



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814

Nancy Nord, Acting Chairman

Tel: 301 504-7901

December 6, 2007

The Honorable Richard Durbin
U.S. Senator
309 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

Because your speech at the National Press Club and related press release of December 5, entitled "Durbin Calls for CPSC Reform" contain a number of gross inaccuracies, I feel compelled to respond for the record.

First, the Consumer Product Safety Commission does not have just one toy inspector. As I have stated publicly many times, we in fact have 19 full-time staff charged with the direct testing of toys for small parts, lead and for our other toy safety requirements. In addition, we have approximately 60 field investigators who, as part of their primary responsibilities, inspect and test toys.

Your next assertion is that I have taken "dozens of trips" paid for by regulated industries. You appear to be parroting a recent Washington Post article which lumped my travel together with that of my predecessor, despite the fact that the reporter only questioned three instances of my travel, not "dozens." In every instance I took those trips to educate manufacturers and importers about our toy and other safety standards, in order to increase compliance with those standards, and I did so in full accordance with the law and long-standing agency practice. Over the years, these trips by Commissioners and staff have been faithfully reported and made public, and during these years, Congress has had every opportunity to provide adequate public funds for such travel. Congress has not opted to do this.

You are correct that the appropriations bill you oversee contains a proposed \$7 million increase in our budget, and should the Senate actually take up and pass that bill, I and this agency will be most appreciative. Unfortunately, S. 2045, the CPSC Reform Act of which you are a leading cosponsor, would impose substantially more in new mandates on the CPSC in just the first year alone. I pointed this out in the letter you reference, dated October 23rd (available at: <http://www.cpsc.gov/pr/statements.html>). You erroneously claim, however, that in this letter I

The Honorable Richard Durbin

Page 2

December 6, 2007


state that funding increases for the CPSC will "harm public safety." What I actually stated in the letter is that the many new mandates that bill would impose on the agency without the money to pay for them will harm public safety (see paragraph eight), which is an undeniable fact and one I was duty bound to call to the attention of Congress. In addition, you make no reference to the fact that in July I sent to Congress a legislative proposal requesting new authorities, well before drafting began on S. 2045.

Finally, you state that there are three unfilled vacancies on the Commission. As you may know, 20 years ago the appropriations subcommittee you now chair specifically limited the CPSC to only three commissioners, so there is currently only one vacancy that may be filled. I share your desire to see that vacancy filled as soon as possible.

Senator, I care deeply about product safety and about the mission and success of this agency. The CPSC, while small, does a tremendous job in overseeing more than 15,000 types of products and in removing dangerous products from the marketplace. Your assertions to the contrary are an insult to the 400 dedicated public servants at this agency who work hard every day to protect the American people.

I urge you, both in your capacity as the second ranking member of the Senate leadership and as the chairman of our appropriations committee, to work toward giving us the appropriate additional tools and resources we need.

Sincerely,



Nancy A. Nord