



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
STATEMENT OF COMMISSIONER THOMAS H. MOORE**

Submitted to the

Subcommittee on Financial Services and General Government

House Committee on Appropriations

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Mr. Chairman, Ranking Member, and Members of the Subcommittee, thank you for providing me with this opportunity to present testimony before you today on the U. S. Consumer Product Safety Commission's (CPSC) Fiscal Year (FY) 2009 appropriations request.

In summary, for FY 2009, the President's funding request for the agency is \$80,000,000 which is equal to the level of funding provided by Congress for FY 2008. With this level of funding, we propose to hire up to a level of 444 FTEs (Full Time Equivalents) from our present on board level of approximately 380 FTEs. Additionally, we propose to continue our efforts to acquire a modern laboratory facility and to acquire additional office space, which we will need to accommodate some of our new hires.

IMPACT OF FY 2008 FUNDING

In order to fully understand our FY 2009 request we must first look at what is transpiring for us in FY 2008. In FY 2008, the Administration's budget contemplated funding the Commission at \$63,250,000 which would have resulted in an all-time low funded staffing level of 401 FTEs; a decrease of 19 FTEs from

the FY 2007 funded level. As I indicated in my statement to this Subcommittee last year, such a funding level would have had a devastating effect on the agency's ability to maintain the broad range of skilled staff we need to address the full scope of the 15,000 types of consumer products under our jurisdiction. Congress, led by this Subcommittee, took up the cause of the American consumer by focusing on, and addressing, the serious deficiencies at the Commission resulting from our most recent years of shrinking resources by appropriating \$80.0 M, a \$16.75 M increase over the Administration's request.

With the additional resources, the Commission has been able to start the process of reversing the effects of the Commission's downward spiral in staffing. The Commission is now able to begin filling critical vacancies, moving our staff level in the positive direction toward 420 FTEs. We have also started a process to reacquire headquarter office space that we forfeited in order to reduce our operating cost.

An Import Safety Initiative has been implemented with the creation of a new Import Surveillance Division in the Office of Compliance and Field Operations. For the first time, CPSC will have permanent, full-time product safety investigators at key ports of entry throughout the United States. At present, we have identified up to ten ports where we will assign personnel.

We are also implementing an Early Warning System (EWS) initiative which is designed to identify emerging product safety hazard patterns more quickly and effectively in children's products such as cribs, bassinets and play yards (playpens). FY 2008 funding will allow staff to continue to develop and implement processes and procedures to evaluate and characterize hazard scenarios and failure modes which should alert the Commission staff that a product hazard may exist and quick action to address it must ensue.

The additional resources for FY 08 will also allow the Commission to expedite the acquisition of a new state-of-the-art laboratory facility and equipment. We will commit \$8M of FY 2008 funding toward this effort. The Commission is moving in the direction of acquiring a new facility as opposed to modernizing the present laboratory site, based on current projections that acquiring a new facility would be a more cost effective, more expeditious, and more efficient process for the Commission than rehabilitating the present laboratory site.

We are also able, for the first time, to establish in our base funding, a capital fund to replace aging and outdated Information Technology (IT) equipment and we are able to dedicate funds to further the process of developing more advanced electronic applications for our IT system. These advanced electronic applications will be essential to the Commission's Import Safety initiative and EWS initiative as well as an important element to converting our current, disparate database systems to a one stop data acquisition system. Moreover, we are able to replace our outmoded resource management information system, for which vendor support was withdrawn due to the age of the system.

The FY 2008 increase will additionally provide for other important product safety related activities such as a modest increase in our contract funds for our rulemaking, research, and project support. And, because we need to be able to compete with other governmental agencies and the private sector for qualified candidates to fill our vacancies, an increase in funds for our staff training and staff performance incentives.

Most important to me is our now present ability to rebuild our staff. CPSC is a staff intensive organization. At the heart of CPSC's operation is its staff, without question, our greatest and most important asset. Over the last few years, because we were compelled to achieve staff reductions through non-targeted means such as attrition, early-outs and buy-outs, we lost some very key staffers. For instance, just to name a few, we have lost our key experts in these areas:

- ***Poison Prevention,***
- ***Chemical hazards as they relate to the Federal Hazardous Substances Act,***
- ***Compliance of toys,***
- ***Drowning prevention,***
- ***Emerging hazards,***
- ***Fire-related hazards, and***
- ***Legal knowledge of CPSC's regulatory process.***

Over time we hope to be able to hire and train capable replacements, but the experience in these areas that we have lost will take years to recover. In addition, dwindling resources, negative publicity in the media, and staff reductions had some negative impact on our agency's ability to attract high level qualified candidates for our critical vacancies as well as our ability to retain some of our own top level employees. I am very optimistic that now, with the change in

attitude about the Commission's importance that has manifested itself in our increased funding levels, we will be able to reverse the negative perceptions about the Commission and move in a positive direction on our staffing issues and, therefore, on product safety.

CPSC'S IMPORTANT SAFETY WORK WILL NOW CONTINUE

By most measures, CPSC provides both tremendous service and tremendous value to the American people and we are very proud of our staff's accomplishments. Our agency is the major factor in the substantial decline in the rate of deaths and injuries related to consumer products since 1974. During that time, through our standards work, compliance efforts, industry partnerships, and consumer information, there has been a 43% reduction in residential fire deaths, a 74% reduction in consumer product-related electrocutions, a 41% reduction in consumer product-related carbon monoxide deaths, an 83% reduction in poisoning deaths of children younger than 5 years of age, an 88% reduction in baby walker injuries and an 84% reduction in crib-related deaths.

The FY 2009 request, on its face, is a request for level funding from FY 2008. Level funding, because of recurring annual increases for current services, is ordinarily a cut and I would not support a de facto cut in agency funding at this crucial time. However, there are a number of one-time expenses occurring in FY 08 that are not anticipated in FY 09. Not having those expenses in FY 09, the Commission can target resources towards meeting recurring annual increases such as salaries and rent, funding anticipated compensation and operating expenses for additional hires, and funding continued acquisition efforts for our laboratory facility.

We at the Commission strongly feel that many, many deaths and injuries have been prevented as a result of the heightened attention given to safety issues by manufacturers and consumers due to CPSC's leadership. However, we are very mindful that the product safety landscape is ever evolving because of more technologically complex products as well as an ever growing emphasis on imports. Last year's heightened activities with respect to imported toys, in particular, clearly illustrate the benefits of a strong CPSC federal presence in today's consumer product marketplace and therefore provide substantial justification for present and future funding to keep our safety programs intact.

CONCLUSION

In addition to Congress' focus on Commission appropriations issues, both chambers, the House and the Senate, have passed reauthorization legislation. Both bills provide significant increases in our authorization levels for future years at the Commission. The authorization levels reflect my own views on how growth should be contemplated for the Commission, and I am hoping that future appropriations will be in line with the House and Senate final agreed upon authorization levels.

In addition to the authorization levels, the bills would also require the Commission to undertake a number of activities that I am not taking into consideration as I present this statement. The final legislative package will most certainly contain some significant new regulatory, enforcement and other mandates that could have some affect on what resources we would need to fully implement all of the requirements. When a final determination is made, we certainly intend to communicate with this subcommittee with respect to future requirements and their affect on Commission resources.

Mr. Chairman, I want to thank this subcommittee for your recognition of the importance of our agency with respect to product safety for American consumers. The sale of unsafe consumer products remains a major national problem. Because of your attention and assistance, we are now on the way back to firm footing in preventing unsafe, potentially harmful consumer products from causing deaths and injuries to American consumers. The continued support of this Subcommittee is essential to a successful fulfillment of our mission.