

Opening Statement  
Chairman Frank Pallone, Jr.  
Committee on Energy and Commerce  
Subcommittee on Consumer Protection and Commerce  
Hearing on “CPSC Oversight”  
April 9, 2019

Few people have heard of the Consumer Product Safety Commission (CPSC), but it serves a critical role in protecting consumers from dangerous products. It is the agency that makes sure your coffee maker does not burn down your house, your baby does not die from a defective crib, your power drill does not electrocute you, your hot water heater does not poison you, and your child’s toy is not made of lead.

These are all real examples of defective products that have been recalled, and they demonstrate the important role the Commission should play in protecting consumers.

In order to be fully effective, CPSC needs to be a proactive agency, not a reactive one. Unfortunately, I’m concerned that CPSC has become an inactive agency.

The fact is that CPSC is issuing fewer recalls than in years past. It is issuing fewer safety standards. And it is imposing fewer and smaller penalties. The marketplace hasn’t suddenly become safer—as our second panel will attest. Instead, CPSC’s inaction comes from the top, and it leaves me wondering how many more dangerous products are out there and what, if anything, is being done by the Commission to prevent further deaths and injuries.

Inaction is simply not acceptable, but Acting Chairman Buerkle seems to be pushing just that after stating that one of her top priorities was “reducing regulatory burdens.” She voted against imposing safety standards for infant slings, table saws, magnet sets, and portable generators. She also voiced her opposition to civil penalties and her hope that CPSC would not impose them.

This is not a record that puts consumers’ safety first, but again, it seems that is not the priority of the Acting Chairman. She has been true to her word to reduce regulatory burdens. Under Acting Chairman Buerkle, CPSC has also failed to hold corporations accountable for selling hazardous products, at times even working with industry to sabotage the agency’s own efforts to save lives.

Under previous leadership, CPSC began a rulemaking on portable generator safety, including standards for carbon monoxide emissions that result in an average of 73 deaths each year. But after industry lobbyists convinced former EPA Administrator Scott Pruitt to assert jurisdiction over carbon monoxide emissions, Acting Chairman Buerkle sided with the EPA and industry to stop the rulemaking. As of today, the EPA has taken no action, and people continue to die.

When consumers complained that a defective wheel in Britax strollers was causing serious injuries, CPSC sued seeking a recall over the objections of then Commissioner Buerkle. After two Republican Commissioners joined CPSC, they voted to settle the litigation on terms favorable to the company – not consumers. The settlement did not even call the needed repair a recall, leaving parents confused and children at risk.

The trend of favoring industry over consumers is troubling. I want to hear from the commissioners and consumer advocates about the direction that the Commission is headed.

I also want to hear about CPSC's actions on an array of specific hazards.

Three years ago, I helped pass the Child Nicotine Poisoning Prevention Act, requiring child-proof packaging for liquid nicotine containers. Liquid nicotine can kill children if ingested. I'm hearing that CPSC is not doing enough to keep these deadly products out of children's hands.

I am also disappointed that the Commission voted against beginning a rulemaking on children's dressers last month. I would like to know what CPSC is doing to prevent deadly furniture tip-overs, which Chair Schakowsky has been calling attention to for years.

I want to know about CPSC's efforts to ensure the safety of sleeping infants, and how it is incorporating pediatricians' advice into its evaluation of inclined sleepers and crib bumpers. Consumer advocates have argued that these products are inherently dangerous and should be banned, yet they are still for sale at baby stores and online. Despite several deaths associated with inclined sleepers, CPSC wouldn't name the specific product until days before this hearing. It shouldn't take a Congressional hearing to get CPSC to do its job and prevent babies from dying.

I continue to have concerns about e-commerce sites letting unsafe counterfeit products be shipped directly to consumers' front doors. These products have no testing or quality control and are a growing danger.

This is a long list of dangerous products that remain on the market because CPSC has failed to do its job. It's long past time this Committee conduct oversight of the CPSC and bring attention to these many product safety concerns.