



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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Commissioner Thomas H. Moore

The U.S. Consumer Product Safety Commission is at a crossroads. Two years of significant staffing cuts and other resource reductions have limited the Commission's ability to carry out its mission and have left the agency at a point where it is now doing only what is absolutely necessary for it to do and little else. Staff morale is very low. Employees see the agency being gradually but continually downsized; managers cannot fill vacant positions and employees either take on additional jobs as their colleagues leave or see projects shelved for lack of funding. Many employees at the agency are looking for other jobs because they have no confidence the agency will continue to exist (or will exist in any meaningful form) for many more years. The clear signal from the administration is that consumer protection is just not that important. The Commission can either continue to decline in staff, resources and stature to the point where it is no longer an effective force in consumer protection or, with the support of Congress, it can regain the important place in American society that it was originally designed to have.

The first step is to reject the administration's staffing and budget cuts proposed for fiscal year 2008. While it is true I voted for that budget, I had no option if the Commission was going to have any recommended budget, as we were down to two Commissioners at the time it was voted upon. As a practical matter, agencies have little choice but to accept the passback given to them from the Office of Management and Budget and then decide the best way to accommodate agency operations within the amount of the passback.

I am gratified by the clear signals given by this Congress that they understand that the Commission needs more funding to increase its staff and to be able to do work on rulemakings and other projects that have been shelved or slowed down because of a lack of resources. It is crucial that we have a period of stability, to move away from what has become a pattern of trying to see what we can do without and to begin a process of seeing what more we can do. But it would not serve the Commission or the public well to just throw resources at the agency all at once. I support an incremental approach to increasing our budget. Since we require a yearly increase of about 3 to 4 percent just to keep pace with increases in salaries, rents and other operating costs, yearly increases of about 10 percent would provide the Commission with a good growth pattern.

Congress has also, even before several recent highly publicized recalls, indicated an interest in reinvigorating the agency through the reauthorization process. For the first time since I came to the Commission, over twelve years ago, I have the sense that real and important changes can be made to our statutes to give us new authorities and clearer direction in achieving our mission.

Ideally, the Commission's statutes should be consolidated into one statute where there is, for example, just one set of reporting requirements, one civil penalty provision and one preemption

provision for products covered under the Consumer Product Safety Act (CPSA), the Federal Hazardous Substances Act (FHSA), the Flammable Fabrics Act (FFA) and the Poison Prevention Packaging Act (PPPA). Previous piecemeal attempts to harmonize certain provisions of the four statutes have sometimes created as many questions as they were designed to answer.¹

The Congress crafted unique requirements in each statute that relate to the particular type of product being regulated, most of which Congress would likely want to preserve. A complete rewrite of our statutes would be a long-term process, however, and could take several Congresses to accomplish. It would have to be done with much careful thought and consideration of the effect each change would have on related provisions. But much can be done short of that in the interim, including making certain provisions of all statutes truly identical and making sure that certain provisions of the CPSA extend to all the other statutes. Some changes will require policy clarifications or reversals; other changes will be more technical in nature.

I have supported various changes to our statutes over the years and the first document that is attached discusses those proposals as well as some additional ones. Acting Chairman Nancy Nord has put forth her proposals, many of which I agree with, some of which (in one form or another) I have advocated for years. The second document addresses those proposals. I appreciate her willingness to make suggestions to improve the agency's enforcement powers. Thus, for the first time in a long time, there is bi-partisan support on the Commission to make major changes to the Commission's statutes.

¹The agency also administers the Refrigerator Safety Act but I am unaware of any recent activity under that statute. The problem of children getting locked inside refrigerators (except to the extent there may still be very old refrigerators in dumps and similar places) seems to have been solved by this Act. It would certainly be simple enough to add the provisions of this statute to any consolidation of the others, should Congress so desire.