



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

March 20, 2009

The Honorable John D. Dingell
Chairman Emeritus
House Energy and Commerce Committee
Room 2328
Rayburn House Office Building
Washington, D.C. 20515-2215

Dear Chairman Dingell:

Thank you for your letter of March 4, 2009, regarding the Commission's implementation of the Consumer Product Safety Improvement Act of 2008 (CPSIA).

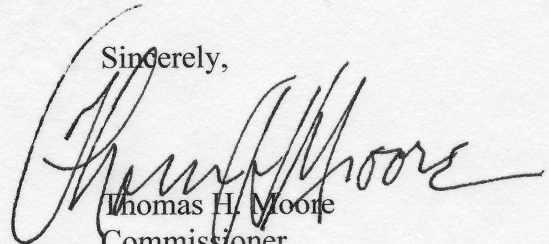
Nearly two years ago I stated that the CPSC was at a crossroads. We would either get more funding and more staff or we would continue a decline that would eventually result in the agency ceasing to be an effective force in consumer safety. At that same time, wave after wave of press stories about hazardous products that the agency had purportedly not acted on in a timely manner were appearing and recall after recall involving lead were being announced. In response, Congress, and the citizens it represents, decided that not only should the agency survive but it should regain its lost stature. Through the CPSIA we were given new enforcement tools, manufacturers were required to prove that their products met national safety standards and the agency was given the resources (after a decade of seeking them) to build an IT system that will pull all of our disparate pieces of hazard data into one comprehensive, searchable database that will enable the agency to spot emerging hazards in a much timelier fashion.

The CPSIA presents both opportunities and challenges for our staff. Despite the fact that the agency did not get the immediate increase in funding that the Act envisioned, our staff has done a remarkable job of meeting the Act's deadlines (in some cases many months before the Act required them to be met). Staff has done this with an agency that only has two Commissioners who do not view the Act in the same light and who do not always agree on the Act's meaning. This has left the staff unsure in some instances about how to proceed and caused delays in providing guidance and in prioritizing the agency's work. That is also why there is no *Commission* response to your questions. The single most important step that needs to be taken in furtherance of the implementation of the CPSIA at the agency is to have the third Commissioner, who would also be the Chairman, appointed to lead the agency. Then the Commission would be able to give the staff direction and attend to various concerns that have gone unaddressed. This would also eliminate the threat of yet another loss of quorum, which has happened twice since July of 2006, and which would severely hamper the continued implementation of the CPSIA.

Congress has entrusted this agency with a large and important mission. The passage of the CPSIA was a huge vote of confidence for the agency and despite the hue and cry of some in the business community who will never be happy with the closer scrutiny and accountability required by the Act, it is a major accomplishment of the last Congress, and one that your leadership was instrumental in achieving.

I do agree with staff that additional time to implement certain of the Act's provisions (such as the one that made nearly all of the voluntary requirements in ASTM's F963 mandatory) would have been preferable. However, I think that when the agency gets the third Commissioner, we will be better able to address some of the concerns voiced by staff and by industry. Until then any legislative "fixes" are premature. Only the *Commission* should recommend what, if any, changes should be made to the CPSIA and no assumptions should be made that there are no other solutions than legislative ones until all three Commissioners have a voice in the matter.

Sincerely,



Thomas H. Moore
Commissioner

cc: Acting Chairman Nancy Nord