

**Oral Testimony of Consumer Reports to the U.S. Consumer Product Safety Commission  
on: “Agenda and Priorities FY 2023 and 2024”  
Presented by Oriene Shin, Policy Counsel  
Docket No. CPSC-2022-0012**

April 26, 2022

Thank you, on behalf of Consumer Reports (CR), the independent, nonprofit, and nonpartisan organization, I welcome this opportunity to present comments on the agenda and priorities of the CPSC for fiscal years 2023 and 2024.

For more than 85 years, improving product safety has been central to CR’s mission. We assess safety risks, investigate their impact on consumers, and inform the public and the CPSC when we identify product hazards—all on a data-driven basis. We push for strong action from the CPSC to keep the public safe from unreasonable risks posed by consumer products, and defend the agency’s authority to carry out its duty.

As the agency enters its fiftieth year of operation, the CPSC must be proactive in addressing both long-standing product safety hazards and new or emerging issues. We welcome Chair Hoehn-Saric and look forward to working together in this new chapter at the agency. We also welcome future opportunities to work with Commissioners Baiocco, Feldman, and Trumka, and a fifth commissioner, to improve the vast and evolving product safety landscape.

We applaud the Commission’s recent actions that put consumers first, including filing administrative complaints when companies refuse to recall hazardous products, as well as advancing strong mandatory standards for persistent product hazards. Going forward, we urge the Commission to lay out a bold vision for the agency and execute on robust initiatives that serve the agency’s mission to protect the public. As the CPSC carries out its vital work, we encourage the agency’s leaders to keep the following principles and activities in mind.

First, we urge the Commission and agency staff to continue to be vocal and relentless advocates for consumer safety in every arena. To meet the demands of today’s complex, interconnected, and ever-changing marketplace, it is critical for the CPSC to challenge themselves to think creatively and communicate forcefully in the service of safety.

The Commission should also keep promoting a strong culture that empowers CPSC staff to play a leading role in improving safety practices and standards throughout the marketplace, including in the voluntary standards development process. Staff should continue championing agency positions and casting more ballots on the basis of their expertise and their independent assessments.

Second, we urge the CPSC to implement strong and lasting internal mechanisms that can help protect the agency’s independence and better insulate itself from outside pressures. On occasion, abrupt shifts in priorities and focus areas may have contributed to unreasonable delays in completing the agency’s critical work. We also urge the Commission to empower the agency’s

staff once again with the discretion to evaluate and implement recommendations from the Office of the Inspector General as appropriate.

The CPSC should build on its Equity Action Plan and continue to integrate equity considerations into its everyday work. The agency's decisions and communications with the public should be driven by the pursuit of equity with an unwavering focus on serving consumers who may have been overlooked or underrepresented in the past. An increasingly diverse country requires its public health and safety agencies to be equipped to serve a wide array of needs. The CPSC's actions should reflect the reality that product safety hazards often affect communities disproportionately or differently, and remedies likely do not reach everyone equally.

Third, the CPSC should maximize the use of its compliance and enforcement tools to improve consumer safety and hold companies accountable. We applaud the agency's efforts to engage resistant companies to take action in support of safety, and to require strong mandatory actions when firms do not act voluntarily. It is critically important for companies to follow through on their commitments to issue a recall and carry out related actions. The CPSC should continue to push companies to carry out recalls as quickly and as completely as possible, and in a manner that makes it as easy as possible for consumers to participate.

The CPSC should remain aggressive in its response to violations of laws and regulations under the agency's jurisdiction. The agency should coordinate with the Department of Justice, as necessary, to make full use of its enforcement authority. As warranted, the Commission should not hesitate to deter future violations by levying the maximum civil penalties or make use of its criminal penalties authority when criminal conduct has occurred.

Fourth, the CPSC should continue to promote transparency and ensure that it informs the public about legitimate safety hazards in a timely manner, even as it is sharply limited by the statutory language of Section 6(b) of the CPSA. As we have said before: the impact of Section 6(b) is anti-consumer and anti-safety, and we support current efforts in Congress to repeal this provision. Nevertheless, we urge the CPSC to take steps to increase the availability of information and agency accountability to the public. These steps include reducing Freedom of Information Act (FOIA) backlogs, and keeping the public updated on the status of all recalls and whether companies are meeting their obligations under a recall agreement.

Fifth, the CPSC should continue to push for strong standards, voluntary and mandatory, that yield significant protection for consumers. In the voluntary standards-setting process, this should include the agency using CPSC testing and other research to provide timely data and direction; encouraging vocal and evidence-based CPSC staff participation; pushing for open and balanced voluntary standards subcommittees and processes; and retaining the credible full use of its mandatory standards authority.

On that note, the CPSC should not hesitate to pursue and advance mandatory standards where voluntary standards have not adequately addressed the hazard. Specifically, CR encourages the Commission to propose a rule addressing button cell or coin battery ingestion; issue final rules for magnets, table saws, and window coverings; and recommit to advancing

mandatory standards for portable generators and gas appliances to reduce the risk of carbon monoxide poisoning.

CR especially urges the CPSC to move forward with the promulgation of a strong mandatory safety standard for dressers and other clothing storage units, which would result in more stable furniture and protect children from injury or death due to a tip-over incident. A mandatory standard would allow the agency to more readily take action to protect the public when relatively unstable furniture puts people at risk, and should be finalized expeditiously.

We also urge the agency to remain vigilant and to address any potential safety hazards found in new or old infant or toddler products, including those with weak voluntary standards as well as products with voluntary standards currently under development. However, we are concerned with the Commission's decision as part of the FY 2022 Operating Plan to pull back on the agency's planned work on certain infant products, including pillow-like infant products. It is paramount that only those infant and toddler products that meet strong safety standards and align with expert medical recommendations are for sale in the marketplace.

Finally, I urge the CPSC to provide consumers, including the powerful parent advocates who sit with me on this panel today, more opportunities for informal engagement, including with the agency's technical experts, who can provide key insights into the agency's work. This kind of information exchange must be an essential component of the CPSC's strategy to protect consumers from preventable incidents, injuries, and deaths.

In conclusion, CR looks forward to the CPSC continuing to take strong pro-consumer action to address hazards associated with consumer products. We are eager to keep working with the agency to fulfill its mission in fiscal years 2023 and 2024.