



**Written Comments of Consumer Reports to the
U.S. Consumer Product Safety Commission on:
“Agenda and Priorities FY 2025 and/or 2026”
Presented by Gabe Knight, Policy Advocate
Docket No. CPSC-2024-0011**

Submitted to the Office of the Secretary via cpsc-os@cpsc.gov
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Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization,¹ welcomes the chance to submit comments on the agenda and priorities of the Consumer Product Safety Commission (CPSC) for fiscal years 2025 and 2026.

For 88 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, including through promulgating mandatory safety standards, holding companies accountable, and warning the public about potential hazards. We support and defend the CPSC’s vital role in pursuing a more consumer-driven marketplace in which both people and companies benefit from safer products and fewer product-related injuries and deaths.

We applaud the Commission’s ongoing work that puts consumers first. The agency has made considerable progress on a number of persistent as well as emerging hazards, and we urge the CPSC to build on its strong recent actions and continue to lead robust initiatives in line with its mission to protect the public. The CPSC should continue to hold companies accountable and fully utilize the agency’s compliance and enforcement authorities, whenever necessary. This includes unilateral warnings and substantial civil penalties that would help to ensure the public is better informed and companies put safety before profits. The CPSC should also continue to push companies to carry out recalls as quickly and as completely as possible and also make consumer participation as easy and as appealing as possible.

¹ Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today’s consumers, and provides ad-free content and tools to 6 million members across the U.S.

As we have repeatedly communicated to Congress and the public, the CPSC should receive increased funding to better prevent consumer harm. This agency is charged with a critical mission to protect the public from unreasonable risks of injury or death associated with over 15,000 different types of products. However, given current funding realities, the CPSC will be forced to make difficult decisions on how to allocate limited resources. As the Commission continues to take action necessary to keep people safe, and carefully considers how to prioritize the agency's work, we urge the CPSC to place an emphasis on the following key activities in its fiscal year 2025 and 2026 plans.

Continue to focus on hazards that put infants and toddlers at serious risk

Durable infant or toddler products

Infants and toddlers are among our most vulnerable, and accordingly we support the CPSC's work to issue strong safety standards under Section 104 of the Consumer Product Safety Improvement Act (CPSIA). It is paramount that the agency ensures that only those durable infant and toddler products that meet strong safety standards and align with expert medical recommendations are for sale in the marketplace. Unfortunately, hazardous products do pop up in the marketplace, and sometimes manufacturers refuse to participate in a recall or offer consumers an adequate remedy. In these instances, the agency should quickly warn consumers to stop using the product, and when possible, encourage retailers and platforms to remove the product from sale and issue safety warnings as well. We urge the agency to remain vigilant and to address any potential safety hazards found in infant or toddler products, new or old, including those with weak voluntary standards, as well as those products with voluntary standards currently under development. In particular, we urge the agency to finalize strong rules for infant support cushions, nursing pillows, and infant and infant/toddler rockers.

In addition, Consumer Reports remains concerned about the safety of weighted infant sleep sacks, which by their nature, run counter to the safe sleep practices established by the American Academy of Pediatrics (AAP). While we would welcome data that demonstrate they are proven to be safe, without such data, we will continue to advise consumers against using them. In its most recent recommendations for safe sleep, the AAP stated that "weighted swaddle clothing or weighted objects within swaddles are not safe and therefore not recommended."² We urge the CPSC to conduct rigorous oversight of these products, and further amplify the agency's safe sleep guidance for infants, which explicitly warns consumers not to use weighted blankets or swaddles for infant sleep.³

Water beads

We urge the CPSC to continue to remain vigilant and focus on products that pose acute risks to infants and young children, such as water beads. We know that children have died after

²AAP, "Sleep-Related Infant Deaths: Updated 2022 Recommendations for Reducing Infant Deaths in the Sleep Environment" (June 21, 2022) (online at: www.publications.aap.org/pediatrics/article/150/1/e2022057990/188304/Sleep-Related-Infant-Deaths-Updated-2022)

³ CPSC, "Safe Sleep – Cribs and Infant Products" (online at: www.cpsc.gov/SafeSleep)

ingesting water beads, including 10-month-old Esther Jo Bethard last year. From 2018 through 2022, CPSC data show that almost 7,000 water bead-related ingestion injuries were treated in U.S. emergency departments.⁴ While a number of retailers and platforms have taken steps to restrict the sale of water beads marketed to young children, products inconsistent with company guidelines still appear, and reappear, far too frequently. At least one company failed to take any action, and continues to allow the sale of water beads marketed for children, despite requests from the CPSC and CR to remove them. CPSC’s participation and data sharing are essential to developing and strengthening voluntary standards, and we encourage agency staff to remain active in ASTM F963 meetings to improve the safety requirements for expanding materials in any future updates to the toy standard. However, we are concerned about the pace of progress in ASTM discussions on water bead safety. Ultimately, strong and timely federal rules are needed to address the serious risks posed by these products, and so CR continues to advocate for a legislative solution.

Advance mandatory standards to make American homes safer

CR commends the CPSC for advancing and finalizing mandatory standards to address product hazards. We also acknowledge that last year’s decision from the U.S. Court of Appeals for the D.C. Circuit, *Window Covering Manufacturers Association (WCMA) vs. CPSC*, has resulted in delays in finalizing certain strong standards for consumer products. We encourage the agency to continue to work expeditiously to finalize the following rules:

Table saws

The risk of injury posed by table saws is staggering. The CPSC has estimated that between 2004 and 2020, there were about 32,000 emergency department-treated blade-contact injuries, many of them severe, associated with the products every year.⁵ CR has been advocating for the improvement of the safety of table saws for more than a decade, and we urge the agency to finalize its proposed rule as soon as is feasible.

Residential gas furnaces and boilers

From 2000-2019, gas furnaces and boilers were associated with a total of 539 deaths from CO poisoning. The CPSC assessed that deaths and injuries associated with residential gas furnaces and boilers can and do occur from CO poisoning even when products within the scope of the proposed rule comply with applicable U.S. voluntary standards.⁶ CPSC staff for years encouraged the industry to adopt a stronger voluntary standard that adequately addressed the

⁴ CPSC, “Water Beads” (online at: www.cpsc.gov/Safety-Education/Safety-Education-Centers/Water-Beads-Information-Center)

⁵ CPSC, Supplemental notice of proposed rulemaking: “Safety Standard Addressing Blade-Contact Injuries on Table Saws” (Nov. 1, 2023) (Docket No. CPSC 2011–0074) (online at: www.federalregister.gov/documents/2023/11/01/2023-23898/safety-standard-addressing-blade-contact-injuries-on-table-saws#:~:text=The%20proposed%20rule%20stated%20that.rate%20of%201%20m%2Fs)

⁶ CPSC, “Safety Standard for Residential Gas Furnaces and Boilers” (Oct. 25, 2023) (Docket No. CPSC-2019-0020) (online at: www.federalregister.gov/documents/2023/10/25/2023-23302/safety-standard-for-residential-gas-furnaces-and-boilers)

known hazards, but it has failed to do so. We urge the CPSC to finalize the strongest feasible version of the rule.

Electric bicycles and other e-mobility devices

E-bikes, which offer a fun, sustainable way for consumers to get around, have soared in popularity in recent years. Unfortunately, so too have injuries associated with them. According to the CPSC's latest report on micromobility deaths, injuries, and hazard patterns, nearly half of all estimated e-bike injuries from 2017 to 2022 occurred in 2022 alone.⁷ We look forward to providing comments on the agency's advance notice of proposed rulemaking on electric bicycles, addressing mechanical hazards. To address the risk of fires associated with e-bikes as well as e-scooters, hoverboards, and similar mobility devices, CR continues to advocate for enactment of the lithium-ion battery safety bill in Congress.

Custom window covering cords

The CPSC should finalize a strong standard for custom window covering cords. For over 40 years, operating cords for window coverings have put young children at serious risk of severe injury or death. We urge the CPSC to move forward and ensure that all window coverings meet a strong mandatory safety standard that will help protect children from the serious risk of injury or death.

Hold retailers and digital marketplaces responsible for safety and push for best practices

The CPSC should remain focused on the steps it can take to minimize the risks to consumers from products sold online, and to hold platforms accountable to the greatest extent possible for the safety of the products they allow to be listed. In 2023, e-commerce sales were estimated at \$1.1 trillion in the United States, an increase of 7.6 percent from 2022 sales, and this total continues to rise.⁸ As consumers increasingly rely on e-commerce to meet their needs, and a growing number of online platforms enter the U.S. marketplace, the CPSC should continue to proactively monitor platform activity, engage with platforms, and carry out robust compliance work to improve accountability. We applaud the CPSC's ongoing efforts to use the tools it has at its disposal, including uniliteral warnings.

Last year, the agency's eSAFE team, carrying out vital work, requested the removal of 50,000 hazardous products. We commend this initiative and urge the CPSC to continue and expand its push for the removal of recalled, non-compliant, and hazardous consumer products online. However, we recognize that the presence of such products online is at a larger scale than the CPSC can address alone. Online marketplaces must take greater responsibility for the products sold on their platforms, including those sold by third-party vendors. This means going

⁷ CPSC, "Micromobility Products-Related Deaths, Injuries, and Hazard Patterns: 2017-2022" (September 2023) (online at:

www.cpsc.gov/s3fs-public/Micromobility-Products-Related-Deaths-Injuries-and-Hazard-Patterns-2017-2022.pdf?VersionId=BekCvIY03IvMU9nHr2ErziUNXNkPAghJ

⁸ U.S. Census, "Quarterly Retail E-Commerce Sales" (Feb. 20, 2024) (online at:

www.census.gov/retail/ecommerce.html#:~:text=Total%20e-commerce%20sales%20for,14.7%20percent%20of%20total%20sales)

beyond removal of unsafe product listings identified by the CPSC, and doing everything possible to ensure that hazardous products are not made available for sale in the first place.

The CPSC should continue to engage and push companies to adopt product safety best practices, with clearly stated guidelines for companies to implement. Best practices must begin with fostering an organizational culture centered on safety and accountability. This includes designating key staff to help integrate product safety best practices into the business, enhancing vetting processes for third-party vendors and consumer products, and providing consumers with clear and reliable product safety information. By encouraging these types of safety-centric practices, the CPSC could help improve the online shopping experience for consumers while also building trust with online platforms and retailers. CR strongly supports this endeavor and looks forward to working with the agency to make online shopping safer for consumers.

Enhance vetting of third party vendors

Online platforms are well situated to vet and monitor third party sellers' behavior, and set expectations for seller conduct. Companies should implement strong vetting practices that will hold sellers to high standards of conduct. When sellers fail to meet company standards, they should quickly be removed from the platform, and platforms should work to ensure that they do not regain platform access under a different manufacturer's name, and relist hazardous products that have been removed.

Test and verify products

Online platforms should strengthen their product safety and compliance practices to ensure that products sold by third-party vendors meet applicable mandatory and voluntary standards. Certificates demonstrating compliance with applicable safety standards should be easily accessible for consumers, as should high-risk consumer product category lists.

Provide clear and reliable product safety information

Companies should provide consumers with the information necessary to make the safest choices when buying products online. Relevant safety information, including information on relevant mandatory and voluntary standards and other safety warnings, should be prominently displayed, and presented in simple terms, so consumers can make well-informed decisions when shopping.

Warnings and recalls

Companies should develop standard procedures for issuing warnings and recall notices for products bought online, as well as in stores. When the CPSC identifies a hazardous product, companies should work with the agency to issue a timely, attention-grabbing recall that makes it as easy as possible for consumers to participate. Companies should attempt to contact and inform consumers through multiple channels, in addition to email, including by text, and by displaying relevant recall and warning messages at the top of a platform's home page. Whenever possible, consumers should have the option of receiving a full cash refund of the purchase price.

Conclusion

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 continue to work with the agency to fulfill its mission in fiscal years 2025 and 2026.