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POLICY & ACTION FROM CONSUMER REPORTS

November 29, 2017

The Honorable Frank LoBiondo, Chairman
The Honorable Rick Larsen, Ranking Member
U.S. House Committee on Transportation and Infrastructure
Subcommittee on Aviation
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman LoBiondo and Ranking Member Larsen:

Consumers Union, the policy and mobilization division of Consumer Reports, writes regarding the safety of unmanned aircraft systems, or drones, which the Subcommittee examines at a hearing today. We are concerned about the potential for drones with product defects to create a substantial risk of injury to the public—including if drones were to stall and drop out of the sky or if a drone battery were to catch fire—and the regulatory gap that would allow this potential risk to continue unabated. We urge you to require stronger federal oversight of drones' safety.

Consumer drone sales in the U.S. more than doubled from 1.1 million units in 2015 to 2.4 million units in 2016, and industry observers expect the market to continue expanding over the next several years.¹ Consumer Reports has covered issues related to drones and tested various models so that consumers can have comparative information about them.² During the current holiday season—and throughout the year—it is important for shoppers to know that products in the marketplace are safe.

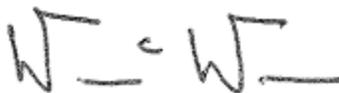
Unfortunately, in the case of drones, consumers do not have that assurance. When a GoPro drone model was found to contain a safety defect in November 2016, no federal agency—neither the Federal Aviation Administration (FAA) nor the Consumer Product Safety Commission (CPSC)—wielded oversight of the recall.³ As Consumer Reports noted at the time, the CPSC lacks jurisdiction over drones due to a statutory carve-out for aircraft,⁴ even though many of these systems are marketed and purchased in a manner similar to toys and other consumer products. The FAA has authority over how drones are flown, and has set standards for when small unmanned aircraft must be registered, but does not have policies and procedures with respect to product safety and declined to meaningfully engage on the GoPro defect.

In 2016, GoPro did the right thing: it voluntarily took its products off the market and publicized the recall. But there is no guarantee that other companies will follow its lead, and it is not clear that any government agency would take action to remove dangerous products from the marketplace in the event of a future defect. A lack of protections and clear regulatory authority leaves consumers at risk of being hurt or killed by defective drones.

The CPSC is well positioned to oversee the safety of consumer drones as produced and distributed in commerce while the FAA handles their in-use operation. Ultimately, federal law should reflect this division of oversight. However, unless and until the CPSC gains jurisdiction over consumer aircraft, the FAA should make sure that drones are built to be safe. We urge the Subcommittee to clarify without delay that the FAA has this responsibility.

Thank you for your attention to this important subject.

Sincerely,



William Wallace
Policy Analyst
Consumers Union

cc: The Honorable Bill Shuster, Chairman
The Honorable Peter DeFazio, Ranking Member
U.S. House Committee on Transportation and Infrastructure

Members of the U.S. House Committee on Transportation and Infrastructure

The Honorable Greg Walden, Chairman
The Honorable Frank Pallone, Jr., Ranking Member
U.S. House Committee on Energy and Commerce

The Honorable Bob Latta, Chairman
The Honorable Jan Schakowsky, Ranking Member
U.S. House Committee on Energy and Commerce
Subcommittee on Digital Commerce and Consumer Protection

[1] *See, e.g.*, Recode, “U.S. drone sales have more than doubled from last year” (Apr. 10, 2017) (online at www.recode.net/2017/4/10/15245234/us-drone-sales-doubled-from-last-year); Business Insider, “Drone market shows positive outlook with strong industry growth and trends” (Jul. 13, 2017) (online at www.businessinsider.com/drone-industry-analysis-market-trends-growth-forecasts-2017-7).

[2] Based on the results of independent product testing, Consumer Reports recently recommended several drone models as part of a Holiday Gift Guide with the Washington Post. Washington Post, “Holiday Gift Guide” (online at www.washingtonpost.com/graphics/2017/lifestyle/gift-guide/?tid=consumer-reports).

[3] Consumer Reports, “GoPro Drone ‘Recall’ Raises Oversight Questions” (Nov. 11, 2016) (online at www.consumerreports.org/safety/go-pro-drone--recall--raises-jurisdictional-questions).

[4] 15 U.S.C. §2052.