



MEMORANDUM

June 10, 2019

To: Subcommittee on Consumer Protection and Commerce Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Legislative Hearing on “Keeping Kids and Consumers Safe from Dangerous Products”

On **Thursday, June 13, 2019, at 10:30 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building**, the Subcommittee on Consumer Protection and Commerce will hold a legislative hearing entitled, “Keeping Kids and Consumers Safe from Dangerous Products.”

I. BACKGROUND

The Consumer Product Safety Commission (CPSC) is an independent agency responsible for protecting consumers from unreasonable risk of injury or death from consumer products.¹ CPSC carries out its mission by: (1) developing voluntary standards with industry; (2) issuing and enforcing mandatory standards or bans on hazardous consumer products; (3) investigating potential product hazards; and (4) recalling unsafe products or arranging for their repair.²

In addition to CPSC’s powers under its enabling legislation, Congress has at times expanded CPSC’s statutory authority or its enforcement discretion by (1) directing CPSC to promulgate mandatory safety standards;³ (2) ordering CPSC to deem existing voluntary standards mandatory;⁴ (3) ordering CPSC to ban or prohibit the sale, commercial distribution, or

¹ Consumer Product Safety Commission, *About CPSC* (www.cpsc.gov/en/About-CPSC/) (accessed May 21, 2019).

² Consumer Product Safety Commission, *Who We Are - What We Do for You* (www.cpsc.gov/en/Safety-Education/Safety-Guides/General-Information/Who-We-Are---What-We-Do-for-You/) (accessed May 21, 2019).

³ See e.g., 15 U.S.C. § 2056a (directing CPSC to promulgate mandatory safety standards for durable infant or toddler products); 15 U.S.C. § 2056c (directing CPSC to promulgate a consumer product safety standard for sulfur content in drywall); 15 U.S.C. § 6004(c) (directing CPSC to establish a safety standard for bicycle helmets).

⁴ See e.g., 15 U.S.C. § 2056b (directing ASTM International Standard F963-07 Consumer Safety Specifications for Toy Safety to be considered a consumer product safety standard issued by CPSC); 15 U.S.C. § 2089 (directing CPSC to publish in the Federal Register as a mandatory

import of certain hazardous products;⁵ and (4) authorizing CPSC to establish grant programs to promote safety programs at the state and local level.⁶

II. LEGISLATION

A. H.R. 2211, the “Stop Tip-overs of Unstable, Risky Dressers on Youth (STURDY) Act”

Rep. Schakowsky (D-IL) reintroduced this bill on April 10, 2019, after first introducing the legislation in the 114th Congress. It would direct CPSC to issue a mandatory standard for free-standing dressers, bureaus, and other clothing storage units to prevent them from tipping over onto children. The mandatory standard must include specific testing criteria to ensure adequate protection as well as stronger warning requirements.

B. H.R. 3172, the “Safe Sleep Act of 2019”

This bill, introduced by Rep. Cárdenas (D-CA), prohibits the manufacture for sale, offer for sale, distribution in commerce, or import of inclined sleepers for infants. An inclined sleeper for infants is defined as a product with an inclined sleep surface greater than ten degrees that is intended, marketed, or designed to provide sleeping accommodations for an infant up to one year old. Earlier this year, CPSC recalled inclined sleepers made by Fisher-Price and Kids II, Inc. after dozens of infant deaths in these products were reported.⁷

C. H.R. 3170, the “Safe Cribs Act of 2019”

This bill, introduced by Rep. Schakowsky (D-IL), prohibits the manufacture for sale, offer for sale, distribution in commerce, or import of crib bumpers. A crib bumper is defined to include any material that is intended to cover the sides of a crib to prevent injury to a crib occupant from impacts or to prevent a crib occupant from getting any body part entrapped in any

consumer product safety standard the all-terrain vehicle requirements of American National Standard ANSI/SVIA-1-2007).

⁵ See e.g., 15 U.S.C. §§ 2057a, 2057b (declaring butyl nitrite and other nitrites banned hazardous products); 15 U.S.C. § 2057c (prohibiting the sale, offer for sale, distribution in commerce, or import of any children’s toy or child care article containing certain phthalates); Pub. L. No. 110-314 § 101 (banning children’s products that exceed lead limits).

⁶ See e.g., 15 U.S.C. § 8004 (directing CPSC to establish a grant program to assist state and local governments in implementing, enforcing, and providing education regarding pool and spa safety laws).

⁷ Consumer Product Safety Commission, *Fisher-Price Recalls Rock ‘n Play Sleepers Due to Reports of Deaths* (www.cpsc.gov/Recalls/2019/fisher-price-recalls-rock-n-play-sleepers-due-to-reports-of-deaths) (accessed June 4, 2019); Consumer Product Safety Commission, *Kids II Recalls All Rocking Sleepers Due to Reports of Deaths* (www.cpsc.gov/Recalls/2019/Kids-II-Recalls-All-Rocking-Sleepers-Due-to-Reports-of-Deaths) (accessed June 4, 2019).

opening, such as a padded crib bumper, a supported and unsupported vinyl bumper guard, a mesh crib liner, and vertical slat covers.

D. H.R. 1618, the “Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention Act of 2019”

Reps. Kuster (D-NH) and Carter (R-GA) reintroduced this bill on March 7, 2019, after first introducing the legislation in the 113th Congress. It would direct CPSC to establish a grant program for states to purchase and install carbon monoxide detectors in dwelling units of low-income families or the elderly; facilities that commonly serve children or the elderly, including childcare facilities, public schools, and senior centers; or student dorms owned by public universities, and to assist in enforcement and education efforts related to carbon monoxide detectors.

E. H.R. 806, the “Portable Fuel Container Safety Act of 2019”

Reps. Thompson (D-CA) and Joyce (R-OH) reintroduced this bill on January 28, 2019, after first introducing the legislation in the 114th Congress. It would direct CPSC to issue a mandatory standard to require flame mitigation devices in portable fuel containers. A portable fuel container is defined to include any container intended for flammable liquid fuels, as well as component parts such as caps and spouts. It further directs CPSC to conduct an education campaign to alert consumers to the dangers of using or storing portable fuel containers near ignition sources. The bill also amends the Children’s Gasoline Burn Prevention Act⁸ to expand existing child-resistance requirements for closures for portable gasoline containers to include portable kerosene and diesel fuel containers and component parts.

F. H.R. 2647, “Safer Occupancy Furniture Flammability Act” or “SOFFA”

Reps. Matsui (D-CA) and Griffith (R-VA) reintroduced this bill on May 9, 2019, after first introducing the legislation in the 115th Congress. This bill adopts the California upholstered furniture flammability standard known as Technical Bulletin 117-2013 as a national flammability standard for upholstered furniture. This is an updated standard that omits previous performance requirements that were typically satisfied through the addition of flame-retardant chemicals, which have been associated with adverse health effects.⁹

G. H.R. 3169, the “Focusing Attention on Safety Transparency and Effective Recalls (FASTER) Act”

⁸ 15 U.S.C. § 2056 note.

⁹ National Institute of Environmental Health Sciences, *Flame Retardants* (www.niehs.nih.gov/health/topics/agents/flame_retardants/index.cfm) (accessed June 10, 2019).

This bill, introduced by Rep. McMorris Rodgers (R-WA), would amend the Consumer Product Safety Act to establish a “fast-track” program for businesses to conduct recalls of potentially hazardous products via notification to CPSC and publication of the recall on CPSC’s website. Companies that recall products under this program would be required to provide, repair, or replace affected products or provide a refund up to the full amount of the purchase price and would not be obligated to provide any additional public notification of the recall.

III. WITNESSES

Will Wallace

Manager, Home & Products Policy
Consumer Reports

Crystal Ellis

Founding Member
Parents Against Tip-Overs

Chris Parsons

President
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Charles A. Samuels

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