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HEADLINE: CPSC Choice Provokes Controversy

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BODY:

The nomination of Mary Sheila Gall to head the Consumer Product Safety Commission is triggering an unusually visible outpouring of sentiment -- both pro and con -- from groups that traditionally shy away from taking a position on presidential appointments.

Today, a day before Gall's confirmation hearing before the Senate Commerce, Science and Transportation Committee, Consumers Union of United States Inc. is scheduled to join a coalition in denouncing her nomination. Although the publisher of Consumer Reports magazine often takes positions on substantive consumer issues, it rarely speaks out against a presidential nominee.

In a letter sent to Congress yesterday, Consumers Union, the Children's Defense Fund and the U.S. Public Interest Research Group said that under Gall's leadership, the CPSC will "abdicate its responsibility to protect children."

Noting that Gall (R) was the lone vote against a new safety standard for baby walkers, bunk beds and crib slats, the letter said, "Gall has repeatedly refused to act when faced with evidence of deaths and injuries to children from dangerous products, often blaming the parents, not the products." Gall also initially voted against regulating baby bath seats but reversed her position after being nominated.

The usually reticent Underwriters Laboratories Inc. and one of her fellow CPSC commissioners, Thomas Hill Moore (D), are supporting Gall. UL praised her "long and distinguished record of public service and safety advocacy" and said, "Gall has furthered consumer safety and served the American public well during her 10 years at the CPSC."

Moore wrote a letter supporting Gall after she was criticized in a newspaper article for her hands-off approach to regulation -- significantly different from the more pro-regulatory views of the current CPSC chairman, Ann W. Brown.

"To attack her nomination as Chairman because her thoughts on government intervention are somewhat different than her predecessor's is to trivialize our system of government and Commissioner Gall's very thoughtful approach to it," Moore wrote to USA Today.

Those unusual public comments illustrate how controversial Gall's nomination has become. Congressional aides predict that her hearing tomorrow will be a lively and lengthy one, even though no outside groups will be allowed to testify.

Gall declined to comment.

Normally the nomination of the CPSC chairman engenders little publicity. But Gall's chairmanship would signal a significant shift in the government's oversight of consumer products. Gall has long favored industry self-regulation and emphasized that it is consumers' responsibility, not the government's, to make sure they use a product safely.

Gall's nomination also is one of the first to be considered by the newly configured Senate, with the Democrats in charge. And Republicans said that Gall's treatment will be a test of how fairly the Democrats treat other Bush nominees because she has been confirmed by the Senate twice before.

She was first nominated to serve as a CPSC commissioner in 1991 -- by the current president's father -- and renominated in 1999 for a second seven-year term by President Clinton. There was no criticism at her previous hearings, but her nomination to head the agency has changed the picture.

"It is a rare thing for Consumers Union to take a position on a nomination, but in this case we think product safety is so important and safety of kids is so important and her 10-year record is so unsatisfactory, it's important for us to speak up," Consumers Union President James A. Guest said in a telephone interview yesterday.