

* Consumer Federation of America * Consumers Union * Kids In Danger *
* National Research Center for Women & Families * Public Citizen * Union of
Concerned Scientists * U.S. Public Interest Research Group

May 25, 2011

Dear Representative:

As a coalition of consumer and safety groups, we write to urge you to oppose H.R. 1939, the *Enhancing CPSC Authority and Discretion Act of 2011*, a bill that would significantly diminish the consumer protections created by the Consumer Product Safety Improvement Act (CPSIA), a vital law that protects the public health by keeping unsafe toys and children's products off store shelves.

The CPSIA was enacted into law with overwhelming support from both parties in Congress and signed by President Bush in 2008 in response to the recall of millions of toys and children's products for excessive lead, ingestion hazards, and other serious health risks. The law created safety standards where none existed, improved safeguards against unsafe toys and children's products, and provided for a public database for consumers to report and read others' reports about hazardous products filed with the Consumer Product Safety Commission (CPSC). The CPSIA was approved with overwhelming, bipartisan support, and we are discouraged that H.R. 1939 was not considered in the same spirit.

We oppose this bill because it would lower standards and roll back safeguards for children and infants. We urge you to reject this bill.

Our concerns with the Enhancing CPSC Authority and Discretion Act of 2011, H.R. 1939, are below:

The legislation undermines pre-market, independent safety testing for children's products. The CPSIA protected children and gave parents assurances of safety by requiring that all children's products for children age 12 and younger that were subject to mandatory safety standards were required to be tested for safety before they appeared on store shelves. This included testing children's products to the lead and phthalate standards, toys to the most up-to-date safety standards, and infant durable products such as cribs and strollers to improved mandatory safety standards.

Unfortunately, the new bill significantly limits which products will be subject to third party testing and makes it almost impossible for CPSC to require safety testing on other products to address existing and emerging hazards in the future. While the bill preserves testing for infant durable products, pacifiers, metal jewelry and small parts, it makes independent testing for hidden hazards such as lead and phthalates very difficult to require. It also does not require that toys be tested to the mandatory toy standard. This means, for example, that toys containing magnets strong enough to rip through a child's intestines when swallowed in multiples will not have to be tested to ensure compliance with the relevant product safety standard.

The legislation undermines standards for lead content. The CPSIA required all parts of children's products to comply with a single, unambiguous standard for lead content. The draft bill would replace that clarity with a variety of standards that will be different depending on when the product was manufactured, the age of the child for whom the product is designed, whether it contains small parts, and other factors. As a result, parents and other consumers will no longer have the confidence that all parts of all children's products are safe for their children.

The legislation undermines the important new SaferProducts.gov database. The CPSC database went live in March 2011, allowing the public to report product safety hazards and access others' reports. The database will increase transparency, enable consumers to have more information about products they own or seek to purchase, help CPSC identify emerging hazard trends, and help prevent unnecessary deaths and injuries. The bill, however, would place onerous hurdles on those seeking to report a safety problem and give manufacturers more opportunities to prevent the posting of reports, thereby chilling the sharing of potentially life-saving information with other consumers, companies, and the government.

The legislation undermines protections ensuring the safety of cribs in child care facilities.

While the bill appropriately requires cribs to be tested to the new robust mandatory safety standards, it fails to afford those protections to all babies. Existing fixed-side cribs that have not been subject to a recall are allowed to remain in child care facilities even if a crib violates the most basic crib safety standards – slats too far apart, non-compliant corner posts, and failing mattress supports. Parents should be assured that the cribs their babies sleep in meet the strongest crib standards – both at home and in child care facilities.

Congress responded effectively when the avalanche of recalls in 2007 highlighted the serious flaws in our children's product safety system. We urge you not to forget these lessons, to maintain strong protections for the safety of children's products, and not to weaken or undermine the requirements of the CPSIA.

Sincerely,

Rachel Weintraub
Director of Product Safety and Senior Counsel
Consumer Federation of America

Ami Gadhia
Policy Counsel
Consumers Union

Nancy Cowles
Executive Director
Kids In Danger

Diana Zuckerman, PhD
President
National Research Center for
Women & Families
Cancer Prevention and Treatment
Fund

Christine Hines
Consumer and Civil Justice Counsel
Public Citizen

Celia Wexler
Washington Representative
Scientific Integrity Program
Union of Concern Scientists

Elizabeth Hitchcock
Public Health Advocate
U.S. Public Interest Research Group