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HEADLINE: **Keeping Things Safe**

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BODY:

When you buy a baby crib, an infant car seat or a child's toy, it ought to be safe. Too often it's not. And the federal agency in charge of strengthening product safety in America is at risk of being seriously weakened.

The Consumer Product Safety Commission (CPSC) is a small government agency that rarely gets much attention from Congress. That could change this week, however, when the Senate takes up President Bush's nomination of Mary Sheila Gall to be chairman of the commission.

Gall has served as one of three CPSC commissioners since the elder President Bush appointed her in 1991. She has been an outspoken opponent of government regulation and frequently fought measures to improve child safety, accusing her fellow commissioners of issuing proclamations "on behalf of the federal Nanny State." When faced with mounting evidence of deaths and injuries to children from dangerous products, she has stubbornly refused to act, often blaming parents rather than unsafe products.

In view of Commissioner Gall's 10-year record with the CPSC, Consumers Union has decided to oppose her nomination -- an unusual step for our organization. Consumers Union is nonpartisan and independent from commercial or political control. But when we believe that the well-being of children and other consumers might be seriously compromised, as we do in this case, we cannot afford business as usual.

President Nixon approved the creation of the CPSC in 1972. It received bipartisan support from Congress after lawmakers found that hazardous products that were not sufficiently regulated were to blame for harming and killing thousands of consumers. The CPSC has jurisdiction over some 15,000 products, from bicycle helmets to toaster ovens to bunk beds to power tools.

The agency is empowered to regulate products whose use results in -- or could predictably result in -- injury and death, either because of design or manufacturing flaws or because the foreseeable use of a product poses an unreasonable risk. Commissioner

Gall appears to fundamentally misunderstand or disagree with this mandate.

During Gall's tenure as a commissioner, when children were harmed by using products she has often blamed parents and caregivers for being "irresponsible," and has argued against taking action to correct the product:

\* Baby walker injuries had reached 28,000 per year when the CPSC voted on safety regulations in 1994. Gall opposed government action, saying, "The problem here is not with the walker, but with the failure of those entrusted with caring for small children to exercise appropriate supervision." Despite Gall's opposition, the CPSC voted to initiate mandatory standards, and that action persuaded manufacturers to develop designs that made baby walkers safer. By 1999, baby walker injuries had dropped almost 60 percent.

\* Faced with 89 child deaths associated with poorly designed bunk beds between 1990 and 1998, Gall opposed the commission's getting involved. She also said standards for crib slats were "premature," despite cases of children being hurt and killed when crib slats fell out of place.

\* Upholstered furniture fires are blamed for 100 deaths a year. But Gall voted against intervention, saying, "The fact that there are fires, deaths and injuries, while tragic, establishes only that risk exists. Something more is required to determine if that risk is, in fact, unreasonable."

\* In 1994 Gall refused to support CPSC regulation of baby bath seats, despite 14 child deaths and seven near-drowning accidents. Her "no action" view prevailed, and the agency did not intervene. Seven years later, 78 children had died using bath seats. (Gall reversed her position this year as controversy about her nomination was building, but even then she told The Washington Post, "This was a tough vote for me; it was a struggle.")

Gall's focus on parents and caregivers rather than unsafe products results in children being the unfortunate victims of situations over which they -- and often their parents -- have no control. If a safer product can be manufactured at a reasonable cost that will save children when their parents are distracted or unable to react quickly to prevent a tragedy, then it should be.

No one can predict with certainty how Gall would behave as head of the Consumer Product Safety Commission. But her record as a commissioner for the past 10 years is consistent and unequivocal. It suggests she is simply the wrong choice to become the leader of an agency upon which so many consumers depend.

The writer is president of Consumers Union, which publishes the magazine Consumer Reports.

