



The Honorable Robert S. Adler, Acting Chairman
The Honorable Elliot F. Kaye, Commissioner
The Honorable Ann Marie Buerkle, Commissioner
The Honorable Dana Baiocco, Commissioner
The Honorable Peter A. Feldman, Commissioner

U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

October 10, 2019

Dear Acting Chairman Adler and Commissioners Buerkle, Kaye, Baiocco, and Feldman:

Consumer Reports writes regarding the priorities of the U.S. Consumer Product Safety Commission (CPSC) at the start of fiscal year 2020. As the CPSC carries out its critical safety mission, the Commission should always put consumer safety first, even in the face of industry's reputation, liability, or cost concerns. CR urges the agency to push forcefully for a safe and fair marketplace, and to ensure that companies do everything necessary to protect consumers' safety. Specifically, CR urges the Commission to strengthen its activities in the following ways:

- **Increase the use of civil penalties.** The CPSC uses a range of tools, including its authority to levy civil penalties, to hold companies accountable and help change corporate behavior. Civil penalties are essential to enforcing against unlawful conduct that could place consumers at risk, including failures to report potential defects or misrepresentations made to the CPSC. As warranted, the agency should not hesitate to levy fines at the highest levels permitted under the law to deter future violations.

Historically, civil penalties have been underutilized, and in recent years, the Commission has shied away even more from using this important tool. In fiscal years 2018 and 2019, the agency entered into a total of three settlement agreements that included civil penalties; in 2016 and 2017, it entered a total of 11 such settlements. We ask that you put the agency's civil penalties authority to far greater use, and take a more aggressive approach to violations of the statutes and regulations under the agency's jurisdiction.

- **Empower and encourage CPSC staff.** As an independent agency, the CPSC has been directed by Congress to look out for safety in a manner relatively insulated from outside pressures, and the work of the CPSC staff should always reflect this charge. We urge you to ensure that CPSC staff stand up forcefully for safety and make full use of their skills, including in undertaking safety research and testing, writing safety standards, and crafting sufficient corrective actions. In voluntary standards development, we urge the Commission to empower CPSC staff to serve as leaders by openly communicating and

defending the agency's data, presenting their scientific judgments and conclusions, and casting votes on ballot items based on these expert assessments.

CR has said repeatedly that the CPSC should receive far greater funding and staff, so that it can implement more robust programs to prevent consumer harm. As strong supporters of the agency's mission, we also call on the CPSC to fully leverage the resources it does have in FY 2020, including by hiring talented staff to fill any open positions.

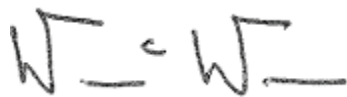
- **Improve recalls and response to hazards.** We urge the CPSC to do all it can to make recalls more effective and verify that companies get unsafe products off the market and out of homes. Recalls are most effective when they happen quickly and completely, and when they are governed by strong corrective action plans with terms that serve the public's interest—not just terms that advantage recalling companies. We urge the CPSC to keep working to employ novel communication and outreach tools, improve companies' implementation of recalls, and draw on consumer behavior research, including on the use of incentives, to help ensure that recalled products are removed from use.

In addition, we urge the CPSC to aggressively pursue recalls and make use of all available tools to protect consumers from harm. When a manufacturer fails to recall a hazardous product, the Commission must find ways to alert retailers and consumers. The Commission also should never issue or allow a company to issue just a general warning to the public when far stronger or more specific action is needed. Finally, the CPSC should take appropriate enforcement action against any entity that offers recalled or violative products for sale. In doing so, the agency should demand the active cooperation of all that facilitate these consumer sales, including online platforms.

- **Implement needed safety standards.** In the coming months, we urge special attention to CPSC standard development and rulemaking activities that would address—in a binding and effective way—hazards associated with furniture tipping over onto young children, inclined products that contribute to unsafe infant sleep, and carbon monoxide poisoning from portable generators. Recent work by Consumer Reports to research, document, and communicate about these hazards has demonstrated their terrible toll on the public and shown that urgent action to protect safety is both necessary and feasible.

By emphasizing these priorities during FY 2020, the Commission would bolster the agency's ability to protect consumers and strengthen its critical safety work. We thank you for considering our recommendations, and for all the CPSC's work to protect consumer safety. We look forward to working with the agency to substantially reduce product-related deaths and injuries, and to creating a marketplace where consumers can fully trust that the products they buy, use, and give to their loved ones will not hurt them.

Sincerely,



William Wallace
Manager, Home and Safety Policy



Oriene Shin
Policy Counsel