

Opening Statement of the Honorable Mary Bono Mack
Subcommittee on Commerce, Manufacturing, and Trade
Hearing on “Oversight of the Consumer Product Safety Commission”
August 2, 2012

(As Prepared for Delivery)

Established in 1972, the Consumer Product Safety Commission is an independent agency created by Congress to protect consumers against unreasonable risks of injuries associated with consumer products. By and large, the CPSC does an admirable job of protecting Americans, and I remain very supportive of its work.

But on occasion, the agency makes some puzzling, head-scratching decisions, which create economic hardships for U.S. businesses, without appreciably improving the safety of certain products.

By law, the CPSC has the authority to regulate the sale and manufacture of more than 15,000 different consumer products, ranging from baby cribs to toys...and from all-terrain vehicles to swimming pools.

Without question, the CPSC has very broad authority, which makes Congressional oversight critically important. The agency has the power to ban dangerous consumer products, issue recalls of products already on the market, and research potential hazards associated with a wide range of consumer products.

Today, the CPSC learns about unsafe products in several ways. The agency maintains a consumer hot line and website through which consumers may report concerns about unsafe products or injuries associated with products. It also operates the National Electronic Injury Surveillance System, which collects data on product-related injuries treated in hospital emergency rooms.

The broad reach of the Consumer Product Safety Commission was on full display in 2007, which has been referred to as the "Year of the Recall" in the United States. Fueled by the Chinese toy scare, the CPSC alone imposed a record 473 recalls in 2007 – many of these recalls involved lead in toys and other children's products.

These much-publicized safety issues prompted Congress to take action and resulted in passage of the Consumer Product Safety Improvement Act of 2008, also known as CPSIA. Among other things, CPSIA increased funding and staffing for the CPSC, placed stricter limits on lead levels in children's products, restricted certain phthalates in children's toys and child care articles, and required the CPSC to create a public database of their products.

The public database...saferproducts.dot.gov...remains a source of controversy. Manufacturers continue to express their concern that most of the complaints are not vetted by the CPSC before they are made public, opening the door to all kinds of mischief, whether to fuel law suits or to try

and ruin a competitor's brand.

Within months of enactment of CPSIA, it became clear that implementing a number of provisions would be extremely problematic, prompting the agency to issue several significant stays of enforcement prior to 2011, including the imposition of lead limits for ATVs, off-road youth motorcycles, and snowmobiles. Why the agency even considered such limits is one of those puzzling, head-scratching decisions.

So last year, after several hearings and after bicameral and bipartisan negotiations, both the House and the Senate passed H.R. 2715, offered by myself and my good friend and colleague, Mr. Butterfield. On August 12, 2011, President Obama signed the legislation into law.

Our purpose was to relieve unfair and costly burdens imposed on American businesses, while still maintaining critically important consumer safeguards. Today, I am very anxious to learn how well the new law is working.