



**Testimony of Mary T. Boyle
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Hearing on The Fiscal Year 2025 Consumer Product Safety Commission Budget

**U.S. House of Representatives
Committee on Energy & Commerce
Subcommittee on Innovation, Data & Commerce
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Good afternoon, Chairman Bilirakis, Ranking Member Schakowsky, and distinguished members of the Committee. It is an honor to testify on the important work the Consumer Product Safety Commission does to execute its mission to protect American consumers against unreasonable risks of injury associated with consumer products.

For the past two years, I have had the privilege of fulfilling that mission through my service as a Commissioner. My work today draws upon expertise developed over more than a decade of service at CPSC in a variety of roles, including as General Counsel and Executive Director. I am deeply committed to the agency's mission—a mission that our talented and dedicated staff pursues day in and day out, using tools that Congress provides, both statutory authorities and budgetary resources.

I also recognize that CPSC's work on behalf of consumers requires a commitment to collaboration. The proliferation of consumer products in our innovation-driven economy means that multiple stakeholders play important roles in ensuring that the products Americans use every day are safe. Indeed, by statute, responsibility for product safety is distributed both to the agency and to industry participants. Industry no doubt should play a critical role in product safety by making safe products in the first place. But, when potential problems arise with a product, the law requires companies to act, and to act quickly, by reporting those issues to the CPSC. That reporting obligation confirms that the statutory scheme envisions product safety to be a shared endeavor.

The crux of this dual responsibility stems from the fact the CPSC does not confer pre-market approval on products. That may come as a surprise to many Americans who may assume that the products they buy have been vetted by the government and been given a seal of approval. In fact, CPSC's mandate from Congress requires the agency to rely on voluntary standards if there is wide compliance with an effective industry standard.

Because the Consumer Product Safety Act assigns important obligations to industry, CPSC must be vigilant in using all its authorities when companies do not meet their obligations. That is why I support the imposition of significant civil penalties for companies that fail to timely report information to CPSC and believe that a higher statutory maximum penalty is in order. There is good reason to believe that consumer product companies with revenues in the hundreds of millions, and even billions, of dollars may see the current statutory maximum of just over \$17 million as the cost of doing business.

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

Although the agency has adopted relatively few regulations compared to the thousands of product categories within its jurisdiction, mandatory standards are essential to protecting consumers when industry fails to establish and comply with effective voluntary standards. As an example, I would point to the Commission's unanimous approval in 2022 of a regulation for adult portable bedrails which posed entrapment and suffocation risks that fell disproportionately on vulnerable consumers, especially seniors and disabled individuals. Despite nearly 300 fatalities related to bed rail entrapments, effective voluntary standards were not put into place, necessitating mandatory requirements. Notably, more than 70 percent of the incidents, most of them fatal, involved female victims. Although CPSC staff was unable to determine a reason for this finding, they confirmed that life expectancy alone did not account for the stark difference.

Because significant work has not been done in this area, I was pleased to receive unanimous support for my amendment to the agency's Operating Plan directing research on safety hazards for older consumers, including an evaluation of gender disparities. I am mindful that the use of female crash dummies in the auto safety context is relatively new, and I believe that gender differences can similarly shape risk profiles for consumer products.

As a data-driven agency on the front lines of product safety, CPSC plays an essential part in addressing new or emerging product hazards, born of innovation and fast-paced changes in technology. Although there are many products that illustrate this point, I offer e-bikes as an example, where innovations are outpacing safety to the detriment of consumers, particularly children. The Commission heard testimony, for example, at our recent Priorities Hearing about one county's experience with sharply increased rates of e-bike accidents—and severity of injuries—among 10-to-15-year-old riders.

I applaud the work of this Committee, and now the full House of Representatives, for acting to address the fire hazard associated with lithium-ion batteries used in electric bikes and other devices. That will surely help save lives. But more needs to be done to ensure that safety keeps pace with the burgeoning use of e-bikes and the corresponding rise in deaths and injuries, unrelated to fires, that we are seeing. Despite obvious differences in weight, speed, brakes, and other mechanical attributes, e-bikes are currently regulated as traditional pedal bicycles. I am encouraged that the Commission has taken an initial step, through a recent advanced notice of proposed rulemaking, to collect information from the public on e-bike hazards and how to address them.

With e-bikes, and so much more, CPSC faces a wide range of evolving challenges. To meet those challenges, it is imperative that the agency be provided adequate resources. As this Committee considers the budget, I respectfully request that you support funding at levels that will allow us to further our essential mission to protect American consumers. Lives literally are at stake.

I stand ready to work with all of you on these important issues and thank you again for the opportunity to testify today.