the agency's efforts to search for hazardous products that came through the ports while inspectors were away. Other commissioners – meeting to discuss a \$50 million funding infusion passed by Congress as part of the pandemic stimulus bill – rejected his proposal.

"Make no mistake: Congress didn't provide this extra funding because it thought we were doing a good job, or that it agreed with the decisions the commission had made throughout the pandemic," Feldman said during the hearing.

The spending plan, which passed unanimously, increased the number of ports at which the agency has inspectors, from 18 to 22. The agency plans to add 55 positions ranging from support staff to screeners of incoming online purchases.

"While I don't love the circumstances that led to this increase," Commissioner Elliot Kaye said in the meeting, "I am grateful that Congress finally recognized that we do need additional assistance both at the agency writ large, but especially at the ports."

Kaye and agency Commissioner Dana Baiocco did not comment on the report.

Democratic Sen. Richard Blumenthal of Connecticut, who was critical of the agency's initial pandemic response, said in a statement that the report showcases the agency's "urgent need for increased funding and staffing."

Rep. Jan Schakowsky, an Illinois Democrat who chairs the House subcommittee that oversees the commission, supports a Biden administration proposal to raise the agency's annual budget by more than 25%, to \$170 million.

"Staff limitations continue to plague the agency," Schakowsky said in a statement. The report "shows yet again that the CPSC needs more funding and resources so it can do its job to keep consumers safe."



July 19, 2024

The Honorable Gus Bilirakis, Chair
The Honorable Jan Schakowsky, Ranking Member
Subcommittee on Innovation, Data, and Commerce
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Bilirakis and Ranking Member Schakowsky:

Consumer Reports (CR), the independent, non-profit, nonpartisan member organization, writes regarding the July 23, 2024, subcommittee hearing on “The Fiscal Year 2025 Consumer Product Safety Commission Budget.” We ask that this letter be included in the hearing record.

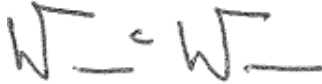
CR strongly supports the CPSC’s work to protect the public from unreasonable risks of injury or death associated with over 15,000 different types of consumer products, including children’s products. The scope of this agency’s mission is enormous: for example, in FY 2023, the CPSC negotiated and implemented 308 voluntary recalls of 97 million consumer product units, conducted more than 66,000 import examinations at U.S. ports of entry, and handled more than 3,800 in-depth investigations of product safety incidents. However, the agency’s current funding level forces it to operate under severe resource constraints and leaves consumers and their families at risk from both longstanding product hazards and newly emerging ones.

The CPSC’s current budget of \$150.975 million is among the smallest of the federal health and safety regulatory agencies and falls far short of the agency’s FY 2025 funding request of \$183.05 million. In 2021, the agency received additional one-time funding through the American Rescue Plan Act (ARPA), which enabled the agency to expand its presence and strengthen its ability to inspect imported consumer products at the ports of entry, in collaboration with U.S. Customs and Border Protection. This infusion of funding allowed for more robust inspection of products entering the country, resulting in thousands of unsafe products being halted at the border before they could harm Americans. Unfortunately, this funding is scheduled to be exhausted by the end of FY 2025. If the CPSC continues to be underfunded, the agency will be severely hindered in its critical safety efforts, including in its work to stop unsafe products at the border. Ultimately, the CPSC requires a budget commensurate with its mission and the vast scale of our country.

Consumer Reports appreciates the dutiful and sensible approach to various challenges taken by the CPSC’s leaders in recent years, and we consider the agency’s work indispensable. We urge every member of the Subcommittee to likewise support the agency’s work and press for

the agency to receive the resources it needs to keep the public safe and prevent product-related deaths and injuries. Thank you for your consideration.

Sincerely,



William Wallace
Associate Director, Safety Policy



Gabe Knight
Safety Policy Analyst



Oriene Shin
Policy Counsel

cc: Members of the Subcommittee on Innovation, Data, and Commerce

***American Academy of Pediatrics * Charlie's House * Claire Bear Foundation * Consumer Federation of America * Consumer Reports * Derrick Stone Safe Sleep * Kids In Danger *
* National Center for Health Research * Northwest Infant Survival and SIDS Alliance *
Parents Against Tip-Overs * Parents for Window Blind Safety * Public Citizen * Safe
Infant Sleep * That Water Bead Lady * U.S. Public Interest Research Group ***

July 11, 2024

The Honorable Tom Cole
Chairman, U.S. House Committee on
Appropriations
H-307 The Capitol
Washington, D.C. 20515

The Honorable Rosa DeLauro
Ranking Member, U.S. House Committee
on Appropriations
1036 Longworth House Office Building
Washington, D.C. 20515

The Honorable David Joyce
Chair, Subcommittee on Financial Services
and General Government
2000 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Steny Hoyer
Ranking Member, Subcommittee on
Financial Services and General Government
2000 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Cole, Ranking Member DeLauro, Chair Joyce, Ranking Member Hoyer:

The undersigned consumer, medical, public health, and parent organizations write to strongly urge you to increase funding for the Consumer Product Safety Commission (CPSC) in FY 2025 appropriations. At a minimum, the CPSC should receive the requested amount of \$183.05 million. With the agency already operating under severe resource constraints, the CPSC should not be subject to any additional cuts or restrictions that would further undermine its ability to protect the public from hazardous consumer products.

Established in 1972, the CPSC is an independent agency charged with a critical mission to protect the public from unreasonable risks of illness, injury, or death associated with over 15,000 different types of consumer products, including children's products. Consumers depend on the CPSC to protect them and their families from unsafe products, especially as the consumer product marketplace rapidly changes. The agency's ability to take strong action based on clear health and safety evidence is critical to keeping the marketplace and people safe. If the CPSC is not adequately supported by Congress, consumers and their families will be left at risk from both longstanding product hazards and newly emerging ones.

In 2021, the CPSC received additional one-time funding through the American Rescue Plan Act (ARPA), which has allowed the agency to expand its presence and strengthen its ability to inspect imported consumer products at the ports of entry. The additional funding also provided the CPSC with the resources to begin to modernize its National Electronic Injury Surveillance System (NEISS), a widely recognized and utilized public research tool. With this funding scheduled to be completely exhausted by the end of FY 2025, if Congress fails to increase CPSC funding to at least the requested amount, it will impede the CPSC in these efforts to stop unsafe products at the border and collect robust incident data. Moreover, CPSC may be unable to

effectively enforce product safety laws and reach the public with critical recall information and safety campaigns. We also strongly urge you to protect the agency's vital work from damaging appropriations riders that restrict the ability of the CPSC to fulfill its mission to protect the public from hazardous consumer products.

We look forward to working with you to ensure that the CPSC is fully empowered to keep the public safe from hazardous products and prevent product-related deaths and injuries.

Sincerely,

American Academy of Pediatrics

Claire Bear Foundation

Consumer Reports

Kids In Danger

Northwest Infant Survival and SIDS Alliance

Parents for Window Blind Safety

Safe Infant Sleep

Charlie's House

Consumer Federation of America

Derrick Stone Safe Sleep

National Center for Health Research

Parents Against Tip-Overs

Public Citizen

That Water Bead Lady

U.S. Public Interest Research Group

cc: The Honorable Cathy McMorris Rodgers, Chair, and The Honorable Frank Pallone, Ranking Member, of the U.S. House of Representatives Energy and Commerce Committee; The Honorable Gus Bilirakis, Chairman, The Honorable Tim Walberg, Vice Chair, and The Honorable Jan Schakowsky, Ranking Member, of the U.S. House of Representatives Energy & Commerce Subcommittee on Innovation, Data, and Commerce



NATIONAL CENTER FOR HEALTH RESEARCH

The Voice For Prevention, Treatment And Policy

July 22, 2024

The Honorable Frank Pallone
Ranking Member, Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Pallone,

We write in strong support for the important work being done by the Consumer Product Safety Commission (CPSC), a small independent modestly funded federal agency with enormous responsibilities that help save lives every day. We look forward to hearing about the agency's recent accomplishments at today's hearing.

The mission of the CPSC is to protect the public from unreasonable risks of illness, injury, or death associated with more than 15,000 different types of consumer products, including children's products. We all depend on the CPSC to protect ourselves, our families, and our friends from unsafe products. The agency's ability to take strong action based on clear health and safety evidence helps to keep the marketplace and all of us safer. When Congress supports the work of the CPSC, we are all protected from the risks of products already on the market, as well as new types of products.

Those of us who have met with families who lost their children due to unsafe consumer products will never forget the terrible pain they live with – pain that is especially unbearable because those deaths were preventable, in many cases caused by products that had known risks that had previously been reported. We are grateful to CPSC for reducing the time between when products are determined to be dangerous and when they can no longer be legally sold. The agency has also stopped dangerous products from being stockpiled before rules go into effect, a strategy used by some companies to keep dangerous products on the market despite those known risks.

CPSC works with the private sector to accomplish what we all want, removing unsafe products from the market. This resulted in more than 300 hundred voluntary recalls last year, and is likely to accomplish even more this year. In addition to voluntary recalls, the agency is warning the public about unsafe products that have not yet been voluntarily recalled. These recent accomplishments are impressive and are part of the important history of the CPSC.

- For those of us old enough to remember repeated warnings about children being trapped in old refrigerators, it's important to know that during the last 25 years

these deaths have almost been completely eliminated, with the most recent occurring in 2007.

- Thanks to CPSC's mandatory safety standards for cribs, crib deaths have been decreased by approximately 80%.
- Baby walkers used to result in tens of thousands of Emergency Room visits each year. After CPSC issued mandatory safety standards in 2010, these injuries have dropped dramatically.

The structure of the CPSC ensures that it will never have a radical agenda. We understand that there will always be disagreements on specific products or specific strategies. However, CPSC has been an effective agency in so many ways – for example, protecting children from lead exposure in toys and children's products. At the May 2024 public CPSC meeting on the agency's future priorities, we urged the agency to determine the risks of lead, toxic chemicals, and flammability of playground surfaces made from synthetic rubber and recycled tires, and we hope that Congress will support CPSC evaluating these materials in order to keep our youngest children safe. All of us care about consumer safety, and especially the safety of our children and grandchildren.

Sincerely,



Diana Zuckerman, Ph.D.
President
National Center for Health Research

CC:

The Honorable Janice Schakowsky
Ranking Member, Innovation, Data, and Commerce Subcommittee
Committee on Energy and Commerce



July 22, 2024

The Honorable Gus Bilirakis, Chair
The Honorable Jan Schakowsky, Ranking Member
Subcommittee on Innovation, Data, and Commerce
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Bilirakis and Ranking Member Schakowsky:

Consumer Federation of America (CFA) and Kids In Danger (KID) respectfully submit this letter and request that it is accepted into the record for the July 23, 2024 subcommittee hearing “The Fiscal Year 2025 Consumer Product Safety Commission Budget.”

The CPSC is an independent agency charged with a critical mission to protect the public from unreasonable risks of illness, injury, or death associated with over 15,000 different types of consumer products, including children’s products. CFA and KID strongly support CPSC’s vital safety work. Consumers depend on the CPSC to protect their families from unsafe products, especially as the marketplace rapidly changes. For example, in FY 2023, the CPSC screened more than 3 million listings on online platforms, resulting in the removal of more than 57,000 recalled or otherwise violative product listings. However, CPSC’s ability to act is contingent on adequate funding. CPSC’s significant funding hardships can and will impact enforcement, compliance, workforce, and port surveillance.

Through the American Rescue Plan Act (ARPA), CPSC received one-time funding and expanded port surveillance and inspections in collaboration with Customs and Border Protection. There are notable examples of how this work directly impacts consumer safety, including the seizure of 1,500 children’s toys that violated federal safety requirements at the end of February 2024¹ and the seizure of over 2,000 unsafe baby products.² Unfortunately, by the end of FY 2024, the funding will be exhausted, impinging on the CPSC’s ability to protect consumers and their families from unsafe products. CPSC must have an adequate budget that reflects its critical safety mission.

¹ U.S. Customs and Border Protection. (2024, June 18). *CBP Seized 1,500 Toys that Violated Federal Safety Requirements* [Press release]. <https://www.cbp.gov/newsroom/local-media-release/cbp-seized-1500-toys-violated-federal-safety-requirements>

² Chidbachian A. (2024, April 29). *Unsafe baby toys shipped from China seized at LA port*. *FOX 11 Los Angeles*. <https://www.foxla.com/news/unsafe-baby-toys-shipped-from-china-seized-at-la-port>

CPSC's work is invaluable, and we respectfully urge every member of the Subcommittee to empower the CPSC to continue its vital safety work and keep the public safe from hazardous products.

Respectfully submitted,

Courtney E. Griffin
Director of Consumer Product Safety
Consumer Federation of America

Nancy A. Cowles
Executive Director
Kids In Danger

cc: Members of the Subcommittee on Innovation, Data, and Commerce



July 23, 2024

The Honorable Cathy McMorris Rodgers, Chair
House Energy and Commerce Committee
The Honorable Gus Bilirakis, Chair
House Innovation, Data, and Commerce Subcommittee
Honorable Members, House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chair Rodgers, Subcommittee Chair Bilirakis, and Honorable Members:

On behalf of more than 500,000 members and supporters of Public Citizen across the country, we provide the following statement for your consideration relevant to the House Energy and Commerce Committee and Innovation, Data, and Commerce Subcommittee hearing entitled “The Fiscal Year 2025 Consumer Product Safety Commission Budget” scheduled for July 23, 2024.

We write in support of the Consumer Product Safety Commission (CPSC) and the crucial work it undertakes to protect consumers. We specifically write in support of adequately funding the CPSC for fiscal year 2025. At a minimum, the CPSC should receive the requested amount of \$183.05 million. With the agency already operating under severe resource and statutory constraints¹, the CPSC should not be subject to any additional cuts or restrictions that would further undermine its ability to protect the public from hazardous consumer products.

Established in 1972, the CPSC is an independent agency charged with a critical mission to protect the public from unreasonable risks of illness, injury, or death associated with over 15,000 different types of consumer products, including children’s products. Consumers look to the CPSC to protect them and their families from unsafe products, especially as the consumer product marketplace rapidly changes such as through online marketplaces and through developments in artificial intelligence.

The agency’s ability to take strong action based on clear health and safety evidence is critical to keeping the marketplace and people safe; despite the challenges the agency faces based on its current regulatory paradigm. If the CPSC is not adequately supported by Congress, consumers and their families will be left at risk from both longstanding product hazards and newly

¹ See, Remington A. Gregg, Report: Delay and Secrecy, How Section 6(b) of the Consumer Product and Safety Act Keeps Consumers in the Dark, June 24, 2019, <https://www.citizen.org/article/delay-and-secrecy-2/>.

emerging ones. And yet, the CPSC continues to pursue the mandates of its mission on a shoestring budget, as compared to other agencies charged with protecting consumers.²

In 2021, the CPSC received additional one-time funding through the American Rescue Plan Act (ARPA), which has allowed the agency to expand its presence and strengthen its ability to inspect imported consumer products at the ports of entry. The additional funding also provided the CPSC with the resources to begin to modernize its National Electronic Injury Surveillance System (NEISS), a widely recognized and utilized public research tool. This funding is expected to be completely exhausted by the end of FY 2025. If Congress fails to increase CPSC funding to at least the Commission's requested amount, it will impede the CPSC in these efforts to stop unsafe products at the border and collect robust incident data. Moreover, CPSC may be unable to effectively enforce product safety laws and reach the public with critical recall information and safety campaigns.

Thank you for the opportunity to provide comment for this hearing. For questions, please contact Martha Perez-Pedemonti at mperezpedemonti@citizen.org.

Sincerely,

Public Citizen

² See, Letter of Robert S. Adler, Then-Acting Chairman of the CPSC to the Honorable Rosa DeLauro, Chairwoman, Committee on Appropriations, March 1, 2021, <https://www.cpsc.gov/s3fs-public/Reinventing%20CPSC%20-%20DeLauro.pdf>.