

Opening Statement
Chairman Frank Pallone, Jr.
Committee on Energy and Commerce
Subcommittee on Consumer Protection and Commerce
Hearing on “Keeping Kids and Consumers Safe from Dangerous Products”
June 13, 2019

Two months ago, this Subcommittee discussed whether the Consumer Product Safety Commission is fulfilling its mission of protecting consumers. When CPSC is at its best, it is working proactively to eliminate hazards and adopt strong safety standards. But as we heard from many of our witnesses, and even some commissioners, CPSC has not been at its best lately.

To put it simply: we are here today to discuss important consumer protection legislation that is necessary because CPSC has not done its job. CPSC has let industry set its own rules, and the results have been predictably disastrous. Fisher-Price designed, marketed, and sold the Rock ‘N Play Sleeper, a product whose intended use went against the advice of pediatricians. It received an exemption from CPSC’s mandatory safety standards and helped write the voluntary standard that it followed instead. A decade later, Fisher-Price admitted that it was aware of at least 32 infants who had died in the product and agreed to recall all 4.7 million Rock ‘N Play Sleepers. A similar product from Kids II was recalled as well, after at least five deaths were reported.

CPSC knew about the dangers and incidents well before the recall but didn’t take action. These recalls were announced shortly after this Subcommittee scheduled an oversight hearing of CPSC, and after CPSC inadvertently provided Consumer Reports with details of the infant deaths in these products, which it had previously refused to disclose. It should not take a Congressional hearing or an accidental disclosure of information to get deadly products off the shelves. This is CPSC’s job and should be their top priority.

We are also here today because even when CPSC wants to act, its process for issuing standards is so tedious that years and years will go by before any standards are in place. Kids and consumers simply cannot afford to wait that long. A bipartisan majority of the Commission agrees that a mandatory standard for furniture tip-over is necessary, but getting a rule in place would take years due to CPSC’s complex rulemaking procedures. Nearly every safety rule CPSC has issued over the last decade instead used a streamlined process that Congress authorized under the bipartisan Consumer Product Safety Improvement Act.

Today, we are considering bills that would direct CPSC to follow a similar process to address hazards from furniture tip-over and portable fuel containers. Product safety is not a partisan issue and I am pleased to see that a number of these bills are supported by both Democrats and Republicans. Passing these bills will get safety standards in place faster and save lives. I look forward to working with my colleagues to quickly move them forward.

But Congress should not have to pass a law telling CPSC to address every dangerous product that is on the market. If CPSC's authority doesn't allow it to respond quickly and completely to new hazards, we should consider revising that authority.