

Consumer Federation of America ♦ Consumers Union
Kids in Danger ♦ Union of Concerned Scientists ♦ U.S. PIRG

November 15, 2007

Dear Chairman Rush and Ranking Member Stearns:

Thank you for moving swiftly to consider H.R. 4040, the Consumer Product Safety Modernization Act. This year is turning out to be the year of the recall, with product safety recalls at record high levels. We appreciate your willingness to tackle the growing problem of unsafe and dangerous products that are increasingly winding up in our homes and in the hands of our children.

Something has gone terribly wrong with our current safety system. Your bill, H.R. 4040, correctly recognizes that the Consumer Product Safety Commission (CPSC) – the agency responsible for protecting consumers from unsafe and dangerous products in the marketplace – is broken. We see this bill – and the managers’ amendment - as taking a critical step in the march to strengthen the CPSC and to improve the agency’s ability to protect the public from risks posed by unsafe products. We look forward to working with you to further improve this legislation as it moves to the full committee.

By authorizing increased funding for the CPSC, H.R. 4040 allows the Commission to better address the dangers in our marketplace. Importantly, the bill could also reduce the level of toxic lead in children’s products, provided that the exception to exclude certain materials from lead reductions does not become a wholesale retreat from stronger lead protections. In addition, H.R. 4040 seeks to strengthen the independent testing and certification of children’s products before they reach our homes – something that will go a long way in restoring consumer confidence in the items they buy every day.

As we understand it, the manager’s amendment strengthens several key provisions of the underlying legislation. For example, we applaud the Subcommittee for broadening the category of products to be tested to include those intended for use by children “12 years of age and younger,” instead of the prior “6 and under” language. We also appreciate the inclusion of a study into disparities in the number of injuries and deaths associated with unsafe products involving minority children. We also welcome the recognition by the Subcommittee that travel by CPSC officials should be paid for by the government, and not by the industries that they are supposed to regulate.

However, we urge the Subcommittee to strengthen H.R. 4040 further in certain critical areas. For example, we remain deeply concerned that the public’s right to know about product safety hazards in a timely and effective manner is still thwarted by Section 6(b). We would strongly support language creating a robust “adverse event” reporting database. Further, while we are pleased that the Subcommittee recognizes the importance of having state attorneys

general involved in the enforcement of consumer safety laws, we remain concerned about the limitations placed on their ability to obtain all available methods of redress for wronged consumers. We also feel that the bill's understood intent to address safety for all children's products – including toys – should be clarified within H.R. 4040. We also strongly urge you to include whistleblower protections for CPSC employees and those in the private sector who warn about product safety defects or the failure of the agency to adequately protect the public.

We respectfully urge the Subcommittee and Full Committee to consider the above issues and other potential strengthening amendments as the bill moves through the Committee process. We thank you for your efforts on this critical safety matter, and look forward to continuing to work with you in the weeks and months ahead.

Sincerely,

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cc: House Energy & Commerce Subcommittee on
Commerce, Trade, & Consumer Protection