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6 THE FISCAL YEAR 2025

7 CONSUMER PRODUCT SAFETY COMMISSION BUDGET

8 TUESDAY, JULY 23, 2024

9 House of Representatives,

10 Subcommittee on Innovation, Data, and Commerce,

11 Committee on Energy and Commerce,

12 Washington, D.C.

13

14 The subcommittee met, pursuant to call, at 2:02 p.m. in
15 2322 of the Rayburn House Office Building, Hon. Gus
16 Bilirakis, [chairman of the subcommittee] presiding.

17

18 Present: Representatives Bilirakis, Bucshon, Walberg,
19 Duncan, Dunn, Lesko, Armstrong, Fulcher, Harshbarger,
20 Cammack, Obernolte, James, Rodgers (ex officio); Schakowsky,
21 Kelly, Soto, Trahan, Clarke, and Pallone (ex officio).

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22 Also present: Representative Cardenas.

23

24

25 Staff Present: Sarah Burke, Deputy Staff Director; Nick
26 Crocker, Senior Advisor and Director of Coalitions; Nate
27 Hodson, Staff Director; Tara Hupman, Chief Counsel; Sean
28 Kelly, Press Secretary; Alex Khlopin, Clerk; Emily King,
29 Member Services Director; Tim Kurth, Chief Counsel; Brannon
30 Rains, Professional Staff Member; Teddy Tanzer, Senior
31 Counsel; Hannah Anton, Minority Policy Analyst; Keegan
32 Cardman, Minority Staff Assistant; Waverly Gordon, Minority
33 Deputy Staff Director and General Counsel; Tiffany Guarascio,
34 Minority Staff Director; Lisa Hone, Minority Chief Counsel,
35 Innovation, Data, and Commerce; and Joe Orlando, Minority
36 Junior Professional Staff Member.

37

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38 *Mr. Bilirakis. The subcommittee will come to order.

39 The chair recognizes himself for an opening statement.

40 Good afternoon to everyone here. And welcome to today's
41 fiscal year 2025 budget hearing for the Consumer Product
42 Safety Commission.

43 I want to thank all five of the commissioners for
44 appearing before us today to discuss the important mission of
45 ensuring people across the nation are protected against risks
46 of injuries and deaths associated with consumer products. In
47 particular, I want to thank the chair of the commission, Alex
48 Hoehn-Saric, for his work in promoting safety and protection
49 in a fair and reasonable manner.

50 I know you are particularly familiar with the
51 subcommittee, as well, with your background as chief counsel,
52 so we appreciate you being here, and I want to thank you also
53 for meeting me in my congressional district a few months
54 back, as well, and sending your staff to our senior fair. I
55 guess probably that wasn't your staff, but it was committee
56 staff.

57 I also think the employees at the Commission who work
58 closely with Customs and Border Protection at ports across

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59 the country, inspecting millions of consumer products for
60 hazardous, unsafe, or counterfeit goods. This work is
61 important in ensuring public safety and, in recent years,
62 with bad actors in China, continuing to flood our nation's
63 borders has become extraordinarily difficult.

64 These consumer safety issues have consistently been a
65 bipartisan effort for the Congress since the enactment of the
66 Consumer Product Safety Act in 1972, and the statute has long
67 been explicitly clear in the way that it requires the
68 Commission to operate and work side-by-side with industry
69 stakeholders.

70 The existing laws model has proven very successful in
71 protecting the public against harms while still allowing new
72 innovations to thrive in the marketplace. The law mandates
73 the Commission to defer to voluntary product safety standards
74 when applicable, and has a clear due process requirement for
75 ensuring corrective actions are taken when problems arise.
76 Many of these voluntary standards are created and revised on
77 a regular basis in close conjunction with the American
78 Society for Testing and Materials International, and I
79 appreciate the tireless efforts that many in the industry do

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80 to ensure their products work effectively and safely for
81 millions of consumers every day.

82 However, I know not everyone shares the same view that
83 this model works the way it was designed to, and I have
84 significant concerns about the government-knows-best
85 mentality that is rampant across the Biden-Harris
86 Administration. When we started this Congress last year, we
87 read reports that Commissioner Trumka had discussed the idea
88 of a universal ban on gas stoves in this country. The
89 American people have made it clear to us -- made it clear,
90 absolutely clear -- this type of government overreach is
91 unacceptable.

92 We know those in the rush-to-green movement would like
93 to ban all gas-powered appliances in our homes. I am
94 grateful that our committee acted quickly to denounce these
95 ideas and move forward with Representative Armstrong's bill,
96 the Gas Stove Protection and Freedom Act, and Representative
97 Lesko's companion bill in the Energy Subcommittee to prohibit
98 this type of regulatory approach. I am worried that these
99 types of regulate-first mandates will kill the ingenuity of
100 the American spirit and the strongest marketplace in the

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101 globe. Unfortunately, that is what the Biden-Harris
102 Administration has become known for.

103 I hope that the CPSC will not fall into this thinking
104 any longer, and instead work with Congress on ways we can
105 ensure the American people stay safe through consensus
106 measures. In fact, this committee has proven on a regular
107 basis this year that it can deliver bipartisan wins in
108 protecting consumers, including House passage of the Setting
109 Consumer Standards for Lithium Ion Batteries Act;
110 Representative Trahan's Youth Poisoning Protection Act; and
111 Representative Balderson's Awning Safety Act. In each of
112 these bills we came to an agreement to put appropriate
113 guardrails in place to protect lives and prevent unreasonable
114 risk of death and injury from the everyday products American
115 consumers use.

116 In closing, I appreciate the important work of the
117 Commission but, similarly to my comments at our FTC hearing
118 earlier this month, I implore the chair to ensure that you do
119 not erode the public's trust, and instead work with us to
120 protect consumers. I look forward to conducting this
121 important oversight and to hearing each of the commissioners'

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122 testimonies.

123 [The prepared statement of Mr. Bilirakis follows:]

124

125 *****COMMITTEE INSERT*****

126

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127 *Mr. Bilirakis. And I will yield back the balance of my
128 time. Now I will recognize the gentlelady from Illinois, Ms.
129 Schakowsky, for her five minutes for her opening statement.

130 *Ms. Schakowsky. Thank you, Mr. Chairman, and it is so
131 great to see all the commissioners here today.

132 I am such a supporter of the Consumer Product Safety
133 Commission. Really, that is my background for many, many,
134 many decades that I have been interested in working on,
135 consumer protection. So I thank all of you, and I want to
136 say a special thank you to our chair, Alex Hoehn-Saric. And
137 as you heard, he had a special role to play, especially in
138 the last Congress, when he was our chief counsel and also
139 worked on the -- this very subcommittee that at that time was
140 called the Consumer Protection Subcommittee. So I am very
141 happy to see all of you, and to talk about what a small and
142 mighty committee this really is. The work that you do is so
143 very, very important.

144 I want to say that the Commission now has worked to get
145 several rules in place that are definitely going to help
146 consumers on a number of things: children and -- what is
147 that? Oh, and the batteries, and that rule is ever so

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148 important to protect them from dangerous batteries. Children
149 are in danger of -- what is in here? The crib, the bumpers
150 that we have gotten -- that you have gotten done in rules.
151 And the rule on --

152 *Voice. The legislation we passed through this year.

153 *Ms. Schakowsky. Yes. So the thing that is so great
154 about the rules is that our subcommittee actually passed the
155 legislation that led to the rulemaking that has become the
156 law of the land, so we are very proud of our legislative
157 work.

158 I also want to mention, though, that I have two issues
159 that I think could actually make the Consumer Product Safety
160 Commission even stronger, that -- one is that we should pass
161 legislation that I call the Sunshine in Product Safety, and
162 that is one that would strike section 6(b). Please consider
163 that. It used to be that we should not be saying that
164 manufacturers should have the final word on whether or not
165 consumers are going to be informed about product flaws, and
166 should be able, as the Consumer Product Safety Commission, to
167 decide when consumers need to be, you know, told about
168 dangers that are lurking out there.

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169 The other would actually raise the fee that is now
170 limited for people who have broken the law, and it is
171 something that I think that we ought to increase. Right now
172 the maximum penalty is 17,500 --

173 *Voice. Seventeen point five million.

174 *Ms. Schakowsky. I am sorry?

175 *Voice. Seventeen point five million.

176 *Ms. Schakowsky. Oh, I am sorry, \$17.5 million for
177 companies where deaths have occurred. Why should we put a
178 limit on that? And I think that we want to just eliminate
179 the top amount.

180 And so I am very, very -- did I run out of time? No --
181 anxious that we do that.

182 And with that, at this point, I am going to yield back.

183 Oh, no. If I have one second, we should not be cutting
184 the budget of the Consumer Product Safety Commission. It is
185 so small and, I believe, currently under-funded. And I know
186 that my Republican colleagues are talking about a further
187 cut, and I want to adamantly put on the table right now that
188 we should not have any further cuts.

189 [The prepared statement of Ms. Schakowsky follows:]

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190

191 *****COMMITTEE INSERT*****

192

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193 *Ms. Schakowsky. We will talk more about that later.

194 *Mr. Bilirakis. The chair -- the ranking member yields
195 back. Now I will recognize the chair of the full committee,
196 my friend, Mrs. Rodgers, for five minutes for her opening
197 statement.

198 *The Chair. Thank you, Chair, Chairman Bilirakis.

199 The last time the CPSC appeared before this committee
200 was in 2019. So this hearing is long overdue. I want to
201 welcome back Chairman Hoehn-Saric, who is an alum of the
202 Energy and Commerce Committee, the best committee on Capitol
203 Hill, and I also want to welcome back Commissioner Feldman,
204 who is the only member to testify the last time the
205 commissioners were in front of this committee. And I want to
206 thank all of you for being here today, and with the dedicated
207 career staff and hard work to carry out the agency's mission.

208 The Energy and Commerce Committee has been leading the
209 way this Congress to advance solutions to protect the
210 American people. One of our top priorities for this Congress
211 has been addressing the threat posed by the Chinese Communist
212 Party. We have advanced policies that protect the American
213 people from questionable products coming from China, ranging

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214 from defective and unsafe products to those developed using
215 forced labor or as a result of disturbing human rights
216 abuses.

217 Now that CPSC is at full capacity with all of its
218 commissioners, it is critical that the agency works to
219 implement the important bipartisan legislation we have moved
220 through this committee, especially efforts like the Safe
221 Sleep for Babies Act, STURDY Act, and Reese's Law, which have
222 had strong backing of Ranking Member Schakowsky and Chairman
223 Bilirakis, as well as others on this committee who have a
224 long record on these issues.

225 We have also advanced bipartisan legislation to protect
226 Americans from hazardous products, ranging from home awnings
227 to faulty lithium ion batteries to dangerous chemicals
228 available online. I look forward to working together to get
229 those pieces of legislation signed into law as soon as
230 possible, and to continue our work with bipartisan support to
231 protect the American people.

232 The CPSC has also been hard at work. I was pleased to
233 see the agency prioritize the hiring of a chief technology
234 officer and a chief data officer to modernize the agency's

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235 capabilities. I hope this leads to better efficiency and
236 protection of the agency's data than what we have seen in the
237 past. These roles should help the agency use their resources
238 effectively and oversee the increased use of AI and machine
239 learning to efficiently and accurately target hazardous
240 products entering the country.

241 I am also glad that the Children's Product Defect Team
242 has been reinstated, although it is unclear to me as to why
243 it was discontinued in the first place. Certainly, the most
244 important action the Commission can take is to help
245 strengthen protections for children.

246 While there have been many successes this Congress here
247 at the committee and at the Commission, there are still many
248 areas where the CPSC needs to improve its operations,
249 especially as we consider the agency's budget. Under the
250 leadership of the previous two acting chairs, the Commission
251 fell into disrepair.

252 Since the last time we had you here the CPSC experienced
253 a massive data breach of all its confidential and incident
254 data held by the Commission, imposed a six-month COVID-19
255 pandemic closure of port inspections, shuttered CPSC lab

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256 testing in support of enforcement, and the development of the
257 STURDY rule, accumulated around 200 open inspector general
258 recommendations and reports showing a culture of
259 mismanagement of agency funds, and has started to stray from
260 its core mission in pursuit of a more politicized agenda with
261 initiatives like a rule to ban gas stoves in the name of
262 consumer protection, when it is clearly just a backdoor
263 attempt to advance the current Administration's radical green
264 agenda.

265 More troubling still are the claims from your own
266 inspector general that his independence was under attack.
267 While many of the IG's recommendations have been closed out
268 related to these specific incidences, the commissioners need
269 to ensure a culture at the agency that respects the IG's
270 independence.

271 The CPSC plays an important role in helping to protect
272 the American people from dangerous products. The agency is
273 at its best when it is fulfilling its core mission through
274 enhancing security at our ports, protecting our kids, and
275 ensuring companies are in compliance with the law. I look
276 forward to discussing how to best ensure CPSC is adhering to

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277 its core mission, and how we can continue to work together to
278 keep the American people safe.

279 [The prepared statement of The Chair follows:]

280

281 *****COMMITTEE INSERT*****

282

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283 *The Chair. Thank you, and I yield back.

284 *Mr. Bilirakis. I thank the chair and now recognize the
285 gentleman from New Jersey, the ranking member of the full
286 committee, Mr. Pallone, for his five minutes.

287 *Mr. Pallone. Thank you, Mr. Chairman, and I would like
288 to welcome Chairman Hoehn-Saric back to the committee. It is
289 great to see you and the other commissioners here today.

290 The Consumer Product Safety Commission has a long
291 history of ensuring that everyday products are safe. And one
292 product of particular concern to me is the grave danger posed
293 to small children by water beads. Water beads are very small
294 beads made of super absorbent material that can expand up to
295 100 times their original size when exposed to liquid, and
296 they are marketed as colorful, fun toys for kids. But when
297 swallowed by a small child, they can cause serious injury or
298 even death, and water bead injuries resulted in about 7,000
299 emergency room visits between 2018 and 2022.

300 So the CPSC has used the legal authorities at its
301 disposal to warn parents and remove some water bead toys from
302 the market, and the Commission issued a recall for a water
303 beads activity kit marketed for older children that

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304 tragically resulted in the death of a 10-month-old, Esther
305 Bethard in Wisconsin, and this product has also injured many
306 others. The CPSC also published a general safety alert to
307 warn parents of the ingestion risk to young children posed by
308 any water bead product, and to direct that water beads should
309 be removed from any environment with young children.

310 Now, these are important actions that will save
311 children's lives, and I do want to say that, you know, that
312 this agency has just done so many things like that for
313 consumer protection. But with regard to water beads,
314 Congress has to do more to empower the CPSC to protect babies
315 and children from this danger. And so I introduced the Ban
316 Water Beads Act that would ban water beads marketed for kids,
317 and this ban would remove the most dangerous water bead
318 products from stores and online marketplaces, and allow the
319 CPSC to go after bad actors who put their own bottom lines
320 ahead of children's safety.

321 Water beads really are deadly. We must act quickly to
322 ensure that no more children die from ingesting these
323 dangerous water beads.

324 I wanted to thank Ashley Haugen, founder of the non-

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325 profit, That Water Bead Lady, and her husband for being here
326 today. Their daughter, Kipley, faces ongoing medical
327 challenges after swallowing water beads that were part of a
328 toy belonging to her older sister. Ashley has turned this
329 tragedy that she and her family endured into passionate
330 advocacy to protect other children from dangerous water bead
331 products.

332 I also wanted to thank Taylor Bethard, whose daughter
333 Esther died after swallowing water beads, and Felicia
334 Mitchell, whose daughter, Kennedy, was hospitalized for four
335 weeks after swallowing a single water bead. And I want to
336 commend them and all the parents fighting to ban water beads
337 for their bravery, selfless advocacy, and commitment to
338 banning these dangerous products once and for all.

339 But the CPSC can only do the work to protect kids from
340 the dangers of water beads and many other products if
341 Congress gives them the resources to do it. Every American
342 benefits from a strong, active, and well-funded CPSC.
343 Unfortunately, their current budget is woefully inadequate
344 and has forced it to reduce staff responsible for safety
345 research, enforcement, and surveillance of thousands of

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346 consumer products. And House Republicans are now proposing a
347 6 percent cut to the CPSC's budget for fiscal year 2025,
348 which will make it even harder for them to protect Americans
349 from dangerous products.

350 And Republicans are also pushing Trump's Project 2025, a
351 dangerous blueprint for a potential second Trump
352 Administration that proposes eliminating the independence of
353 Federal agencies like the CPSC. Trump's Project 2025 is a
354 plan to consolidate power in the White House and gut checks
355 and balances. This would be a disastrous move that would
356 seriously undermine the CPSC's ability to enforce critical
357 safety standards, put families at risk, and remove
358 accountability for huge corporations.

359 So, I mean, clearly, that is the wrong course to protect
360 Americans from dangerous products. Without more resources,
361 the CPSC will not be able to stay ahead of emerging threats
362 or provide strong enforcement to keep dangerous products off
363 physical and virtual store shelves. Our economy has and will
364 continue to become increasingly global and digital, which
365 requires the CPSC to develop innovative solutions to tackling
366 threats in e-commerce. And our children's physical safety

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367 depends on the work of the CPSC, and I am committed to
368 fighting for the resources and the additional authority they
369 need to protect Americans from unnecessary risk.

370 Let me just conclude, Mr. Chairman, by saying I have
371 always felt that protecting consumers is one of the most
372 important parts of this committee. And I think that the CPSC
373 has really you know, worked with us on a number of these
374 initiatives.

375 I am very proud of what you all do, but at the same time
376 you need the resources because the list of consumer products
377 that are dangerous just keeps growing. So thank you.

378 [The prepared statement of Mr. Pallone follows:]

379

380 *****COMMITTEE INSERT*****

381

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382 *Mr. Pallone. And I yield back, Mr. Chairman.

383 *Mr. Bilirakis. The gentleman yields back. We are
384 going to begin now with the witnesses.

385 The witnesses today are the five commissioners of the
386 Consumer Product Safety Commission, and the ranking member
387 has requested that the chair testify first, and the chair is
388 Alexander Hoehn-Saric, of course. So I will accommodate that
389 request.

390 So Chair, you are recognized for your five minutes.

391

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392 STATEMENT OF THE HON. ALEXANDER HOEHN-SARIC, CHAIR, U.S.
393 CONSUMER PRODUCT SAFETY COMMISSION; THE HON. PETER A.
394 FELDMAN, COMMISSIONER, U.S. CONSUMER PRODUCT SAFETY
395 COMMISSION; THE HON. RICHARD L TRUMKA JR., COMMISSIONER, U.S.
396 CONSUMER PRODUCT SAFETY COMMISSION; THE HON. MARY T. BOYLE,
397 COMMISSIONER, U.S. CONSUMER PRODUCT SAFETY COMMISSION; AND
398 THE HON. DOUGLAS DZIAK, COMMISSIONER, U.S. CONSUMER PRODUCT
399 SAFETY COMMISSION

400

401 STATEMENT OF ALEXANDER HOEHN-SARIC

402

403 *Mr. Hoehn-Saric. Good afternoon, Chair Bilirakis,
404 Ranking Member Schakowsky, Chair McMorris Rodgers, Ranking
405 Member Pallone, and members of the subcommittee. Thank you
406 for inviting us to testify here today. As many of you have
407 mentioned, as a former committee staffer, it is really my
408 privilege to be here before you today now as chair of the
409 Consumer Product Safety Commission.

410 Over 50 years ago Congress established the CPSC to
411 protect consumers from unreasonable risk of injury and death
412 from consumer products. Our mission has grown to encompass

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413 more than 15,000 categories of products, representing over \$2
414 trillion in commerce annually, including about \$1 trillion in
415 imports. The agency is made up of committed, hardworking
416 staff dedicated to CPSC's mission, and it is thanks to them
417 that the CPSC has been incredibly productive despite
418 operating under a budget that is far smaller than comparable
419 Federal safety agencies.

420 In my time as chair we have conducted over 800 recalls
421 and issued more than 80 product safety warnings. We have
422 issued more than 150,000 takedown requests to online
423 marketplaces for recalled, banned, and violative products.
424 We have issued standards improving the safety of products
425 ranging from button cell batteries to crib mattresses to
426 adult portable bed rails. We have intercepted approximately
427 25 million violative products at the ports. We have assessed
428 more than \$109 million in civil penalties, which goes to the
429 Treasury, and we have reached consumers more than 10 billion
430 times with safety messages about drowning prevention, infant
431 safe sleep practices, carbon monoxide poisoning, and more.

432 These are not just statistics. These are actions taken
433 by the agency in response to deaths and injuries and to

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434 prevent future harm. With the agency doing its work there
435 are fewer trips to the emergency room and fewer deaths across
436 this great nation. And with our focus on infant and child
437 safety, countless tragedies have been avoided and families
438 have been kept whole.

439 Our agency's recent productivity gains are partially due
440 to an increase in congressional support, both in a one-time
441 appropriations under the American Rescue Plan and an increase
442 in fiscal year 2023 funding. Our current and prospective
443 funding levels put that progress in danger. This year CPSC's
444 appropriation was reduced to just \$151 million. To address
445 this year's budget cut and the coming depletion of agency's
446 ARPA funds we have decreased our staff from a high of 583 to
447 about 548 currently, and we anticipate further reductions
448 through attrition. As a result, important work is delayed,
449 in-port inspections are slowed, and consumers are facing more
450 risk.

451 Our fiscal year 2025 budget request is \$183 million,
452 which would help us address these issues. It aligns also
453 with Congress's expectations for us. As you mentioned, the
454 House recently passed four bills requiring the CPSC to issue

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455 safety rules on lithium ion batteries, retractable awnings,
456 to ban high concentration sodium nitrite, and to establish an
457 artificial intelligence pilot program. Unfortunately, the
458 House Appropriations Committee approved an fiscal year 2025
459 funding decrease of 6 percent to a level of 142 million.
460 Implementing this cut would result in widespread staff
461 reductions, which would be devastating for consumer safety
462 and for the agency.

463 At some point in time we can't do more with less; we can
464 simply do less.

465 The fiscal threat is happening at a time when product
466 safety challenges facing Americans are growing. E-commerce
467 is booming, but so are the number of hazardous and recalled
468 products sold online through online platforms. Americans
469 routinely buy from foreign manufacturers through platforms
470 that do little, if any, vetting of the manufacturers or their
471 products. I am grateful for the bipartisan leaders of this
472 committee who are pushing these platforms to prioritize
473 product safety, and I would welcome additional congressional
474 action to hold them accountable. The platforms are in the
475 best position to evaluate the safety of the products that are

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476 being offered on those sites. That burden should not rest on
477 the American consumer.

478 CPSC is also confronting new technologies, such as AI,
479 that can change lives but also raise its potential new risks.
480 CPSC needs to expand its expertise in this and other areas,
481 but without sufficient funds I fear we are going to miss the
482 next deadly hazard.

483 Finally, we can continue to see disproportionate death
484 and injury rates for certain products in certain underserved
485 communities. The CPSC has delivered targeted education
486 campaigns to these communities, but future efforts are at
487 risk without sufficient funding.

488 In closing, CPSC provides a tremendous value for the
489 funds that are provided us. We save lives, we prevent
490 injuries. But without adequate funding, we can't maintain
491 our current efforts.

492 Thank you, and I look forward to your questions.

493 [The prepared statement of Mr. Hoehn-Saric follows:]

494

495 *****COMMITTEE INSERT*****

496

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497 *Mr. Bilirakis. I thank the chair. Our next witness is
498 Richard Trumka -- Richard Trumka, Jr.
499 And you are recognized for five minutes, sir.
500

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501 STATEMENT OF RICHARD L. TRUMKA, JR.

502

503 *Mr. Trumka. Chairs McMorris Rodgers and Bilirakis,
504 Ranking Members Pallone and Schakowsky, members of the
505 subcommittee, thank you for this opportunity to discuss our
506 agency's lifesaving mission.

507 Tomorrow would have been my father's birthday, and that
508 has led me to reflect on a core value that he held while he
509 was still with us, that a lifetime of service to others is
510 the most important dedication one can make. And so I am
511 proud to serve with the over 500 career staff at the CPSC who
512 embody that ideal every day as we work to protect the public
513 from hazards in more than 15,000 product categories.

514 In trying to describe the character of our agency's
515 workforce I will borrow a description I heard from a Michigan
516 firefighter. He talked about problem solvers, and he said,
517 "When problem solvers come upon death and tragedy that they
518 couldn't prevent, it is like adding a rock to an invisible
519 backpack that they will wear for the rest of their lives.'"`
520 The people of the CPSC signed up to shoulder a heavy burden
521 because they are committed to making the world safer for us

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522 all.

523 The agency's mission weighs heaviest for me each time I
524 meet with parents who have suffered the unimaginable tragedy
525 of losing a child or having them grievously injured to a
526 consumer product, people like Mayra Romero-Ferman, Trista
527 Hamsmith, Linda Kaiser, and Ashley Haugen. I hear them and I
528 stand with them. We cry together and we look for solutions
529 together. They bear more weight than anyone should. Yet
530 instead of being dragged down, they advocate for safety in
531 the hope that they can stop others from carrying the weight
532 that they do.

533 Every night after I read bedtime stories to my two young
534 kids I read a report of every consumer product related to
535 death that the agency learned about in the country that day,
536 25, 30, sometimes more than 40 deaths: babies who died in
537 their sleep; people who died from carbon monoxide poisoning.
538 I go to sleep thinking about those lives cut short and about
539 their families' heartbreak. And I ask myself if I have done
540 everything I could that day to carry the weight and service
541 to those that we have lost and those that we can still
542 protect.

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543 We also lighten those loads every time products are made
544 safer. We did that with rules to stop child strangulations
545 in window blinds, to protect kids from death and injury from
546 magnets and button batteries, to stop dressers from crushing
547 kids, to eliminate crib bumpers and inclined sleepers to save
548 babies' lives, and to stop gruesome deaths of older Americans
549 from bed rails. And the people of the CPSC are working on
550 rules to save over 100 more lives per year from carbon
551 monoxide poisoning, save another 100 lives per year from
552 toxic inhalation of aerosol dusters, and save dozens of
553 infants per year from sleep deaths. As hundreds of families
554 grow old together instead of facing tragedy from those
555 products, we will lighten the load.

556 CPSC is also getting more hazardous products out of
557 homes. Last year the agency collaborated on 313 voluntary
558 recalls with companies, the most in recent memory, and we are
559 set to shatter that this year. When companies won't
560 collaborate with us on recalls, we are giving consumers the
561 knowledge to protect themselves. We are issuing unilateral
562 recalls about hazards at a record pace. Public health
563 information belongs to the American people. And when we warn

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564 the public about hazards that we can't immediately fix, we
565 lighten the load.

566 I come from a family of coal miners, so I know that
567 working families pay the price when they are kept in the dark
568 on safety issues. Both of my grandfathers died from black
569 lung that they got in the mines. With information, they
570 could have protected themselves.

571 Safety information belongs in the hands of retailers,
572 too. They have proven that they want to keep their customers
573 safe. They stopped selling product categories like water
574 beads and weighted infant swaddles when they learned of
575 CPSC's warnings for consumers not to use them, and they have
576 lightened that load.

577 Our port inspectors lighten the load when they seize
578 dangerous products at America's borders, products coming in
579 disproportionately from China.

580 Holding bad actors accountable also lightens the load
581 and deters others like the first-ever criminal convictions in
582 our Act's history and like the \$19 million Peloton civil
583 penalty for failing to report a hazard that saw 29 children
584 pulled under treadmills and injured, and one child's death.

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585 And I started by mentioning the importance of service,
586 and I am constantly inspired by both the people of the CPSC
587 and an example set in my own family. My wife is brilliant.
588 She has got a Cornell biology degree. She could be doing
589 absolutely anything she wants in the world. But she has felt
590 called to serve our community in a special education
591 classroom. And I am proud to say that she was just named the
592 Montgomery County Maryland Paraeducator of the year in a job
593 that is too often thankless. Our kids got to see her
594 recognized for her amazing service, and got to learn about
595 the importance of service.

596 Thank you very much.

597 [The prepared statement of Mr. Trumka follows:]

598

599 *****COMMITTEE INSERT*****

600

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601 *Mr. Bilirakis. I thank the gentleman, and now we will

602 -- our next witness is Douglas Dziak.

603 And you are recognized, sir, for five minutes.

604

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605 STATEMENT OF DOUGLAS DZIAK

606

607 *Mr. Dziak. Good morning, Chair Bilirakis, Ranking
608 Member Schakowsky, Chair McMorris Rodgers, Ranking Member
609 Pallone, and members of this subcommittee. I appreciate the
610 opportunity to join my colleagues here today to discuss the
611 Consumer Product Safety Commission's Fiscal Year 2025 budget.

612 Chairman Bilirakis, I especially want to thank you and
613 your staff for providing the hospitality when we visited you
614 and your constituents at the Starkey Ranch Theatre. When we
615 met in February you predicted my confirmation was imminent,
616 and your crystal ball must have been very clear that day
617 because I was confirmed by the United States Senate eight
618 days later.

619 In addition to the Commission's budget, I want to
620 discuss some of the successes that we have enjoyed during my
621 tenure, present some of my priorities that I believe the
622 Commission should focus on.

623 Speaking first to the budget, budgets, be they this
624 Commission's, the Federal budget, or the budgets millions of
625 Americans put together in their homes to help manage the

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626 present and plan for the future, they require that priorities
627 be set and choices, sometimes difficult, be made.
628 Unrealistic budget requests are of limited utility for
629 planning and operational management. My colleagues and I
630 will soon begin work on the Commission's operating plan,
631 which will require us to make those difficult resource
632 decisions. I look forward to working with my colleagues to
633 put together a thoughtful plan.

634 Budgeting is but one part of the commissioner's job;
635 working with stakeholders is another. One of my priorities
636 is to be available to all stakeholders. One of the best
637 examples of why this approach matters came from listening
638 sessions Commissioner Feldman and I had with the Eastern
639 Shoshone tribe on the Wind River Reservation in Wyoming.
640 Council Chairman John St. Clair pointed out, when conducting
641 informational and educational campaigns aimed at Native
642 Americans, the Commission should and needed to understand the
643 challenges his members faced. He noted that many members of
644 the Eastern Shoshone spend a lot of time in their cars,
645 listening to the radio. He went on to explain the challenges
646 of Internet and phone connectivity in rural areas like the

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647 Wind River Reservation. Consequently, he noted, Internet,
648 social media, and other common Commission means for reaching
649 consumers with messaging would be limited on the reservation.

650 Later, Commissioner Feldman and I helped steer a new
651 safety campaign utilizing over-the-air radio and billboards
652 for Native American communities, whose infants are 2.7 times
653 more likely than non-Hispanic, White infants to die from
654 accidental causes before their first birthday. Thanks to his
655 suggestion during our meetings, the Commission is now
656 reaching more Native American communities with lifesaving
657 safety and educational information. We accomplished this by
658 listening.

659 I maintain an open door policy for all stakeholders,
660 including those harmed by safe -- unsafe products, their
661 families, safety advocates, safety professionals, and the
662 business community that ultimately implements safety
663 improvements. There are no monopoly on good ideas -- there
664 is no monopoly on good ideas.

665 My experience has also taught me that government efforts
666 can be siloed. I want to work with this committee, entities
667 like the Government Accountability Office, and our sister

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668 agencies to understand where our collective efforts can be
669 leveraged and efficiencies gained. One example of this
670 collaboration is the success we see at our ports of entry and
671 the work our port inspectors do with the United States
672 Customs and Border Patrol.

673 While increases in our appropriations could be put to
674 many uses, based on the growth in the Commission's most
675 recent appropriations I believe we must plan conservatively.
676 This means we will need to find ways to work harder and do
677 more with less. For example, I believe one method for doing
678 this would be considering leveraging relationships with
679 higher education -- higher educational institutions where
680 appropriate and feasible.

681 Let me turn briefly to some of my priorities that I
682 would like to focus on as a commissioner. One is the safety
683 of older Americans, who face an annual -- an average annual
684 injury rate of three million injuries associated with
685 consumer products.

686 Second, I want to work to reduce the number of failed
687 childhood drownings. Drownings which result in roughly 4,000
688 deaths each year is the leading cause of death for children

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689 ages 1 to 4. And unfortunately, overall deaths, according to
690 CDC data, have been rising.

691 Finally, I want to work with my colleagues toward our
692 joint goal of improving e-commerce safety. With regard to e-
693 commerce, these sales platforms must do a better job with
694 respect to the sale of dangerous consumer products and, in
695 certain instances, the illegal resale of recalled products.

696 The Commission's responsibility covers thousands of
697 consumer products. Increasingly we face the emergence of
698 direct-to-consumer sales from foreign e-commerce platforms
699 such as Shien and Temu that allow for the purchase of
700 products directly from overseas manufacturers, especially
701 from China, where manufacturers may not be concerned with
702 safety -- American safety regulations and laws.

703 New issues arise each day in this job, but these are
704 some of the some of the issues that keep me awake, and I
705 appreciate the opportunity to share my views, and look
706 forward to working with you in the future. Thank you.

707 [The prepared statement of Mr. Dziak follows:]

708

709 *****COMMITTEE INSERT*****

710

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711 *Mr. Bilirakis. I thank the gentleman, and I appreciate
712 you coming down to the district. It was very informative, a
713 very informative presentation. We appreciated it very much.

714 Next is Mary Boyle.

715 Commissioner Boyle, you are recognized for five minutes.

716

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717 STATEMENT OF MARY T. BOYLE

718

719 *Ms. Boyle. Good afternoon, Chairman Bilirakis, Ranking
720 Member Schakowsky, Chair McMorris Rodgers, and Ranking Member
721 Pallone, and distinguished members of the committee. It is
722 an honor to testify on the important work the Consumer
723 Product Safety Commission does to execute its mission to
724 protect American consumers.

725 For the past two years I have had the privilege of
726 fulfilling that mission through my service as a commissioner.
727 My work today draws upon expertise developed over more than a
728 decade of service at CPSC in a variety of roles, including as
729 general counsel and executive director. I am deeply
730 committed to the agency's mission, a mission that our
731 talented and dedicated staff pursues day in and day out using
732 the tools and resources Congress provides.

733 I also recognize that CPSC's work requires a commitment
734 to collaboration, and that multiple stakeholders play
735 important roles in ensuring that products are safe. Indeed,
736 by statute, responsibility for product safety is distributed
737 to both the agency and to industry participants. Industry,

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738 no doubt, should play a critical role by making safe products
739 in the first place. But when potential problems arise, the
740 law requires companies to act and to act quickly by reporting
741 those issues to CPSC. That reporting obligation confirms
742 that the statutory scheme envisions product safety to be a
743 shared endeavor.

744 The crux of this dual responsibility stems from the fact
745 that CPSC does not confer a pre-market approval on products.
746 That may come as a surprise to many Americans who may assume
747 that products they buy have been vetted in advance by the
748 government. In fact, CPSC must rely on voluntary standards
749 if there is wide compliance with an effective industry
750 standard.

751 Because the Consumer Product Safety Act assigns
752 important obligations to industry, CPSC must be vigilant in
753 using all its authorities when companies do not meet their
754 obligations. That is why I support significant civil
755 penalties for companies that fail to timely report
756 information to CPSC, and believe that a higher statutory
757 maximum penalty is in order. Companies with revenues in the
758 hundreds of millions and even billions of dollars may see the

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759 current statutory maximum of just over 17 million as a cost
760 of doing business.

761 I also support robust enforcement of the law. CPSC is
762 the cop on the beat, and we must not hesitate to enforce the
763 law against bad actors and companies that fail to take
764 responsibility for the safety of their products. The
765 Commission's work protecting the most vulnerable consumers,
766 infants, and young children has been especially important to
767 me, and I appreciate Congress's leadership in this area. The
768 Safe Sleep for Babies Act, the STUDY Act, and Reese's Law
769 have all strengthened our hand considerably in protecting the
770 youngest Americans.

771 Although the agency has adopted relatively few
772 regulations compared to the thousands of product categories
773 within its jurisdiction, mandatory standards are essential
774 when industry fails to establish and comply with effective
775 voluntary standards. As an example I would point to the
776 Commission's unanimous approval in 2022 of a regulation for
777 adult portable bed rails, which pose entrapment and
778 suffocation risks that fell disproportionately on seniors and
779 disabled individuals.

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780 Despite nearly 300 fatalities, effective voluntary
781 standards were not put into place, necessitating mandatory
782 requirements. Notably, more than 70 percent of the incidents
783 involved female victims. Although CPSC staff was unable to
784 determine a reason for this finding, life expectancy alone
785 did not account for the stark difference. I was therefore
786 pleased to receive unanimous support for my amendment to the
787 agency's operating plan directing research on safety hazards
788 for older consumers, including an evaluation of gender
789 disparities. I am mindful that the use of female crash
790 dummies in the auto safety context is relatively new, and I
791 believe that gender differences can similarly shape risk
792 profiles for consumer products.

793 CPSC must also play an essential role in addressing new
794 or emerging product hazards borne of innovation and fast-
795 paced changes in technology. Although there are many
796 products that illustrate this point, I offer e-bikes as an
797 example where innovations are outpacing safety to the
798 detriment of consumers, particularly children. The
799 Commission heard testimony, for example, about one county's
800 experience with sharply increased rates of e-bike accidents

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801 and severity of injuries among 10 to 15-year-old riders.

802 I applaud the work of this committee for addressing the
803 fire hazard associated with lithium ion batteries used in e-
804 bikes and other devices that will surely help save lives, but
805 more needs to be done to ensure that safety keeps pace with
806 the burgeoning use of e-bikes and the corresponding rise in
807 deaths and injuries unrelated to fires we are seeing.

808 Despite obvious differences in weight, speed, brakes, and
809 other mechanical attributes, e-bikes are currently regulated
810 as traditional pedal bicycles. I am encouraged that the
811 Commission has taken an initial step through a recent advance
812 notice of proposed rulemaking to collect information from the
813 public on e-bikes and how to address them.

814 With e-bikes and so much more, CPSC faces a wide range
815 of evolving challenges. To meet those challenges it is
816 imperative that the agency be provided adequate resources.
817 And as this committee considers the budget, I respectfully
818 request that you support funding at levels that will allow us
819 to effectively protect American consumers. Lives literally
820 are at stake.

821 Thank you, and I look forward to your questions.

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822 [The prepared statement of Ms. Boyle follows:]

823

824 *****COMMITTEE INSERT*****

825

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826 *Mr. Bilirakis. I thank the gentlelady. Our next

827 witness, our final witness, is Peter Feldman.

828 And you are recognized, sir, for five minutes.

829

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830 STATEMENT OF PETER FELDMAN

831

832 *Mr. Feldman. Thank you very much, Chairman Bilirakis,
833 Ranking Member Schakowsky, Chair Rodgers, and Ranking Member
834 Pallone, and thank you for the opportunity to appear before
835 you today.

836 Chairman Bilirakis, before I begin I wanted to let you
837 know how much Commissioner Dziak and I enjoyed visiting you
838 in New Port Richey to discuss our work and to hear directly
839 from your constituents about how we can serve them better.

840 CPSC's budget is a critical planning and management tool
841 reflecting the agency's vast jurisdiction in the important
842 safety mission that we carry. While I believe we can do more
843 with less, there are also areas where additional resources
844 could be helpful, including further expansion of our
845 compliance and import surveillance capabilities. Budget
846 requests that are not grounded in realistic assumptions about
847 our appropriations level aren't useful as planning and
848 management tools. I have also voted against budget requests
849 that don't fully reflect my priorities.

850 But good management is based on measurable results.

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851 Strategic increases where we can demonstrate a return on
852 investment are worthy of congressional consideration. Since
853 I last appeared before this subcommittee I have worked to
854 make specific investments within our existing appropriation
855 that I would like to highlight today.

856 CPSC's port inspectors are the frontline workers who
857 assess, screen, and interdict dangerous consumer goods
858 entering the United States before they ever make it into
859 consumer hands. These shipments often originate in countries
860 that don't respect our laws, such as China. For American
861 families, every seizure of a dangerous or violative product
862 yields a commensurate reduction in the risk of illness,
863 injury, or death. To put it simply, CPSC port inspectors
864 save American lives.

865 During the COVID-19 pandemic, CPSC's acting chairman
866 chose to withdraw from the ports, sending our inspectors home
867 for months on end. During this time screenings and
868 interdictions dropped to zero, despite the full resumption of
869 trade and our partner agencies never having abandoned their
870 posts. That was wrong, and American consumers deserve
871 better. Over objections I pushed to restart this essential

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872 function and to secure the largest port inspector hiring
873 blitz in the agency's history. Screenings are now at an all-
874 time high, and our team is working more effectively than
875 ever.

876 Let's look at the numbers. CPSC expanded the number of
877 inspectors by 70 percent in the fiscal year 2022, up from its
878 pre-pandemic low, prioritizing both high-volume ports and
879 those regularly processing inbound e-commerce shipments.
880 Screenings rebounded by more than 350 percent. These
881 inspections have led to increased seizures, with almost 14
882 million violative products seized within the last year, a 320
883 percent increase from our pandemic lows. Each of these
884 seizures represents a dangerous product that didn't reach
885 American homes, and almost certainly emergency room visits
886 that never happened, homes that are still standing, and
887 funerals that were never planned.

888 When CPSC finds hazardous or violative products being
889 shipped into the country or posted online, the Office of
890 Compliance is our enforcement team. It issues violations,
891 negotiates recalls, and pursues civil and criminal penalties
892 were appropriate. When I arrived at CPSC, this team needed

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893 attention after significant neglect. I secured the first
894 funding increase Compliance had seen in years. I then
895 secured an additional 30 percent increase, representing the
896 largest single investment in the office's history. These
897 were not additional budget requests to Congress, just a more
898 responsible allocation of resources Congress had provided our
899 agency.

900 I don't know why previous agency leadership disbanded
901 our Children's Product Defect Team, but I worked to reinstate
902 it because protecting children is our highest priority.
903 Again, let's look at the numbers. Last fiscal year our team
904 negotiated 313 recalls, and is bringing bigger and more
905 consequential cases against firms that flout the law. This
906 fiscal year CPSC saw its first-ever criminal convictions.
907 These investments are paying dividends. CPSC is a more
908 muscular agency than it used to be, and those that violate
909 the law or import low-quality goods from abroad should be on
910 notice. This Commission is focused and resolved to enforce
911 our statute.

912 In conclusion, I am pleased to report that comity among
913 the commissioners is as high as I have experienced since my

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914 arrival, something that I know Congress has cared about
915 historically. This would not be possible without the work of
916 our chairman, Alex Hoehn-Saric. I have been critical of past
917 leadership when they have fallen short, and I am not afraid
918 to pay compliments where they are due. I want to acknowledge
919 him for his leadership.

920 I also want to recognize my colleagues, Commissioner
921 Trumka, Boyle, Dziak, all of whom share the goal of keeping
922 Americans safe.

923 Thank you for your attention. I look forward to your
924 questions.

925 [The prepared statement of Mr. Feldman follows:]

926

927 *****COMMITTEE INSERT*****

928

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929 *Mr. Bilirakis. Thank you, Commissioner. Now I will
930 begin the questioning, so I will recognize myself for five
931 minutes.

932 Chair Hoehn-Saric, I am sorry if I mispronounced. Thank
933 you again for being here before us.

934 The Commission's inspector general does great work. I
935 believe you could better utilize appropriated funds by
936 following recommendations the IG provides in recent reports
937 sent to Congress. Are you familiar with the fiscal year 2023
938 financial statement audit?

939 *Mr. Hoehn-Saric. I am.

940 *Mr. Bilirakis. Okay, thank you. In that report
941 outside independent auditors identified many troubling
942 findings. This report painted a picture of lost money,
943 missed deadlines, and other troubling issues.

944 I am also aware that a FSMA assessment from fiscal year
945 2023 found that the Commission failed to meet deadlines for
946 IT security improvements. It certainly seems that you might
947 be able to have more funds on hand if there was a better
948 handle on the use of taxpayer dollars. Are you, as the
949 chair, giving the IG all the cooperation he requires to

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950 identify and reduce waste at the Commission, sir?

951 *Mr. Hoehn-Saric. Yes, sir, we are. We are working
952 with the IG. I think he is doing important work.

953 I would note with our financial statement there was no
954 allegations of waste, fraud, and abuse. It was a focus on
955 depreciations and accruals, which was -- we changed auditors
956 and they had a different perspective than our prior auditor.
957 But that actually has no effect on the budget side of things
958 with -- for the Federal Government, because we don't deal
959 with accruals and depreciation like a private-sector company
960 does.

961 With respect to the IG, I know that he is looking to
962 hire. We are supporting that. And actually, in our fiscal
963 year 2025 budget we have allocated an increase of 3 people
964 for his offices. So I think the -- an increase in our
965 funding would go across the agency to include the IG, as
966 well.

967 *Mr. Bilirakis. I want to discuss the cost of the
968 Commission's real estate next. I know CPSC has continued to
969 authorize staff to work from home in a hybrid manner multiple
970 days a week. While I think it is important for staff to be

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971 in the building most of all -- in my opinion they should be
972 in the building most days, anyway -- I am open to remote
973 flexibilities, as I said, if it does not negatively impact
974 productivity and could save taxpayer money.

975 In fact, the Commission's fiscal year 2023 capital plan
976 called for returning just over half of the current office
977 space to GSA, which could have resulted in a projected
978 savings of \$2.4 million, taxpayer dollars. However, in the
979 fiscal year 2024 capital plan, that number shrunk to
980 returning only 12 percent of the space, and without a cost
981 saving estimate, notably absent from the fiscal year 2024
982 plan.

983 So the chair -- I ask the chair again, can you tell us
984 why that number shrank from the previous year?

985 And also, can you tell us what current occupancy
986 utilization rate -- what it is, the current rate, please?

987 *Mr. Hoehn-Saric. Sure. We are returning about 15,000
988 square feet to the process, which will result in savings for
989 the agency. The analysis was done consistent with GAO's
990 analysis of how many square feet are appropriate per
991 employee. That will take us to the GSA's criteria. In that

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992 we are working consistently -- we are open to looking at more
993 ways to be able to examine whether there is additional space
994 that we can give back.

995 There are complications always with that, both in terms
996 of the labs that we have -- we need those labs, and we -- and
997 it is not a matter of giving space back in those labs. With
998 respect to things like -- you know, it has been suggested
999 that we give up conference rooms. Unfortunately, we can't
1000 give up individual conference rooms within our building
1001 because you can't rent out space within the middle. So
1002 suggestions like those, obviously, we can't look at. But
1003 overall, we are looking to squeeze wherever we can. And that
1004 is a process that takes months on end working with GSA to
1005 return those properties.

1006 So we will look to see if there are other ways to get an
1007 extra dollar out, but we can only do what we can do.

1008 *Mr. Bilirakis. I encourage you to do so, obviously.

1009 In my opening -- I guess I have got to yield back. I
1010 will submit the questions; I want to be fair to everyone.

1011 [The information follows:]

1012

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1013 *****COMMITTEE INSERT*****

1014

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1015 *Mr. Bilirakis. So I will recognize the ranking member
1016 of the subcommittee Ms. Schakowsky, for her five minutes of
1017 questioning.

1018 *Ms. Schakowsky. Thank you, Mr. Chairman. I have some
1019 things I want to talk to you about.

1020 The CPSC is already one of the very smallest agencies
1021 right now in government. But I have to say that your work is
1022 probably closest to home. I am talking about every --
1023 individual homes of Americans across the country, and that
1024 families are participants in what you do. I have worked with
1025 so many families whose children have been harmed and come to
1026 you, and you want to be there. All of you want to be there
1027 for them. And I just feel like such a small agency, where
1028 you have about 500 employees and -- what is that? How
1029 many --

1030 *Mr. Hoehn-Saric. We are at about --

1031 *Ms. Schakowsky. Is that five million that you have to
1032 take care of? So I am a little offended by the idea that we
1033 are picking at an agency that does so much for so many and
1034 that, you know, we have to look at whether or not we have to
1035 get rid of rooms, et cetera. I believe in efficiency. There

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1036 is no question about it.

1037 But I wanted again to say what are some of the things
1038 that people will really feel if the budget is cut?

1039 *Mr. Hoehn-Saric. Thank you for the question. If the
1040 budget is cut, like has been suggested by House
1041 Appropriations, it will result in fewer people. Already we
1042 are down about 35 people from our high. That means there are
1043 going to be less people at the ports, which means that there
1044 is going to be more dangerous products coming into the
1045 country. That means there is going to be less people working
1046 in compliance, which means that there will probably be fewer
1047 recalls and less people to go after the bad actors who are
1048 out there. There are going to be less people who are going
1049 to be at the labs, who are going to be looking at the dangers
1050 that the people on the committee have spoken about. There is
1051 going to be less people on our communications side so we
1052 aren't going to be getting out the message about drowning
1053 prevention, about how to protect people from carbon monoxide
1054 poisoning following hurricanes.

1055 All in all, across the board, we are going to see less
1056 work, more dangers for American consumers.

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1057 *Ms. Schakowsky. So you mentioned the ports but also
1058 online marketplaces. Could you use more funding, and more
1059 tools, and maybe more authorities in order to make sure that
1060 you can find those products that come from overseas, China,
1061 et cetera?

1062 *Mr. Hoehn-Saric. More and more, the products that
1063 consumers are buying are being bought through e-commerce, and
1064 it has become a tremendous issue both in terms of our ability
1065 to go after the manufacturers when there is a problem -- too
1066 often we will reach out to a company that has manufactured a
1067 defective product that is overseas in China or other places,
1068 and they simply won't respond to us. And so at that point in
1069 time we are left not being able to do more than give a
1070 warning, and the consumers are left with a dangerous product
1071 in their home. Those products really are going through these
1072 e-commerce platforms, which should be doing more to be able
1073 to vet the products that are being offered on their sites and
1074 to be able to give recourse to consumers.

1075 Similarly, the number of products that are coming in is
1076 just growing, and we only have a limited number of people at
1077 the ports. So for us, it is -- the money is necessary to do

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1078 that enforcement and to do the -- stopping the products at
1079 the ports.

1080 *Ms. Schakowsky. I just have a couple of seconds. I
1081 just wondered what -- you have done a lot on the issue of
1082 protecting kids from sleepers, et cetera. I just wanted to
1083 thank you for that. I see that I am out of time.

1084 Oh, no, I guess I am not.

1085 *Mr. Bilirakis. You still have a little bit.

1086 *Ms. Schakowsky. I am sorry?

1087 *Mr. Bilirakis. You have another -- almost a minute.

1088 *Ms. Schakowsky. Okay. Yes, if you could, talk a
1089 little bit more and enlighten us on the work that you have
1090 been doing on the important work on children.

1091 *Mr. Hoehn-Saric. So we have been very active
1092 protecting children. We have a number of rulemakings that
1093 are actually open at this point in time. We did a rule
1094 proposal to make nursing pillows safer, we did rule proposals
1095 to make infant cushions safer. Those are near the end of the
1096 process, and I would predict that the staff would likely send
1097 a final rule proposal up to us.

1098 We have done a tremendous amount implementing the Safe

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1099 Sleep for Babies Act that you all passed and have directed
1100 us. And at this point in time, for us, it is an enforcement
1101 mechanism -- enforcement for us which we are dedicating
1102 resources to, and making sure the law that you passed is
1103 being put into operation.

1104 *Ms. Schakowsky. It is great work. We are happy to
1105 partner with you on that in the -- from the -- our
1106 subcommittee.

1107 Thank you very much. I yield back.

1108 *Mr. Bilirakis. The gentlelady yields back. I now
1109 recognize the chair of the full committee, Mrs. Rodgers, for
1110 her five minutes of questioning.

1111 *The Chair. Thank you, Mr. Chairman.

1112 *Mr. Bilirakis. Yes.

1113 *The Chair. Chair Hoehn-Saric, thank you and your
1114 fellow commissioners for being here today and for what your
1115 career staff do to protect children, all of you.

1116 As chair, do you believe you have a firm grasp on
1117 directing the agenda of the Commission and managing the
1118 current resources allocated to the CPSC?

1119 *Mr. Hoehn-Saric. I have a good grasp of what is going

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1120 on. The direction of the agency as a whole is done through
1121 the level of the Commission. The operations is my
1122 responsibility, as manager.

1123 *The Chair. Are there any areas where you think the
1124 CPSC could save money with acting with more consensus, such
1125 as with five-to-zero votes, allow the Commission to operate
1126 more efficiently?

1127 *Mr. Hoehn-Saric. We always try to get to consensus on
1128 our actions. I think our most recent operating plan was
1129 generally supported by the -- all the commissioners, so that
1130 is an opportunity that we do every year to do an operating
1131 plan so that everybody's thoughts can be put forward, and we
1132 can give a general direction to the staff as to what is the
1133 highest priorities.

1134 *The Chair. Okay. Wouldn't such consensus result in
1135 savings on potential litigation costs for the CPSC if
1136 rulemakings are conducted in a manner that does not invite
1137 successful legal challenge?

1138 *Mr. Hoehn-Saric. Unfortunately, I found that,
1139 regardless of what we do, we tend to be sued. So any time we
1140 do a rule, any time we do most actions, we end up in court,

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1141 which is unfortunate but sometimes inevitable.

1142 *The Chair. Okay. In the post-Chevron world Federal
1143 agencies are limited to the plain meaning of statutes. To
1144 me, that means no personnel time should be spent on
1145 developing novel legal theories to expand their regulatory
1146 authority. Is this an opportunity for the CPSC to rethink
1147 how you are using limited resources?

1148 *Mr. Hoehn-Saric. I think, as a general matter, the
1149 CPSC has been conservative in its approach to be able to look
1150 at the plain reading of the statutes that Congress has
1151 provided to us.

1152 I understand the Supreme Court's recent decision, and I
1153 think that will also inform us going forward to make sure
1154 that we are looking at what the plain reading of the language
1155 is.

1156 *The Chair. Thank you. In the case of outside
1157 contractors used by the CPSC, are there -- are those all done
1158 through a bidding process?

1159 *Mr. Hoehn-Saric. We do it with consistent with the
1160 FAR's requirements. Some are a bidding process, some of them
1161 are single source.

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1162 *The Chair. It is my understanding that the Commission
1163 has engaged in multiple no-bid contracts totaling around \$4
1164 million. The no-bid contracts I am -- that I am aware of
1165 have all been awarded to just one individual. Are you aware
1166 of that?

1167 *Mr. Hoehn-Saric. I believe you are talking about the
1168 Boise State contract, yes.

1169 *The Chair. Commissioner Feldman, thank you for your
1170 long service at the CPSC. As I mentioned, I appreciate the
1171 work of the chair and the commitment he has shown to improve
1172 the condition of this agency. With any government agency,
1173 there is always areas for improvement. Given my line of
1174 questioning, where do you see improvements in cost savings
1175 and consensus building at the Commission?

1176 *Mr. Feldman. Chair Rodgers, thank you for the
1177 question.

1178 In terms of consensus building, I appreciate your
1179 recognition of the progress we have made. We don't agree on
1180 everything, but the vast majority of the agency's important
1181 safety work is agreed to unanimously.

1182 You asked about cost savings. A significant portion of

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1183 the agency's budget is directed at salaries and expenses.
1184 The Biden Administration's mandated five percent salary
1185 increase puts significant strain on our operational budget.
1186 I am not proposing salary cuts or a reduction in force. In
1187 fact, I want to protect the critical hires that we made to
1188 strengthen our import, surveillance, and compliance teams.
1189 But we find ourselves in a particularly lean posture.

1190 *The Chair. Okay, thank you. We certainly understand
1191 this all has to be a two-way street. I am pleased that we
1192 have a five-member Commission, and that you all are here
1193 today answering these questions, and look forward to
1194 continuing to work with you.

1195 I yield back.

1196 *Mr. Bilirakis. I thank the chair and now recognize the
1197 ranking member for his five minutes of questioning.

1198 *Mr. Pallone. Thank you, Mr. Chairman.

1199 This Congress this subcommittee has advanced legislation
1200 requiring, as was mentioned before -- I think the chairman
1201 mentioned it -- that -- requiring the CPSC to take action to
1202 address hazards caused by lithium ion batteries, motorized
1203 retractable awnings, high concentration sodium nitrate in

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1204 pools and spas. And I have every confidence in your ability
1205 to implement these pieces of legislation and keep our
1206 children and their families safe.

1207 However, as I mentioned in my opening, adequate funding
1208 is critical to make these goals a reality, yet Congress keeps
1209 asking you to do more with less. And when House Republicans
1210 threaten to make cuts to CPSC's budget, they are putting --
1211 or they have the potential of putting children's lives in
1212 danger, and corporate profits over the safety of their
1213 constituents.

1214 But I am particularly concerned about stifling the
1215 CPSC's ongoing efforts on water beads, as I mentioned before,
1216 which poses a known and active threat to young children. So
1217 I wanted to ask the chair, can you provide an update on the
1218 steps the CPSC is taking to address the risks posed to young
1219 children by water beads?

1220 And how would clear direction from Congress and full
1221 funding for the agencies accelerate your actions and get
1222 these dangerous products out of the hands of young children
1223 as soon as possible?

1224 And, you know, I -- of course, a large part of why I am

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1225 aware of this is because of what you have already done. But
1226 if you would, just give us an update.

1227 *Mr. Hoehn-Saric. Ranking Member, as you have stated in
1228 your opening, we have an active education campaign out to
1229 consumers about the dangers associated with water beads.
1230 There was a recall, and we have warned about other water bead
1231 products that have high levels of acrylamide, which could be
1232 harmful to children if swallowed.

1233 So in addition to that we have in our work plan to be
1234 able to put out a notice of proposed rulemaking to regulate
1235 water beads, as well. You know, clearly, this is -- even
1236 with our education campaign, there is dangers out there.
1237 There was an article just the other day about a daycare
1238 center in which multiple children ended up swallowing water
1239 beads. One of them, one of the people, is -- was in critical
1240 condition, and two others were in the emergency room and
1241 getting medical treatment as a result.

1242 So we are moving forward, but our rules take a long
1243 time. Action by Congress could speed through all of that and
1244 get a clear -- and as, you know, the chair had said, we often
1245 get sued. You provide clarity to the marketplace, and you

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1246 can do it quickly through a law.

1247 *Mr. Pallone. Well, thank you.

1248 And the next question I had, Mr. Chairman, was about --
1249 was brought up in part by Ranking Member Schakowsky. As part
1250 of the American Rescue Plan the CPSC was given funds to
1251 strengthen port surveillance and enforcement for the massive
1252 influx of e-commerce shipments into the U.S., and we know
1253 that the e-commerce marketplace is growing, and more consumer
1254 products are being shipped from foreign countries to American
1255 consumers.

1256 So when do you expect the additional funds included in
1257 this American Rescue Plan law to run out?

1258 And what would be the impact on port surveillance and e-
1259 commerce enforcement if additional funds are not
1260 appropriated?

1261 I know that Ms. Schakowsky mentioned this, but I just
1262 wanted you to dwell -- you know, a little more detail.

1263 *Mr. Hoehn-Saric. Well, we anticipate the ARPA funds to
1264 run out at the beginning of next year. Currently, we have 17
1265 port staff who are funded through the ARPA funds. We would
1266 have to figure out either -- how to incorporate them in. But

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1267 given the cut that the House is talking about, that would
1268 just be devastating for the agency.

1269 *Mr. Pallone. All right, let me just ask you one more
1270 thing here. Could you just describe the challenges that the
1271 agency faces when attempting to hold online marketplaces and
1272 businesses accountable, and what more Congress can do to help
1273 in that regard?

1274 *Mr. Hoehn-Saric. So we often have trouble getting a
1275 hold of the companies that are selling through these online
1276 marketplaces if they are based overseas. And honestly, if
1277 they are just based overseas, there is not a whole lot that
1278 we can do about them. They often disappear, and we can't
1279 push for a recall, we can just push for warnings.

1280 Really, the question is for consumers, when they are
1281 shopping online, they expect the same level of service and
1282 protection that they get at the corner market, and they
1283 should get that. So, you know, having, you know, a
1284 reaffirmation of our authority with respect to online
1285 marketplaces -- and honestly, online marketplaces really are
1286 in the best position to do even more to be able to vet their
1287 manufacturers, vet the products on there and make sure they

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1288 are safe before they are offered to consumers.

1289 And honestly, in addition to that, the legislation that
1290 Mr. Schakowsky has is a critical part of that. We have a cap
1291 of \$17 million for civil penalties. And when you talk about
1292 large companies, whether they are online platforms or others,
1293 they may have market caps of hundreds of billions or
1294 trillions of dollars. Seventeen million is a cost of doing
1295 business, it is not a deterrent.

1296 *Mr. Pallone. All right, thank you.

1297 Thank you, Mr. Chairman.

1298 *Mr. Bilirakis. I appreciate it. The gentleman yields
1299 back. Now I recognize the gentleman from South Carolina, Mr.
1300 Duncan, for his five minutes of questioning.

1301 *Mr. Duncan. Thank you, Mr. Chairman.

1302 Commissioners, thanks for joining us. Today will be the
1303 good, the bad, and the ugly.

1304 First I would like to commend you for considering the
1305 new standard for portable generators. This new standard
1306 would require the installation of technology to lower
1307 emissions of harmful carbon monoxide. Sadly, we have seen
1308 some recent deaths in Texas and Louisiana resulting from

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1309 harmful emissions of carbon dioxide from some of these
1310 generators. These deaths are entirely preventable. The
1311 proposed CPSC rule will save lives since it would apply to
1312 all companies that make or sell portable generators in the
1313 U.S. I hope the CPSC will move as fast as possible to issue
1314 this proposed regulation.

1315 I would be interested in the timeline for when that
1316 would be issued, Mr. Chairman.

1317 *Mr. Hoehn-Saric. At this point in time we have to
1318 provide data on the underlying injuries that, unfortunately,
1319 because of the large number of injuries and incidents that
1320 you are pointing out, is taking us some time. It is probably
1321 more likely to be in the coming year, as opposed to the
1322 current year.

1323 *Mr. Duncan. All right. Unfortunately, I have to
1324 contrast the good rule that you guys hopefully will roll out
1325 with the awful rule on table saws, a rule which kills the
1326 table saw industry in my district by mandating the entire
1327 industry add patented technology at great cost to the benefit
1328 of a single individual. It is simply unacceptable and
1329 unconstitutional, and that is why I am a proud cosponsor and

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1330 lead Republican on H.R. 8181, the bipartisan legislation
1331 introduced by our Democrat colleague, Ms. Perez, that would
1332 overturn this rule. I am glad that the Appropriations
1333 Committee has also included language in this year's bill that
1334 would eliminate the funding for this rule, and I hope that
1335 you will note the bipartisan nature of our opposition to your
1336 work.

1337 I would also note that the same FSGG bill also precludes
1338 your work on the ill-formed -- ill-informed rule on off-road
1339 vehicles, which are also made in South Carolina. Part of
1340 what makes the portable generator rule workable is its
1341 reliance on the UL voluntary standard. It is precisely what
1342 is wrong with these other two rules. Rather than allow
1343 industry to serve customers with what works, you are trying
1344 to overrule them in ways that simply aren't common sense.

1345 Commissioner Feldman, I noticed you dissented and
1346 provided an extensive statement on the table saw matter. Can
1347 you talk about that?

1348 *Mr. Feldman. Mr. Duncan, I appreciate the question
1349 because I am opposed to this rule as currently drafted. I am
1350 concerned that it would add significant cost to the table

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1351 saws that contractors and hobbyists use every day, without
1352 offering much in the way of additional safety. This isn't a
1353 hidden hazard. The rule would raise significant competition
1354 concerns, and threatens to concentrate market power in a way
1355 that I believe would be highly problematic.

1356 Monopolies are bad, government-sanctioned monopolies are
1357 worse, and SawStop's pledge to dedicate just 1 of its over
1358 140 patents was a stunt. The patent isn't even the patent it
1359 is asserting to keep competitors out of the marketplace. But
1360 as currently drafted, and given SawStop's continued
1361 litigiousness, I am not aware that staff has identified a
1362 path forward on this rule.

1363 At the same time, I am not sure that there is a majority
1364 to remove it from our agenda, so I do worry that the
1365 Commission could move to finalize this rule absent clear
1366 direction from Congress to the contrary.

1367 *Mr. Duncan. Yes, thank you for that. All right. So
1368 we have had the good and the bad. Let's bring us to
1369 Commissioner Trumka.

1370 You have a history of name-and-shame letters that seek
1371 to bully manufacturers with the air of government authority

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1372 that, let me be clear here, is completely illegitimate.

1373 Meanwhile, you famously decline meetings with manufacturers

1374 you seek to regulate. You aren't seeking consumer safety,

1375 you are just trying to bully American companies which you

1376 don't like.

1377 The rulemaking process requires consensus among the

1378 Commission and allows fairness. Recently, Commissioner

1379 Trumka was allowed to work independently outside the

1380 rulemaking process, and was successful in shutting down sales

1381 of a category of products from being sold at major retailers.

1382 He even used CPSC stationery to do so.

1383 Mr. Chairman, I would like to enter into the record a

1384 copy of the letter that he sent on CPSC stationery.

1385 *Mr. Bilirakis. Without objection, so ordered.

1386 [The information follows:]

1387

1388 *****COMMITTEE INSERT*****

1389

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1390 *Mr. Duncan. Thank you.

1391 Leading some to believe that this was a communication
1392 from the full Commission, this decision was based on
1393 insufficient data and no formal definition of this category
1394 of products. This sets the wrong precedence for CPSC against
1395 industry, rendering industry's efforts to conduct studies,
1396 share data, and work through the processes rather pointless.

1397 So Mr. Chairman, how can a single commissioner be
1398 allowed to effectively induce a ban of product category or a
1399 ban of a product category without any due process or a
1400 Commission vote?

1401 *Mr. Hoehn-Saric. So as you noted, this is not an
1402 action of the whole Commission. Each commissioner has the
1403 ability to go and speak their minds and preferences.

1404 I have made sure and asked that commissioners be clear
1405 about when they are speaking for themselves, as opposed to
1406 when they are speaking for the Commission, and to put that in
1407 the writings going forward. But at that point I am sure you
1408 wouldn't want me to tell my, you know, Republican colleagues
1409 to be quiet and not talk. Each commissioner has the ability
1410 to go out and state their preferences. It is important,

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1411 though, for them to -- for people to understand when they are
1412 speaking --

1413 *Mr. Duncan. Yes, but the way it comes across as
1414 bullying, and it comes across to the industry that it might
1415 be an official position of the CPSC.

1416 Commissioner Trumka took several meetings with consumer
1417 advocates. However, he does not respond to industry meeting
1418 requests. CPSC is a regulator, not a consumer advocacy
1419 organization. How can a commissioner do his or her job
1420 without meeting with all the stakeholders? Is that the
1421 common practice at CPSC?

1422 *Mr. Trumka. Sir, I appreciate the question. I accept
1423 information from all sources. I think it is valuable to do
1424 so. I have sometimes declined meeting requests with
1425 regulated entities when we have an open agency action, but I
1426 am always willing to accept written information, and I --

1427 *Mr. Duncan. That is not what I have been told, but I
1428 will take your word at it.

1429 You are also known not to announce meetings on the
1430 public calendar in a timely manner or on time. How can
1431 industry rely on CPSC to be fair to all parties when such

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1432 basic steps to encourage inclusivity from all stakeholders
1433 are repeatedly, intentionally ignored?

1434 *Mr. Trumka. I --

1435 *Mr. Bilirakis. I will allow the gentleman to respond,
1436 but quickly.

1437 *Mr. Duncan. Thank you --

1438 *Mr. Trumka. I post all of my meetings publicly and
1439 timely. They are available on the CPSC's website. Thank
1440 you.

1441 *Mr. Duncan. Yes, thank you.

1442 *Mr. Bilirakis. Thank you, the gentleman yields back.
1443 Now I will recognize Mr. Soto from the great State of Florida
1444 for his five minutes of questioning.

1445 *Mr. Soto. Thank you so much, Mr. Chairman, and thank
1446 you to all our commissioners on the Consumer Product Safety
1447 Commission for the work you do to protect families.

1448 You know, in my district the median age is 34, so a lot
1449 of young families with children. And when you look at all
1450 these laws that we passed just recently about cribs and
1451 dressers, pools, batteries, exercise bikes, awnings -- right?
1452 Who would have thought awnings, right? And particularly the

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1453 Virginia Graham Pool Safety Grant program is important for
1454 Florida. I have spoken to many firefighters and EMTs who,
1455 unfortunately, even in two or three feet of water, a child
1456 who couldn't swim, the pool wasn't secured, and we lost them.

1457 Chair Hoehn-Saric, first, welcome back to the committee.
1458 Thank you for your service. You know all the ins and outs of
1459 the committee. We just passed out of the House the Consumer
1460 Safety Technology Act. It allows for your Commission to use
1461 AI to track reports of fraud or injury or other things. How
1462 important is the use of AI becoming in the work that the
1463 Consumer Product Safety Commission is doing?

1464 And how important is funding to make those efforts go
1465 forward?

1466 *Mr. Hoehn-Saric. Thank you for the question. I think
1467 AI is incredibly important, both from the internal side for
1468 the agency to use it and to be able to sort through the
1469 terabytes of data that we are getting in from various
1470 sources. It is impossible for any individual to be able to
1471 go through that. You need a system to be able to look
1472 through that, through artificial intelligence or machine
1473 learning, to be able to cull out the future hazard patterns

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1474 and to make sure that we are on top of things and being able
1475 to go forward.

1476 AI is also incredibly important on the product side of
1477 things in making sure that we are able to spot the problems
1478 in potential products out there. Both of those take a
1479 tremendous amount of resources, and we currently don't even
1480 have a data -- a computer scientist who is focused on looking
1481 at the outside. So I would love to be able to expand our
1482 expertise, but we just don't have the money to do that.

1483 *Mr. Soto. Thank you.

1484 Commissioner Trumka, thanks for you and your family's
1485 long history of protecting workers. You know, over the past
1486 couple of years we saw a -- one of the largest culture wars
1487 ignited over one comment you made about gas stove safety,
1488 which was just talking about how you want to keep families
1489 safe. I have never seen an overreaction more than what
1490 happened because of that comment in the years I have been
1491 here. But since there is no actual ban being contemplated, I
1492 would love to give you the opportunity to talk about all the
1493 other things you are working on, and how important funding is
1494 for consumer safety.

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1495 You had mentioned 30, 40, 20 people each day passing
1496 away due to faulty products. What is the biggest priority we
1497 could help you, funding wise, to lower those numbers?

1498 *Mr. Trumka. Well, I really appreciate that. You know,
1499 I think, as we looked at direction from Congress, when you
1500 pass laws like you have been through this committee, being as
1501 clear as you possibly can with what you would like us to do
1502 is incredibly helpful. And giving us APA rulemaking ability
1503 makes it -- allows us to go quicker.

1504 Funding for our people at the ports is something that
1505 has been raised today. We want to make sure we have the same
1506 level of protection at America's ports going forward. And
1507 with the ARPA funds expiring, that is unclear going forward.
1508 So I would appreciate any support you could give us there,
1509 sir.

1510 *Mr. Soto. Well, we are -- you are talking Florida and
1511 you are talking ports here, you are speaking my and the
1512 chairman's language here.

1513 So we got to help with that, Chairman.

1514 And then, Commissioner Boyle, you had mentioned
1515 everything from consensus standards to increasing statutory

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1516 maximums. If the statutory maximums are increased, would
1517 that help with some of the funding for the commission?

1518 *Ms. Boyle. Thank you for the question.

1519 Actually, the answer is no. For our civil penalties it
1520 does go to the U.S. Treasury. I am supporting, though, an
1521 increase in maximums because I think the 17 million -- or a
1522 little bit above 17 million -- is just not a sufficient
1523 deterrent for companies that have revenues in the hundreds of
1524 millions and billions of dollars. And I want -- I think a
1525 higher maximum will incentivize companies to make safety a
1526 top priority.

1527 *Mr. Soto. I could see how it would go back to the
1528 Treasury so we don't create incentives for fines, and that
1529 makes a lot of sense.

1530 For the industry consensus standards process, you
1531 mentioned that industry alone shouldn't be making those
1532 standards. How critical is funding for this consensus
1533 process?

1534 *Ms. Boyle. Again, thank you for that question. I
1535 think it is a really important one because our staff does
1536 engage with all of the industry consensus standards in their

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1537 development, and having their expertise and their voice at
1538 the table is really important. So we have to be funding the
1539 staff to be able to participate in those processes. So I
1540 think it is really important that we have funding to support
1541 that process.

1542 *Mr. Soto. Thanks, I yield back.

1543 *Mr. Bilirakis. Thank you. I thank the gentleman from
1544 Florida. I now recognize the other gentleman from Florida, a
1545 few -- everybody is from Florida today.

1546 And Dr. Dunn, you are recognized for five minutes of
1547 questions.

1548 *Mr. Dunn. Thank you very much, Mr. Chairman, and thank
1549 the commissioners of CPSC for being here.

1550 Commissioners, you represent a large swath of industry:
1551 manufacturing, retail, online marketplaces, home appliances,
1552 and more. According to the Commission, CPSC is recognized as
1553 a global leader in setting consumer product safety standards.
1554 Within the agency you work with foreign, state, and local
1555 governments, as well as, of course, private organizations.

1556 CPSC has been working directly with China since 2004
1557 through communication channels with Chinese Government

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1558 officials. And in 2011 the CPSC established a regional
1559 Product Safety Office in Beijing, your only Foreign office, I
1560 believe. We have done a lot on the Energy and Commerce
1561 Committee, as well as the Select China Committee, where I
1562 also serve to counteract CCP transgressions in trade.

1563 My district includes the panhandle of Florida, including
1564 the port of Panama City, not to mention, of course, other
1565 major ports of Florida like Tampa, Miami, and Jacksonville,
1566 where CPSC oversight of imported products is critical to
1567 national security.

1568 Commissioner Feldman, it is my understanding that during
1569 the pandemic the port inspectors were pulled from their duty
1570 stations by the leadership of CPSC when other port inspectors
1571 remained. Can you describe the impact of that lack of
1572 inspection capacity on consumer products?

1573 *Mr. Feldman. Congressman Dunn, you are correct. At
1574 the beginning of the pandemic the acting chairman withdrew
1575 CPSC port inspectors and kept them home for months on end,
1576 despite the full resumption of trade and our partner agencies
1577 never having abandoned their posts. During this time
1578 screenings dropped to zero, and the acting chairman concealed

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1579 the true extent of our operational readiness from Congress
1580 and the American people. That was wrong, and I blew the
1581 whistle on that mismanagement.

1582 You asked me to describe the impact to consumers. We
1583 can assume that a significant number of violative products
1584 entered the country because we weren't screening for things
1585 like lead and small parts.

1586 *Mr. Dunn. I agree with you. In the interest of time,
1587 you have agreed and I agree.

1588 I will say, Chairman Hoehn-Saric, that the -- you know,
1589 the diminished port inspection capacity was also affected by
1590 the vastly increased e-commerce and de minimis shipping that
1591 transitioned almost immediately in the pandemic, so Americans
1592 moving from brick and mortar to e-commerce, and I am sure
1593 that we saw huge amounts of increased commerce from China,
1594 including the companies like Shien and Temu. So that was, I
1595 think, a problem. We can agree. So thank you.

1596 By the way, Mr. Chairman -- or Madam Chair, I would like
1597 to submit an article for the record entitled, "Hazardous
1598 Goods Found for Sale After Consumer Protection Inspectors
1599 Were Pulled from Ports During COVID.'" I have that article.

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1600 *Mrs. Cammack. [Presiding] Without objection.

1601 *Mr. Dunn. Thank you.

1602 Chair Hoehn-Saric, the CPSC's Statement of Principles
1603 regarding the integrity of U.S. Consumer Product Safety
1604 Commission staff scientific and technical work strategy
1605 states, "The CPSC aims to conduct this work with an integrity
1606 that is beyond reproach because policymakers rely upon this
1607 work to make important decisions and because the public
1608 places its trust in the work of the Commission.'`

1609 Dr. Mannen was the individual the chair referred to
1610 earlier in relation to no bid contracts. Dr. Mannen produced
1611 studies which were not peer reviewed which the agency relied
1612 heavily on as part of its rulemaking and the banning of
1613 products, including infant sleep products, bassinets,
1614 strollers, and more. Court filings show that Dr. Mannen has
1615 also personally been retained by dozens of plaintiff's
1616 attorneys in lawsuits against juvenile products manufacturers
1617 across the country, receiving hundreds of thousands of
1618 dollars based on the work she did for the CPC.

1619 How can we possibly believe that Dr. Mannen's work is
1620 not biased in any manner, based on the millions of taxpayer

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1621 funding that you guys are providing her in no-bid contracts,
1622 and then she turns around and profits a second time selling
1623 her testimony as a CPSC expert despite these non-peer
1624 reviewed studies?

1625 Did she get these no-bid contracts because she is the
1626 only author you could find who agreed with the CPSC's goals,
1627 Chairman?

1628 *Mr. Hoehn-Saric. In order to contract we go through
1629 our FARs process that allows for both bid and single bid
1630 contracts, as well. In this case we can't do testing on
1631 small children safely, so we put out the contracts for
1632 others. And so any time we wanted to have a process, we both
1633 looked for expertise at Boise State, as well as to be able to
1634 look to make sure that any children are actually treated
1635 safely --

1636 *Mr. Dunn. Okay, so in the interest of keeping in my
1637 time limit, I just want to leave you with a question, Mr.
1638 Chairman. Does a non-bid sole source contracting process
1639 strike you as a more likely -- as more likely to produce an
1640 unbiased opinion than the opposite?

1641 *Mr. Hoehn-Saric. I think it really depends. I think

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1642 in this case they were looking to make sure that we are able
1643 to safely test with a --

1644 *Mr. Dunn. I am sure you are glad Congress --

1645 *Mrs. Cammack. Sorry, the --

1646 *Mr. Dunn. -- doesn't operate that way.

1647 *Mrs. Cammack. I am sorry, the gentleman's time has
1648 expired.

1649 *Mr. Dunn. I yield back.

1650 *Mrs. Cammack. The gentleman yields. At this time the
1651 chair will recognize the gentlelady from Illinois, Ms. Kelly.

1652 *Ms. Kelly. Thank you so much, and I would like to
1653 thank the chair and ranking member for hosting this
1654 committee. And thank you to Chair Hoehn-Saric for being here
1655 today, and the CPSC commissioners.

1656 I am a mother and a grandmother, so I know how quickly
1657 children can get a hold of small items like button batteries.
1658 Making simple changes in safety standards for products with
1659 these small batteries will save children's lives. That is
1660 why I was so pleased last Congress when my legislation,
1661 Reese's Law, was signed into law. The bill required the CPSC
1662 to issue safety standards for button and coin cell batteries.

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1663 Reese's Law is now almost fully implemented, with the
1664 labeling requirements being enforced starting in September of
1665 this year.

1666 Mr. Chair, can you provide an update on the enforcement
1667 of Reese's Law? Are companies complying, and have any issues
1668 arisen?

1669 *Mr. Hoehn-Saric. Thank you, Ms. Kelly.

1670 As you said, Reese's Law was such an important piece of
1671 legislation that was passed focused on button cell batteries.
1672 When children swallow button cell batteries, they can eat
1673 through their esophagus, causing lifelong injuries and even
1674 death. So, you know, the 5,000 trips to the emergency room
1675 we see each year, Reese's Law is designed to stop that.

1676 As you were alluding to, portions of the Reese's Law
1677 have gone into effect already. Some went into effect by
1678 operation of law with respect to packaging. And then, with
1679 respect to the compartments that are in there, we are
1680 actively enforcing, we are looking at the marketplace, making
1681 sure that people are complying with the law right now. So we
1682 are in that process.

1683 And then the last part you were talking about with

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1684 respect to labeling will go into effect later on this year.

1685 And then we have just started a new rulemaking to take a
1686 look at toys, and applying what we have learned from Reese's
1687 Law to toys because Reese's Law really focused in on things
1688 like remote controls, and making sure the batteries don't
1689 fall out of those general products.

1690 *Ms. Kelly. And how will the six percent cuts for the
1691 agency's budget impact the enforcement of this bipartisan law
1692 or, really, the other things that you are trying to do?

1693 *Mr. Hoehn-Saric. It will just slow everything down.
1694 It will make it more likely that violative products get into
1695 consumers' homes without people -- without a cop on the beat.
1696 Things just go forward, especially when you start talking
1697 about, you know, e-commerce and overseas manufacturers who
1698 may not be worried about U.S. laws because they are not based
1699 here. So they will be selling through -- directly to
1700 consumers through these platforms, and we won't be there to
1701 stop them, and the platforms themselves won't be responsible.

1702 *Ms. Kelly. Thank you. Now, shifting gears a little
1703 bit, my home is -- my district is home to the Port of
1704 Chicago, generating nearly half a billion dollars in economic

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1705 activity for the region.

1706 The CPSC plays a critical role in port surveillance and
1707 ensuring that imported consumer products are safe. Over the
1708 last few years we have seen a rise in direct-to-consumer
1709 shipments from overseas, presenting challenges to the
1710 surveillance of imports. What challenges do low-value,
1711 direct-to-consumer goods cause for CPSC and port
1712 surveillance?

1713 *Mr. Hoehn-Saric. So products that are shipments under
1714 \$800, so-called de minimis imports, we have seen a tremendous
1715 growth in those. Last year about a billion coming into the
1716 country, rising from half a billion in 2019. These are going
1717 directly to consumers. It is incredibly hard to track.

1718 CPSC is working on an e-filing program to be able to
1719 require importers to be able to provide more data to the
1720 agency, to be able to track and identify even the de minimis
1721 products. But honestly, given the number of them, without
1722 the support at the ports, as you said, and without ways to be
1723 able to put some of the onus on the platforms that were doing
1724 -- that these are being bought through, it is a huge problem.

1725 *Ms. Kelly. I am going to thank you for your response.

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1726 I know you don't want to see any funding cuts, because that
1727 will definitely affect the agency. But other than more
1728 funding, which you have made clear is needed, what can
1729 Congress do to ensure you have the tools to enforce safety
1730 standards on import products?

1731 *Mr. Hoehn-Saric. So I think what you see now for most
1732 import products, you are seeing a lot of the e-commerce going
1733 through the platforms they are being sold through. So I
1734 think it is a combination. We have talked about increasing
1735 their civil penalties, but it is also making sure that those
1736 platforms are taking responsibility for the products that are
1737 being offered on their sites. I think there should be
1738 burdens upon them to be able to make sure the products that
1739 they are selling are meeting mandatory standards and are safe
1740 for consumers. That is something that Congress could step in
1741 and do.

1742 Also, making sure that, no matter where consumers are
1743 going, they have uniform safety protections across the board.

1744 *Ms. Kelly. Thank you so much. Thank you to all of
1745 you.

1746 And I yield back.

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1747 *Mrs. Cammack. The gentlelady yields back. At this
1748 time I recognize the distinguished Hoosier from Indiana,
1749 Representative Bucshon.

1750 *Mr. Bucshon. When she said distinguished, you all
1751 looked that way, you didn't look at me.

1752 [Laughter.]

1753 *Mr. Bucshon. I don't know if you are trying to tell me
1754 something or what.

1755 Thank you to Chair Bilirakis, who is sitting next to me,
1756 for calling today's hearing.

1757 The Consumer Product Safety Commission is clearly tasked
1758 with helping every Hoosier be safe, ranging from flammable
1759 furniture to durability of helmets. It is very much
1760 appreciated. Much has changed since 2019, and the e-
1761 commerce, of course, has picked up. And I want to follow
1762 along that line of questioning. And I will ask the chair.

1763 What does the CPSC do -- and maybe this has been asked,
1764 but -- in cases where a third party seller disappears from
1765 the marketplace once product recall has been issued?

1766 *Mr. Hoehn-Saric. So if we find a defective product and
1767 it is a third party seller that is overseas, we will reach

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1768 out. We will try and do a recall, but often times they will
1769 just disappear --

1770 *Mr. Bucshon. Yes.

1771 *Mr. Hoehn-Saric. -- at which point in time we will go
1772 and we will put a warning out, and we will ask the platform
1773 to take down the listing.

1774 But unfortunately, we -- there was a case of a bounce
1775 house with a tube that strangled a child. We asked that that
1776 listing get pulled down. Another week later that same
1777 listing was up under different manufacturer's name. We play
1778 a game of Whac-A-Mole in those cases.

1779 *Mr. Bucshon. Yes, not much you can do, I guess, when
1780 it is overseas. It is a struggle, I understand, but continue
1781 doing that work because, you know, the vast majority of
1782 Americans, including myself, order things online almost on a
1783 daily basis, and that is really important.

1784 I have also long been an advocate of increasing safety
1785 on various all-terrain vehicles after one of my constituents
1786 died in an accident years ago -- she happened to be a grade
1787 school child. Now Congresswoman Erin Houchin and I, when she
1788 was a state senator, after that tragic situation, were able

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1789 to in -- at least in Indiana -- put a helmet law in place for
1790 children on ATVs. A helmet on this person would have saved
1791 -- probably saved her life. For children, we put that in for
1792 children who are under -- I think it was under the age of 16
1793 and under.

1794 But I also realize these vehicles are not -- are used
1795 not only recreationally, but by police, fire, EMS, Forest
1796 Service, many other government services. And I understand
1797 the ATV industry has put in place revised safety standards to
1798 address hazards involving degree penetration, and that CPSC
1799 staff participated in the development process, but that the
1800 CPSC has a proposed rulemaking on the same subject that was
1801 -- it seems unworkable for the industry.

1802 Again Chair, if this rule is finalized, will CPSC commit
1803 today to working with ATV manufacturers to ensure that they
1804 have sufficient time to produce and distribute compliant
1805 vehicles?

1806 *Mr. Hoehn-Saric. Yes. To the extent we are finalized,
1807 we will take in all stakeholder input and figure out a
1808 timeframe that is appropriate. Staff will send it out, and
1809 the Commission --

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1810 *Mr. Bucshon. Yes.

1811 *Mr. Hoehn-Saric. -- will review that.

1812 *Mr. Bucshon. Yes. Because again, you know, it is not
1813 only used recreationally, but it will affect police, fire,
1814 and other people. And again, I have been a long-term
1815 advocate for safety in this space. This was just one of my
1816 constituents that was killed. And over the years there has
1817 been others.

1818 And look, people make choices, but at least they need to
1819 make informed choices. And that is kind of probably where
1820 you all come in.

1821 With that I don't have any other questions. I yield
1822 back.

1823 *Mrs. Cammack. The gentleman yields back. The
1824 distinguished lady from the Empire State, Ms. Clarke, is
1825 recognized.

1826 *Ms. Clarke. Thank you very much, Madam Chair, and I
1827 thank our Ranking Member Schakowsky for holding this very
1828 important hearing today. I also want to thank all of our
1829 commissioners for being here to testify.

1830 And let me also thank our commissioners, led by Chair

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1831 Hoehn-Saric, for important work, the important work that you
1832 all do to protect the American consumers' safety from
1833 defective and dangerous products.

1834 A modern, increasingly complex economy like ours can be
1835 a marvel of productivity, producing new technological
1836 advances and products that make the lives of everyday
1837 citizens easier, and that innovative spirit must be
1838 protected. At the same time, we must embrace realities of
1839 the 21st century environment we live in. And the current
1840 budget proposed for CPSC certainly does not recognize that
1841 reality, as the proposed six percent cut would be disastrous
1842 for the Commission and consumers alike.

1843 Unfortunately, our increasingly digital lives can create
1844 openings for bad actors to operate with impunity, and the
1845 CPSC stands as our vanguard against that kind of behavior. A
1846 significant cut of this nature would necessitate significant
1847 staffing cuts to the CPSC at a time when e-commerce is
1848 flourishing, is growing exponentially, making it easier than
1849 ever for bad and negligent actors to flood our markets with
1850 defective products in pursuit of a quick buck, and this can
1851 have major consequences for millions of people.

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1852 For example, in New York City e-mobility solutions like
1853 e-bikes and scooters fuel a robust food delivery industry,
1854 and are becoming increasingly popular alternatives to
1855 automobile traffic, something that should be viewed as a
1856 positive development in our efforts to reduce carbon
1857 emissions. Unfortunately, due to a flood of faulty lithium
1858 ion batteries, New York City has seen a significant uptick in
1859 fire as a result of these batteries.

1860 I was proud to partner with Congressman Ritchie Torres
1861 and a bipartisan group of New York Members on H.R. 1797, the
1862 Setting Consumer Standards for Lithium Ion Batteries Act,
1863 which would address these faulty batteries and codify common-
1864 sense standards. And while that legislation has moved
1865 through this committee and passed the House, it is
1866 unfortunately stalled in the Senate as of now.

1867 Chair Hoehn-Saric, can you speak to how H.R. 1797 would
1868 help to combat this spate of fires in New York and other
1869 jurisdictions across the country?

1870 And could you also speak more broadly to the challenges
1871 posed by the rising utilization of e-commerce platforms, and
1872 how the proposed budget cuts might exacerbate those

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1873 challenges?

1874 And other commissioners are invited to chime in, as
1875 well.

1876 *Mr. Hoehn-Saric. Thank you for the question.

1877 The legislation that you put forward is extremely
1878 important. It would cut through the lengthy process that we
1879 often have to go through when we are regulating under our
1880 organic statute. As you pointed out, we have seen nearly 300
1881 fires in the last 3 years associated with lithium ion
1882 batteries. And while it hasn't had a dramatic impact on New
1883 York, it has hit 40 other -- 40 states. So it is not just a
1884 New York problem, it is one we are seeing across the country,
1885 as well.

1886 And your legislation would be able to speed the process
1887 to getting safe laws because, as you said, a lot of the
1888 batteries that we are seeing are cheaply-made knock-offs from
1889 overseas coming in from countries like China. And when those
1890 are put with a bike that is a good bike, it can result in
1891 fires.

1892 Generally speaking, as you said asking about the cuts,
1893 the cuts will dramatically impact us and be -- and as we are

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1894 looking at the e-commerce side of things, making sure that we
1895 are able to stop those imports coming into the country, it
1896 will become so much harder with fewer people at the ports,
1897 fewer compliance officers, fewer ways to be able to stop the
1898 import of those bad products.

1899 *Ms. Clarke. Just in closing, because I don't have much
1900 time left, I would love to get the rest of your comments.

1901 We have to take a real forward look at where we are in
1902 our civil society with respect to the way we consume goods
1903 and products. And there is no doubt in my mind, just looking
1904 at certain platforms of e-commerce, we don't even know who
1905 these companies are. We are just buying these items only to
1906 find out once we receive them that they can harm us, our
1907 families, our children.

1908 And I think that this committee has a responsibility to
1909 catch up with the times. This is the 21st century. We are
1910 not going back to the way things used to be. We have to look
1911 at how things are and how they will be in the future, and you
1912 are on the front lines of that. So let me thank each and
1913 every one of you for working under such challenging
1914 circumstances. The staffing you need needs to be put in

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1915 place now so that our children and grandchildren are
1916 protected, and they inherit from us a more robust board. And
1917 you are doing the good work.

1918 Thank you, I yield back.

1919 *Mr. Bilirakis. [Presiding] I thank the gentlelady, and
1920 I also want to thank the gentlelady from Florida for filling
1921 in for me, but I didn't want her to get too comfortable.

1922 All right, folks, next we have the gentlelady from
1923 Arizona, Mrs. Lesko, for her five minutes of questioning.

1924 *Mrs. Lesko. Thank you, Mr. Chair.

1925 Commissioner Trumka, you tweeted from your official
1926 account as a CPSC commissioner several statements putting the
1927 safety of gas stoves into question. Do you believe it is
1928 appropriate for a commissioner to do this before the
1929 Commission has made a safety determination?

1930 *Mr. Trumka. Thank you for the question,
1931 Representative.

1932 I do believe it is incumbent to share safety concerns,
1933 as an individual commissioner, when we see them.

1934 *Mrs. Lesko. So even before the Commission made the
1935 determination, you thought it was perfectly fine?

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1936 *Mr. Trumka. Well, I think there is a few different
1937 things. I mean, if you are talking about rulemaking, that is
1938 a process that we go through as a Commission. But sharing
1939 our concerns about individual potential product hazards is
1940 something that commissioners do.

1941 *Mrs. Lesko. Commissioner Trumka, you also tweeted your
1942 support for legislation to ban fossil fuels and phase gas
1943 stoves out of homes. Do you think that is appropriate for a
1944 commissioner?

1945 *Mr. Trumka. I am not sure what you are referring to.
1946 I don't remember doing that.

1947 *Mrs. Lesko. I am going to ask Chair Hoehn-Saric a
1948 question.

1949 Mr. Chair, on March 1, 2023, the Consumer Protection
1950 Safety Commission approved a request for information related
1951 to gas stoves which was characterized as "gas stove hazards
1952 and potential solutions.'" Does the CPSC have any plans to
1953 re-regulate or regulate gas stoves or other gas-fired
1954 appliances?

1955 *Mr. Hoehn-Saric. So there is no plans for any
1956 regulatory rulemaking. Obviously, there is a law that is

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1957 passed.

1958 We do actively look at individual products, and have
1959 conducted at least four recalls of gas stoves where it was
1960 carbon monoxide leaks. So we continue that work, but not
1961 with respect to regulating. We do examine it, we have been
1962 working with voluntary standards committees. I think
1963 industry has recognized the importance of both trying to
1964 measure the fumes coming off of stoves -- and honestly, all
1965 cooking -- and then how to deal with those and whether
1966 ventilation is appropriate.

1967 So the agency continues to work in the voluntary process
1968 and to gather more information about the potential health
1969 issues associated with gas stoves, as we do for all consumer
1970 products.

1971 *Mrs. Lesko. So you currently don't plan to ban gas
1972 stoves, is that correct?

1973 *Mr. Hoehn-Saric. No, Congresswoman, there is no plan
1974 to ban gas stoves.

1975 *Mrs. Lesko. All right, Mr. Chair, when the Consumer
1976 Protection Safety Commission issues RFIs on a product, do
1977 they usually infer that there is an existing hazard requiring

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1978 a solution, or is the RFI process intended to gather
1979 information to inform the Commission as to whether their -- a
1980 hazard even exists?

1981 *Mr. Hoehn-Saric. So usually, if we are going to do an
1982 RFI, there is some indication that there is a reason that
1983 this is an area that the Commission should be looking at.
1984 So, you know, in the case of gas stoves we have been talking
1985 to the industry about fumes coming off of those stoves. So
1986 obviously, that was an area that the Commission was focused
1987 on. Other RFIs have focused on things like specific issues
1988 with bikes and others.

1989 So it is -- we tend to look -- not just throw something
1990 out broadly, but to see if there is a problem, and then
1991 gather information to see whether that -- there are any next
1992 steps or information that can be used either by industry or
1993 by us to be able to improve the safety of products.

1994 *Mrs. Lesko. Regarding this request for information
1995 related to gas stoves, what has the CPSC done with the
1996 information gathered during that process?

1997 *Mr. Hoehn-Saric. So we received over 9,000 comments
1998 from a variety of stakeholders, from academics to industry.

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1999 Those are all public and available for people to take a look
2000 at and to examine and use in the voluntary standards process
2001 as others. Staff is still in the process of reviewing them
2002 at this point in time.

2003 *Mrs. Lesko. So besides reviewing it, does the CPSC
2004 have plans to do anything further with information gathered
2005 via the RFI?

2006 *Mr. Hoehn-Saric. Any next steps generally would be
2007 done through a vote of all the commissioners. At this point
2008 in time there is nothing in our operating plan to move
2009 forward in a regulatory, as in rulemaking, process. Again,
2010 when we deal with individual hazards coming out of, you know,
2011 stoves or any products, we do take action, and we do try and
2012 get products recalled if they are defective or dangerous.

2013 *Mrs. Lesko. Thank you, and I yield back.

2014 *Mr. Bilirakis. I thank the gentlelady. Now I will
2015 recognize Mrs. Trahan for her five minutes of questioning.

2016 *Mrs. Trahan. Thank you, Chair Bilirakis and Ranking
2017 Member Schakowsky, for convening today's hearing. And thank
2018 you to Chair Hoehn-Saric and the other four commissioners for
2019 being here today.

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2020 I deeply appreciate the CPSC's hard work to keep
2021 dangerous and deadly consumer products off the market,
2022 especially everything you have done to protect our children
2023 and our young people. I strongly oppose the devastating cuts
2024 proposed by the Republican appropriators that would cut --
2025 gut the agency's staff and their ability to protect
2026 consumers.

2027 Too many parents and families live through the nightmare
2028 of having their child seriously injured or, even worse,
2029 killed by a dangerous consumer product. And I am sure that
2030 throughout your work as commissioners you have encountered
2031 deadly products that never should have been brought to the
2032 consumer market in the first place.

2033 But possibly the most egregious example is a product
2034 that serves no consumer purpose other than to intentionally
2035 take one's own life. That is the case for high purity sodium
2036 nitrite, which is responsible for the deaths of hundreds of
2037 Americans, with that number tragically climbing.

2038 In low concentrations, sodium nitrite is safely used to
2039 cure meat and fish. But at high concentrations there is no
2040 use for this chemical other than to end one's life, which has

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2041 been promoted and popularized on online suicide forums by
2042 anonymous users, sickeningly guiding vulnerable individuals
2043 to die by suicide. As a parent, it is terrifying to think
2044 that this poison can be ordered by a child online and
2045 inconspicuously arrive on their doorstep, often without our
2046 knowledge.

2047 Now, this committee took strong, unanimous action to ban
2048 high concentration sodium nitrite by passing the Youth
2049 Poisoning Protection Act, which would direct the CPSC to ban
2050 high concentration sodium nitrite. And I am looking forward
2051 to passing that legislation through the Senate and getting it
2052 signed into law.

2053 Chair Hoehn-Saric, how does the CPSC enforce
2054 restrictions on dangerous substances such as sodium nitrite,
2055 particularly dangerous substances that may be ordered online
2056 and shipped directly to consumers?

2057 *Mr. Hoehn-Saric. So we do have an eSAFE team that goes
2058 and monitors marketplaces looking for products that are
2059 violative or that have been banned or recalled. In a case
2060 like this, if we saw anything on there -- first of all, we
2061 would do business education to make sure that people knew

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2062 about the ban that was in place; second, we would be
2063 monitoring the marketplaces. Whenever we saw it, see it we
2064 would reach out to both the platform to make sure that was
2065 taken down, but also -- which is voluntary in their part --
2066 and also to go to the manufacturers to make sure that that is
2067 stopped. If they are overseas, that is a lot harder. If
2068 they are in the U.S., then, of course, we would educate them
2069 on the statute and make sure that that was not for sale.

2070 *Mrs. Trahan. Exactly the watchdogs that we need. I
2071 thank you for that.

2072 I think it is important to remember that high purity
2073 sodium nitrite is safely purchased in bulk by the meat and
2074 fish industries to dilute and use as a preservative, and by
2075 research and education institutions as a chemical reagent.
2076 Of course, the Youth Poisoning Protection Act does not impact
2077 them.

2078 But just so we are clear, Mr. Chairman, how would the
2079 CPSC ensure that restrictions on sales to consumers do not
2080 affect businesses and research institutions that have
2081 legitimate reason to buy high concentration sodium nitrite?

2082 *Mr. Hoehn-Saric. Our purview is consumer products. To

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2083 the extent that there are business-to-business interactions,
2084 anything that is done on a commercial basis, that would be
2085 really beyond us. We will focus, really, on whether or not a
2086 product is being sold to consumers and, you know, stop the --
2087 stop those sales.

2088 *Mrs. Trahan. Thank you.

2089 Finally, does the CPSC need additional resources to
2090 enforce the Youth Poisoning Protection Act when it is signed
2091 into law?

2092 And how would these proposed budget cuts affect that
2093 enforcement?

2094 *Mr. Hoehn-Saric. You know, the -- it has been
2095 estimated, our staff looking at it, that it may cost about \$2
2096 million over 5 years to fully implement. Obviously, any cuts
2097 to our budget are going to impact our ability to both educate
2098 businesses about the ban and also to be able to enforce and
2099 to go online and monitor the marketplaces to make sure that,
2100 as you said, the teenagers, kids out there aren't buying
2101 this. It is just -- it is tragic.

2102 *Mrs. Trahan. Thank you. It seems like a small price
2103 to pay to protect our children.

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2104 Thank you, Mr. Chairman, I yield back.

2105 *Mr. Bilirakis. Thank you. The gentlelady yields back.

2106 I now recognize the chairman of the -- vice chairman of the

2107 full committee, Mr. Armstrong, for his five minutes of

2108 questioning.

2109 *Mr. Armstrong. Thank you.

2110 How do you all define "numerous," Mr. Chairman?

2111 *Mr. Hoehn-Saric. I would say similar to "many." It

2112 would depend on the context.

2113 *Mr. Armstrong. Okay. So in Vegas, in a video poker

2114 machine, a royal flush pays 250 to 1. To give that

2115 perspective, 4 of a kind pays 25 to 1. And those are Vegas

2116 odds, not real odds. The actual odds of drawing a straight

2117 flush are 0.000154 percent.

2118 The reason I bring that up is because that is the higher

2119 percentage than dying from an ROV or a UTV based on a

2120 penetration value. Over the course of a 20-year study -- and

2121 this is on life span; I am assuming there is more -- it is

2122 0.00014 percent. There were six deaths, four from branches,

2123 one from a large stick, and one from a three-inch piece of

2124 wood. There were also 20 injuries, which is a .0005 percent

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2125 chance of injury, but the injuries are 10 hospital
2126 admissions, 3 emergency room treatments, 3 first aid, and 10
2127 level of care not known.

2128 So I am reading your notice of proposed rule that was
2129 issued in 2021, and it said, "numerous injuries.'" And so I
2130 am asking how you define "numerous'" because I would define
2131 that as extremely rare.

2132 What happened to that case at the D.C. circuit, Mr.
2133 Feldman?

2134 *Mr. Feldman. Are you referring to the WCMA case?

2135 *Mr. Armstrong. Yes.

2136 *Mr. Feldman. The WCMA case vacated the agency's
2137 rulemaking.

2138 *Mr. Armstrong. Why did they vacate it?

2139 *Mr. Feldman. For two main reasons. One, the court
2140 took issue with the unreasonable length of time that we put
2141 for rule implementation. It also took issue with the
2142 agency's failure to share incident data with stakeholders and
2143 provide an opportunity for notice and comment.

2144 *Mr. Armstrong. Yes, cost benefit analysis --

2145 *Mr. Feldman. Yes, sir.

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2146 *Mr. Armstrong. -- flawed notice, comments on
2147 underlying incident data, and arbitrary effective date. That
2148 is what I have, right?

2149 *Mr. Feldman. Yes, sir.

2150 *Mr. Armstrong. And how did they deal with the
2151 industry's revised, adequately addressed CPC's concerns on
2152 voluntary industry compliance?

2153 *Mr. Feldman. I am sorry, I don't understand the
2154 question.

2155 *Mr. Armstrong. Was there substantial compliance by the
2156 industry to solve this what I will say is extremely rare, but
2157 your notice said "numerous'`?"

2158 *Mr. Feldman. With respect to the ROV rulemaking?

2159 *Mr. Armstrong. Yes.

2160 *Mr. Feldman. Is there -- we are still in the process
2161 of reviewing the comments that we put out.

2162 We, in accordance with the WCMA case, need to publish
2163 the incident data for public comment. I anticipate that that
2164 will occur later this summer.

2165 *Mr. Armstrong. So is there -- so when the rule went
2166 into place, can you explain to me how you get there from that

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2167 few number of incidents into a place where you are mandatory
2168 complying in industry, not taking into effect supply chain,
2169 not figuring cost of compliance, no retailer -- I mean,
2170 things that kill more people than ATVs over that period of
2171 time -- fireworks, which makes sense; skydiving, which makes
2172 sense; vending machines; balloons -- I mean, you are putting
2173 an entire industry in a place of forced compliance. And if
2174 the D.C. circuit wouldn't have vacated, that would have
2175 happened. Right?

2176 *Mr. Feldman. Sir, the OHV debris penetration rule is
2177 not currently in effect.

2178 *Mr. Armstrong. Okay. So what did the D.C. circuit
2179 court vacate?

2180 *Mr. Feldman. The WCMA window coverings.

2181 *Mr. Armstrong. The window covering, okay, thank you.

2182 So moving forward, as you are going through this rule,
2183 like, how do you factor in the number of incidents that occur
2184 in debris?

2185 Do you factor in where they are driving it, how they are
2186 driving it, how many miles are driven, where these vehicles
2187 are driven?

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2188 *Mr. Feldman. Yes, sir. All those factors go into the
2189 agency's calculus about not only the risk assessment, but
2190 also hearing directly from industry about the extent of the
2191 injuries, reviewing the incidents that we are aware of with
2192 an opportunity to comment. And beyond that, an opportunity
2193 to weigh in about any technical feasibility or cost issues
2194 related to the standard that the agency might propose.

2195 *Mr. Armstrong. Okay, thank you.

2196 *Mr. Feldman. We are in the process of doing that right
2197 now.

2198 *Mr. Armstrong. Yes, perfect, thank you.

2199 I yield back.

2200 *Mr. Bilirakis. Thank you. Now we will recognize Mr.
2201 Fulcher from the great State of Idaho.

2202 *Mr. Fulcher. Thank you, Mr. Chairman. I am going to
2203 stay on the same topic as my good friend here next to me on
2204 the ROV debris penetration issue, if I may. And so this
2205 would be for the chair.

2206 The industry put in place revised safety standards to
2207 address this debris penetration hazard in March of 2023,
2208 which, at least according to the industry, reflects the best

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2209 engineering judgment and industry safety experts within.

2210 Does the CPSC still intend on pressing ahead with its

2211 proposed mandatory rulemaking on the debris penetration?

2212 *Mr. Hoehn-Saric. So the notice of proposed rulemaking
2213 that was put forward to us, and the staff's analysis, there
2214 were six deaths associated with it. And they looked at the
2215 voluntary standard, as we are required to do. And that was
2216 designed to stop the penetration at speed of 2.5 miles per
2217 hour --

2218 *Mr. Fulcher. So is this -- is it still -- you are
2219 still pursuing this?

2220 *Mr. Hoehn-Saric. It is still before the Commission. I
2221 think the next steps, as Commissioner Feldman said, is we
2222 would have to put out the data for review and -- before we
2223 move forward.

2224 *Mr. Fulcher. So I would just point out that CPSC
2225 staff, from what I understand, participated in the revision
2226 process for the industry standards, had every opportunity to
2227 provide substantive input. That appears to me to be the time
2228 to work through some of these things, not after, with this
2229 proposed rulemaking. So just, I guess, take that for

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2230 whatever it is worth.

2231 Mr. Trumka, trade associations representing all-terrain
2232 vehicle industry have made multiple requests to meet with
2233 you. At least that is what I am told. But you have refused
2234 to have discussions with them. Is that true? And if so,
2235 why?

2236 *Mr. Trumka. I appreciate the opportunity. Could I
2237 quickly address the debris penetration, and then --

2238 *Mr. Fulcher. As soon as you answer my question.

2239 *Mr. Trumka. Sure, sure. Thank you.

2240 I have received written information from folks. I am
2241 not sure if I have received meeting requests, but I am happy
2242 to go back and examine those. If I have, I am happy to take
2243 those meetings.

2244 *Mr. Fulcher. Okay. All right, thank you. And you
2245 wanted to address --

2246 *Mr. Trumka. The debris penetration, the one point I
2247 would like to make is that it is a particularly vexing issue.
2248 I own a quad, I own a side-by-side. And as Mr. Bucshon
2249 pointed out earlier, you know, we want to put out PSAs on
2250 people wearing helmets, wearing their seat belts, keeping

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2251 your arms inside the vehicles to stay safe. Those things
2252 don't protect against the debris penetration issue. We have
2253 seen those impalements happening at less than five miles an
2254 hour. So you could be creeping through the woods and being
2255 safe, and it is not going to prevent that. That is why I
2256 think it is a particularly vexing issue.

2257 *Mr. Fulcher. If Mr. Armstrong's statistics are
2258 correct, it does appear to be pretty rare, at least with any
2259 degree of injury. And so this rulemaking has the potential
2260 of shutting down an industry, basically. And so, you know,
2261 it does appear pretty extreme, from the vantage point that we
2262 are in.

2263 But I am going to move on here. I want to -- a question
2264 for Mr. Feldman.

2265 And we talked about the D.C. circuit recently vacating
2266 the mandatory rule disregarding the window covering issue.
2267 Since Mr. Armstrong covered this, I would just follow up by
2268 saying should CPSC press ahead with its proposed mandatory
2269 rules, or will the Commission follow the teachings of the
2270 window covering case to meet the representatives of the ATV
2271 and ROV industries?

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2272 *Mr. Feldman. Yes, on the OHV debris penetration, in
2273 June 2022 we approved an NPR. I supported that because I
2274 wanted to receive comments from industry specifically on the
2275 issues that you are raising. I have heard the concerns about
2276 the mandatory standard, including the ones that you are
2277 raising today. Going forward, we need to publish the
2278 incident data, and that is consistent with the ruling and the
2279 requirements that the D.C. circuit made clear in the WCMA
2280 case.

2281 I am also aware that congressional appropriators are
2282 considering language regarding the rulemaking and prohibiting
2283 us to -- from moving forward with it. Should Congress
2284 advance that permit -- provision, the Commission would take
2285 that direction and follow the law.

2286 *Mr. Fulcher. All right. All right.
2287 Thank you, Mr. Chairman, I yield back.

2288 *Mr. Bilirakis. I appreciate it. Now I will recognize
2289 -- we don't have a Democrat on this side, so I will recognize
2290 Ms. Cardenas -- excuse me, excuse me, Mrs. Harshbarger -- for
2291 her five minutes of questioning, the great lady from
2292 Tennessee.

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2293 *Mrs. Harshbarger. Thank you, Mr. Chair. Thank you to
2294 the witnesses for being here today. And I will just continue
2295 following up on that line of questioning. I will follow up
2296 on the ROV voluntary standard for debris penetration.

2297 You know, I am from east Tennessee. We use those ATVs,
2298 UTVs, side-by-sides, the whole nine yards, on a daily basis.
2299 And I understand that the new product safety standard is
2300 based on real-world field data, including hundreds of
2301 thousands of hours of actual ROV usage. And the voluntary
2302 rule reflects input from a broad array of stakeholders,
2303 including industry, rider, consumer safety voices.

2304 So I guess my question to you -- and I will start with
2305 you, Mr. Chair -- it looks like you intend to press forward
2306 with this mandatory rule, am I correct?

2307 *Mr. Hoehn-Saric. It is before -- it is in the process
2308 of going forward.

2309 *Mrs. Harshbarger. Okay. If so, will it follow a fact-
2310 based approach that includes the input of the regulated
2311 community from all these standards?

2312 *Mr. Hoehn-Saric. Yes, absolutely. I mean, I think
2313 what we found is that the voluntary standard is designed to

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2314 protect people at 2.5 miles per hour. The one that staff put
2315 forward was at 10 miles per hour. So it is a question of
2316 what is a realistic expectation for consumers, and whether it
2317 is an unreasonable risk of injury to have a penetration at
2318 three miles per hour when you are riding around in a, you
2319 know, side-by-side or other device.

2320 *Mrs. Harshbarger. Okay. On January 12, 2023, former
2321 CPSC chair Ann Brown published an opinion piece in The
2322 Washington Post titled, "Guns are Consumer Products. They
2323 Should be Regulated as Such." This is despite the letter of
2324 the law, specifically the Consumer Product Safety Commission
2325 Improvement Act of 1976 expressly prohibiting the CPSC from
2326 making any rule or order restricting the manufacture or sale
2327 of firearms or ammunition.

2328 And this question is to each of you, yes or no: Is the
2329 CPSC legally permitted to implement gun control measures?
2330 That is a yes or no. And I will start with you, Mr. Trumka,
2331 and go down the line.

2332 *Mr. Trumka. No, they are exempt from our Act.

2333 *Mr. Dziak. No.

2334 *Mr. Hoehn-Saric. No.

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2335 *Mr. Feldman. No.

2336 *Ms. Boyle. No.

2337 *Mrs. Harshbarger. Okay. The Green New Deal agenda of
2338 the Biden Administration has reduced the baseload power that
2339 energy providers formerly operated with due to the retirement
2340 of coal-fired power plants. This reduction in baseload power
2341 has resulted in rolling blackouts during energy-intensive
2342 storms, including Winter Storm Elliot, which took out power
2343 for many of my constituents and businesses where -- that
2344 desperately needed to heat their homes, keep their businesses
2345 running. It cost millions and millions of dollars.

2346 When Americans lose power, they need generators to turn
2347 their lights on and heat their homes. But the CPSC is
2348 seeking to upend the production of generators by developing
2349 new carbon monoxide standards, which we talked about earlier,
2350 that cannot be easily met. So my question is, does the CPSC
2351 consider the impact on Americans who have lost power due to
2352 the policies of this Administration when developing standards
2353 on generators?

2354 And anybody can answer that question, or everybody can
2355 answer that question.

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2356 *Mr. Hoehn-Saric. I think we can look at this from a --
2357 very much from a safety perspective. Often times after
2358 storms, people lose power. Unfortunately, that is where we
2359 also see a lot of the deaths that are out there because
2360 carbon monoxide builds up in their homes. So our proposal is
2361 to look at how to make them safe, not -- and to make sure
2362 that families don't die as a result of trying to recover from
2363 the storm.

2364 *Mrs. Harshbarger. I understand. Absolutely. Anybody
2365 else want to answer?

2366 *Mr. Trumka. I agree that we want these to be available
2367 for folks who need them, and safe when they use them.

2368 *Mrs. Harshbarger. Yes, okay.

2369 I think that is all I have, Mr. Chairman, and I will
2370 yield back.

2371 *Mr. Bilirakis. Okay. I will recognize the great lady
2372 from the State of Florida, Mrs. Cammack, for her five minutes
2373 of questioning.

2374 *Mrs. Cammack. Thank you, Mr. Chairman.

2375 Commissioner Boyle, I am going to start with you. I
2376 wanted to learn more about your time as a executive director.

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2377 You served at least two acting chairs in that capacity,
2378 correct?

2379 *Ms. Boyle. Yes.

2380 *Mrs. Cammack. Okay, and before that you served in two
2381 other senior roles. Is that right?

2382 *Ms. Boyle. I served as general counsel and executive
2383 director.

2384 *Mrs. Cammack. Okay. I think we can both agree those
2385 are senior roles.

2386 *Ms. Boyle. Excuse me?

2387 *Mrs. Cammack. I think we can both agree --

2388 *Ms. Boyle. Yes.

2389 *Mrs. Cammack. -- those are senior roles. Okay,
2390 perfect, thank you.

2391 So it seems that a lot of the issues and dysfunction
2392 that we have heard about today have occurred under your
2393 leadership as executive director. And while I recognize that
2394 you were not acting chair, it makes me wonder how all of this
2395 kind of happened under your watch. So digging into it, as
2396 part of a review of the 2019 data breach, the Inspector
2397 General made the following finding: "The OIG found numerous

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2398 examples of problems regarding integrity and ethical values
2399 in the clearinghouse. These problems involve both systematic
2400 issues and examples of individual managers failing to uphold
2401 government standards regarding integrity or ethical values.
2402 The most egregious example of a systematic, ongoing failure
2403 by agency management to demonstrate a commitment to integrity
2404 and ethical values involved the statements of assurance
2405 relevant to the clearinghouse. Agency officials were grossly
2406 negligent at best, and lied at worst when they signed
2407 statements of assurance indicating that internal controls
2408 regarding the clearinghouse were in place and operating
2409 effectively.'`

2410 So Commissioner Boyle, how do you account for the IG's
2411 characterization of agency candor? You were the executive
2412 director at that time. So what the heck was going on?

2413 *Ms. Boyle. Well, thank you for the question.

2414 I think at the time of the clearinghouse disclosure the
2415 agency was forthright in saying that there was a mistake that
2416 was made, a human error.

2417 *Mrs. Cammack. Or multiple.

2418 *Ms. Boyle. Certainly, certainly. I think there was no

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2419 question. And the agency was forthright in admitting that.

2420 There were numerous investigations, including by Houses
2421 of Congress, and we, I think, were very forthright in
2422 admitting that there were mistakes that we made, efforts to
2423 correct those mistakes. And when there was a human error,
2424 which was really the source of the problem that you are
2425 talking about, we acted to correct those as best we could,
2426 and I certainly did the best I could under my -- to the best
2427 of my ability. So we instituted training, we tried to
2428 develop some technological solutions. And, you know, I
2429 understand that, you know, there was great concern, and I
2430 think we were very forthright in admitting that.

2431 *Mrs. Cammack. And I appreciate, you know, taking
2432 accountability, right? But accountability means action. You
2433 said that there was technical training, but if you have
2434 people who are outright lying, I mean, my question is who was
2435 fired?

2436 *Ms. Boyle. I am not aware that anybody was fired at
2437 that time. I mean, there have been open recommendations for
2438 some period well after I was executive director, so I won't
2439 account for the last several years. But at that time there

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2440 was -- nobody was fired, but there was certainly training,
2441 and there was an attempt to address very openly the problems
2442 that we found, and nobody tried to say otherwise.

2443 *Mrs. Cammack. So no one was fired. Did anyone resign?

2444 *Ms. Boyle. No.

2445 *Mrs. Cammack. Have the people who have been identified
2446 who lied, right, in this particular investigation, were the
2447 people identified -- have they remained in those positions,
2448 or have they gone on to other positions?

2449 *Ms. Boyle. Well, let me be clear. I understand you
2450 quoted from the Inspector General's report. I am not aware
2451 of anyone lying. I don't think -- I am not aware of anyone
2452 lying to me. And so I understand that that was his
2453 conclusion and how he characterized it, but I am not aware of
2454 anyone lying to me.

2455 *Mrs. Cammack. But, I mean, you understand that this is
2456 the frustration that American people have in general. You
2457 are here before this committee asking for a bump in your
2458 budget, and yet we are finding through OIG reports where
2459 there have been instances of mischaracterizations, lying,
2460 real issues that have truly not been addressed. And I think

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2461 saying, yes, we are taking responsibility -- but what is the
2462 action that follows thereafter? I don't think training is
2463 enough.

2464 I mean, there has to be real accountability. So I am
2465 curious. And as a follow-up, I would like you to provide
2466 this committee with what has happened to those individuals
2467 that received the training. And I want to know if they have
2468 moved on into other positions.

2469 There is a saying in Washington. It is called "failing
2470 up." And we tend to see that when we have problematic
2471 people, we tend to move them into other positions. So I
2472 would be curious to see where -- those individuals and the
2473 roles that they played in -- that were identified in that OIG
2474 report, I want to know where they are now. Can you provide
2475 this committee with that information?

2476 *Ms. Boyle. Certainly. Again, I will make clear that
2477 they are not under my purview in my current role, and I will
2478 have to consult with the chair in terms of --

2479 *Mrs. Cammack. Mr. Chairman, will you provide that
2480 information to this committee?

2481 *Mr. Hoehn-Saric. We will go back and take a look.

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2482 Obviously, I wasn't there at the time, so I have to go back
2483 and look at the --

2484 *Mrs. Cammack. At some point, if you are at the top of
2485 the ticket, you are right there, you are the head honcho.
2486 The buck stops with you, right?

2487 *Mr. Hoehn-Saric. Understood, and I would say that --

2488 *Mrs. Cammack. So you should be able to get that
2489 information.

2490 *Mr. Hoehn-Saric. -- there has not been any breach of a
2491 similar nature since that happened, and we have made sure
2492 that those -- that information is protected going forward.
2493 So we can look to try and provide you information.

2494 *Mrs. Cammack. We don't try; we do. So yes, you will
2495 provide that information?

2496 *Mr. Hoehn-Saric. We will provide the information we
2497 can find and that is appropriate, yes.

2498 *Mrs. Cammack. All right, Mr. Chairman, I yield.

2499 *Mr. Bilirakis. The gentlelady yields back. We will
2500 recognize Mr. Cardenas from the great State of California for
2501 his five minutes of questioning.

2502 *Mr. Cardenas. Thank you very much, Chair Bilirakis and

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2503 also Ranking Member Schakowsky, for holding this hearing
2504 today, and I appreciate the opportunity to waive on to the
2505 committee.

2506 I also want to thank the commissioners for being here
2507 today, and I am looking forward to discussing the work you
2508 have done and continue to do on behalf of our 340 million-
2509 plus American constituents.

2510 Last Congress we passed my bill, the Safe Sleep for
2511 Babies Act, which makes it unlawful for manufacturers to sell
2512 or distribute crib bumpers or inclined sleepers for infants.
2513 The law bans both crib bumpers, a category of products
2514 responsible for at least 107 infant deaths between 1990 and
2515 2016 alone, and inclined infant sleepers like the recalled
2516 Fisher Price Rock 'n Play, which was linked to over 100
2517 infant deaths.

2518 Manufacturers of some infant products have known from
2519 the start that their products were risky and violated safe
2520 sleep advice, and I commend the CPSC and staff for working
2521 quickly to address these dangers through the enforcement of
2522 the Infant Sleep Products Act -- rule. The passage of the
2523 Safe Sleep for Babies Act helped move the needle in creating

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2524 a safe landscape for infant product safety, but therefore it
2525 is always more -- there is always more work to do.

2526 Chair Hoehn-Saric, what have been the successes and
2527 challenges the Commission has encountered as it has worked to
2528 implement the Safe Sleep for Babies Act?

2529 *Mr. Hoehn-Saric. Thank you, Mr. Cardenas. The Safe
2530 Sleep for Babies Act is a tremendously important piece of
2531 legislation that addressed, you know, hazards associated with
2532 infant sleep, both inclined sleepers as well as crib bumpers.

2533 We have been active in the enforcement side of things
2534 and making sure that those types of products are off the
2535 market. That is some of the challenges that we have been
2536 seeing. In recent months we were doing investigations and
2537 took down around 2,000 crib bumpers that were still being
2538 sold. So it is making sure that people are getting smart, as
2539 well. They are calling them something slightly different.
2540 But look at the pictures, and you know exactly what they are
2541 for. So it is going on, especially on the online world, to
2542 make sure that we are able to stop those things from
2543 happening.

2544 *Mr. Cardenas. Thank you. And Chairman, what effect

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2545 would the Republican majority's proposed six percent budget
2546 cut have on your ability to protect families and consumers
2547 from harmful sleep products for infants?

2548 *Mr. Hoehn-Saric. I think it would impact both what is
2549 -- our imports and ability to stop things with imports. But
2550 also, we have an e-commerce team that last year reviewed
2551 about 3 million products online, and did a takedown request
2552 of nearly 60,000. All those, you know, jobs are at risk to
2553 be able to make sure that we have people there to do that, to
2554 be able to monitor, especially since, you know, the
2555 manufacturers often are overseas and selling directly to our
2556 consumers.

2557 *Mr. Cardenas. So a six percent budget cut would
2558 actually make it harder for you to protect infants like you
2559 have been trying to do so far.

2560 *Mr. Hoehn-Saric. Absolutely.

2561 *Mr. Cardenas. Okay, thank you. I look forward to
2562 continuing to work with you to give families peace of mind in
2563 knowing that when their infant goes to sleep, the only thing
2564 parents must worry about is their baby waking up before they
2565 do, before they start their day.

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2566 Also, Chairman, you mentioned in your testimony that
2567 outreach is a challenge not only with infant sleep products,
2568 but other products, as well. Distributing good information
2569 on product safety to non-English-speaking communities can
2570 often be uniquely difficult, as well. So Chairman, what
2571 hurdles have you encountered in efforts to increase public
2572 safety outreach, particularly outreach in languages other
2573 than English?

2574 *Mr. Hoehn-Saric. One of the things that the agency has
2575 been able to do with the ARPA funds that have been provided
2576 is to translate our recalls into Spanish. Commissioner Boyle
2577 has been a huge proponent of that. And as that money goes
2578 away and our budget shrinks, you have that as being put at
2579 risk.

2580 In addition, we have done a lot of community building to
2581 be able to find voices who are trusted because often times,
2582 unfortunately, we need to be a trusted voice. We are not
2583 well known. And sometimes the government is not always
2584 trusted. And so we want to build those relationships and
2585 find those voices out there. That also takes time. That
2586 takes resources to be able to build that awareness.

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2587 *Mr. Cardenas. Once again, cuts would just make it
2588 harder.

2589 Last year the American Academy of Pediatrics put out a
2590 letter to your Commission expressing concern over many baby
2591 products that puts children's lives in danger. Can you
2592 update us on what the CPSC is doing as it relates to weighted
2593 infant sleep products?

2594 And are there other products that Congress should be
2595 looking at to make it safer for children to survive while
2596 sleeping?

2597 *Mr. Hoehn-Saric. So we don't do pre-market approval
2598 so, unfortunately, we often follow to see whether there are
2599 deaths and injuries associated with products. The
2600 pediatrician has raised concerns about weighted products. So
2601 did CDC, and so did NIH. We have, based off of their
2602 information, given updates to consumers about guidance on
2603 weighted sleep sacks, and we are engaged in the voluntary
2604 standard side, as well, to be able to see if there is ways to
2605 improve the safety of these products. But obviously, they
2606 are out there and they are still being used.

2607 *Mr. Cardenas. Thank you so much.

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2608 My time having expired, Mr. Chairman, I yield back.

2609 *Mr. Bilirakis. Thank you. Thank you very much. I
2610 appreciate it.

2611 This concludes the questioning for today. I appreciate
2612 everyone. Thank you to the panel for your answers and, of
2613 course, your testimony, as well.

2614 I ask unanimous consent to insert in the record the
2615 documents included on the staff hearing documents list.

2616 Without objection, so ordered.

2617 [The information follows:]

2618

2619 *****COMMITTEE INSERT*****

2620

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2621 *Mr. Bilirakis. I remind members that they have 10
2622 business days to submit questions for the record, and I ask
2623 the witnesses to respond to those questions promptly.
2624 Members should submit their questions by close of the
2625 business day on August 6.

2626 So we appreciate you all. I thought it was a great
2627 discussion, a good hearing.

2628 And without objection, the subcommittee is adjourned.

2629 [Whereupon, at 4:16 p.m., the subcommittee was
2630 adjourned.]