



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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CHAIR ALEXANDER D. HOEHN-SARIC

Remarks of Chair Alexander D. Hoehn-Saric

**International Consumer Product Health and Safety Organization (ICPHSO)
2023 Annual Symposium**

**Wednesday, February 22, 2023
12:45 PM Eastern**

Thanks Len (Morrisey) for your kind introduction and for the invitation to address ICPHSO again. I also want to thank Marc Schoem for his work in putting this conference together. It is impressive to see attendees from more than a dozen countries and I appreciate your focus on product safety.

I am honored to help you celebrate 30 years as an organization. Just a few months ago, we commemorated CPSC's 50th anniversary, so being a part of this milestone event has a particular resonance for me.

Some of you may remember when ICPHSO started in 1993. You may have even attended the first ICPHSO meeting. I think we can all agree that when we as product safety professionals, advocacy groups, industry leaders and regulators meet, and work to find common ground around product safety, consumers win.

Finally, I want to recognize ICPHSO's outgoing president, Xiao Chen, as she prepares to turn the reins over to Len. ICPHSO has benefitted from your leadership, and I know you will continue to contribute to product safety in the future.

Today, you have already heard from so many incredible leaders at CPSC about all the work that we are doing. Jason Levine put it best when he described "historic activity levels" at the agency during his presentation this morning. Trust me when I say that every one of this morning's speakers, and the staff that work with them, have been moving mountains to advance our mission to protect consumers.

As you saw first-hand this morning, and as many of you see every day when you interact with them, our dedicated career staff are incredibly skilled and able to negotiate recalls, draft regulatory proposals, research and test consumer products, and share vital safety information with the public in a way that truly serves the public good. I am thankful and proud of the work they do every day.

At CPSC, individuals cannot advance consumer product safety on their own. Our compliance officers, engineers, scientists, attorneys, investigators, port inspectors, and communications

professionals must rely on one another and work together to make determinations about product hazards, move towards a safety standard or a recall, and warn the American public about product hazards.

And even though I'm the Chair, it is only through consensus with my fellow Commissioners that the agency can move forward with rulemakings and other vital safety work.

This collaboration has not slowed down our important work during my tenure. Despite our occasional disagreements on policy, I have had the pleasure of serving with commissioners who share my dedication to public service and truly have the consumers' interest at heart. We have been able to move forward on major rulemakings, recalls, and civil penalty agreements – usually with unanimous support.

When I joined you last year at your 2022 Annual Symposium outside Washington, I was still pretty new in my tenure as Chair. So, I want to spend a few minutes reflecting on what we accomplished over the past year and what I have learned, before I move to discuss the Commission's next steps.

First and most important, I have focused my attention on putting consumers first in everything we do. This may seem like an obvious statement. After all, Consumer is the first word in our name. But the interests of consumers has not always been as central as it should be, so here's what we've done to address this:

We've worked to improve consumer awareness about recalls. In my first week at the Commission, I asked our staff what we can do to increase recall awareness. Immediately, we made some simple changes. We ensured that a direct link to the recall website page was included in all press releases, and we pushed for direct notice to consumers whenever possible. Since then, our compliance staff has worked with industry to develop innovative new ways to provide direct notice to consumers.

For example, a recall involving a smart TV included a pop-up notice to consumers right on their TV screen. It's a small example, but meeting consumers where they are – in this case, literally on the product screen – is critical to advancing our mission to protect them from product hazards. I will keep pushing for more creative solutions like this one to drive awareness and – hopefully – increase response rates.

Today, with one click of a button, consumers can purchase and ship products directly to their homes. There is no reason that recall remedies can't be just as easy to access. The technology exists and we need to keep moving toward that goal.

We have also made clear that CPSC will not hesitate to move forward on our own when we believe it is in the best interest of consumers. We will always try to negotiate voluntary recalls with companies, but if those companies are not willing to take the steps needed to protect consumers, we will use our authority to warn consumers directly.

Unilateral press releases were a rarity at the Commission before I became Chair. They are now a regular part of the tool kit we rely on to keep consumers informed. Since the start of FY 2022, we have issued 13 unilateral press releases warning the public about safety issues – more than we had issued in the previous four years combined. Five of the 13 notices were approved by the Commission, and the rest were produced by our staff.

When safety issues arise, firms should step up and work with us to provide remedies and notice to consumers. Most firms do, but for those who won't, we've proved we won't back down from sharing essential safety information with the public.

Consumers deserve to have product defects addressed quickly with an appropriate remedy. But if it takes too long to negotiate a remedy with the CPSC, consumers ought to know of the potential hazard in their home so they can take steps to protect themselves.

We also have aggressively pursued civil penalties. If companies violate the law, and do not properly report hazards to the CPSC or continue to sell products after a recall has been announced, we will seek legal remedies. For us, this is a critical tool to highlight the importance of putting safety first and to deter this unacceptable behavior in the future.

Companies cannot hide deaths and injuries from consumers. Consumers have a right to know about products in their homes that may harm them and their families. In FY 2022, we issued civil penalties totaling \$38 million. Just last month, we unanimously approved a more than \$19 million civil penalty settlement with Peloton to resolve charges related to its Tread+ treadmill. We will continue to hold companies accountable that violate the law and fail to prioritize their customers' safety.

Putting consumers first also has meant clearing the backlog of regulations that had been sitting for years. We are issuing new safety standards where voluntary standards are not stringent enough or do not have adequate compliance. We finalized four major rulemakings – preventing tip-overs in clothing storage units, establishing window covering safety, creating a safety standard for magnets, and establishing a standard for crib mattresses – in my first year as Chair. This year, we are looking to establish standards for portable generator safety, gas furnaces, adult portable bed rails, infant loungers, and infant support pillows.

And we are actively enforcing our own rules. Our landmark Infant Sleep Products Rule went into effect in June 2022, requiring that all products sold for infant sleep meet an existing safety standard. We provided guidance to companies to help them comply with the law and made clear that we will not tolerate violations that put babies at risk.

Since the rule went into effect, we have conducted surveillance to remove violative products from the market and issued a number of Notices of Violation. We also are doing this with respect to other recently finalized rules and statutes. This includes our magnet rule as well as the crib bumper ban and inclined sleeper ban under the Safe Sleep for Babies Act.

We have also increased information sharing with our foreign counterparts so that we can all better identify hazardous products and prevent injuries. We live in a global economy, where the same products are available in numerous countries. We must seek information from foreign regulators to protect American consumers and share information with other agencies, not only so that they can protect their populations but to reduce global manufacture and trade in unsafe products. This will help to keep all of us safe.

I have also learned some essential lessons in my first year and a half at the Commission.

The first is “be careful what you wish for.” I have told many audiences in the past year that a priority for me was to make CPSC a household name. Of course, what I meant was that CPSC needs to be a trusted name – so that the public turns to us when they hear about a recall or want product safety information or to raise a red flag when they see a hazard.

Recently, CPSC did become a household name, but not in the way I had hoped. We became – incorrectly – a meme about government overreach.

The media inaccurately reported that the Commission was looking to ban gas stoves despite a statement from a CPSC spokesperson saying that was not true. This story quickly became politicized.

In a world that is far too polarized, we cannot risk half of the population seeing CPSC as a suspect actor. If individuals fail to act when CPSC announces a recall or ignore safety tips we share because of a perceived bias, then consumers — including small children — will be put at risk.

We need to work to let people know who we really are, what we really do, and why we're relevant to their lives.

And since we're on this topic, I want to take a moment to discuss the underlying issue that started this firestorm – chronic hazards and the difficult work that CPSC – and our many stakeholders – must do to address the real health harms that can arise from toxic emissions. In this case, the health risks from gas stoves are not a punchline, but a serious issue that should be studied and addressed, as appropriate.

Today, as laid out in our operating plan, the CPSC staff submitted for the Commission's consideration a Request for Information (RFI) relating to potential chronic health risks posed by gas stoves. To be clear, this is not a regulatory document, but a series of questions.

Many of you in this room are involved in efforts to examine these very hazards. I hope that the month of wall-to-wall press coverage won't deter you from your work or from commenting on the RFI once it is finalized. We have a lot to do. Mitigating hazards shouldn't be about politics, it must always be about protecting people, particularly our most vulnerable populations, including children and individuals with underlying health conditions.

A second lesson from this year has come as I've seen firsthand how the restrictions of Section 6(b) of the Consumer Product Safety Act permeate just about everything that happens at the Commission. As a staffer on Capitol Hill, I understood the restrictions to some degree. And I knew that the CPSC was the only federal safety agency burdened with this statutory restriction.

Since I have been at the Commission, I have seen safety warnings and recalls delayed under 6(b) for reasons that rational people can't defend. For example:

- We were delayed because 6(b) requires us to try and provide notice to fly-by-night overseas manufacturers whose business model is to disappear when challenged;
- We were delayed when a manufacturer suddenly stopped talking to us and forced us to send them certified mail in order to meet the requirements of 6(b); and
- We were delayed when industry argued with us over the CDC's description of a health risk.

Moreover, even where we have issued an agreed-upon release after weeks of negotiation that included a threat of lawsuit from the company, I have seen misrepresentations from that company about CPSC's position. 6(b) limited our ability to fully respond to that misrepresentation.

All this works to the disadvantage of the public and public safety.

But I've also learned "from the inside" that CPSC's own internal processes and our own regulations limit us more than the statute requires.

Many of you know that, earlier this month, the Commission approved publication of a Supplemental Notice of Proposed Rulemaking on revisions to our regulations interpreting Section 6(b). My goal with that process is simple – I want to align our rules to be consistent with the statute.

To best serve consumers, we must work to get as much information out to the public as is appropriate, as quickly as we can. I was pleased to move this forward and am eager to see the comments that we receive.

My time at the Commission has also shown me the areas where we need to strengthen the agency and our safety record. First, I'll go back to my interest in making CPSC a household name. While I don't necessarily want our agency's name to be on the lips of cable news hosts, I do want our name and – more importantly – our message to be familiar to all Americans, particularly those in communities that are disproportionately impacted by hazards.

I spoke last week to a conference on drowning prevention. I shared data on racial disparities in drowning, and the picture is grim. Drowning death rates for Black people are 1.5 times higher than the rates for White people. And for Native Americans aged 29 and younger, it's twice as high than for White people in the same age range. And it's not just about race. People in rural areas of the United States are 26 percent more likely to die by drowning than people in urban areas.

We've seen similar disproportionate outcomes across many product hazards – deaths from nursery products, residential fires, carbon monoxide poisoning, and furniture tip-overs. They all show unequal impact and tragic outcomes that are often rooted in historic – and in some cases, ongoing – inequity and discrimination.

I realize that we can't solve the underlying social conditions that may perpetuate these outcomes, but I am committed to connecting with these communities to ensure that we reach them with important safety messaging and ways to stay safe.

For example, we are working with an array of collaborators to highlight the importance of water safety and swimming skills.

We're expanding our reach to partners that have trusted voices in key communities, including Diversity in Aquatics, Black Swimming Association, the Team Kareem Foundation, and the Shawn Delifus Foundation. We're socializing our safety messaging across multiple platforms – digital and old-school – from streaming services to roadside billboards, which Native Americans have told us are an effective way to reach their communities.

In other words, we're working to meet all communities where they are so our safety message will be heard and acted upon.

We also must focus on modernizing CPSC so that it is better prepared to meet the changing needs of consumers and the marketplace.

We need to invest in technology and data collection that will enable us to better identify and address emerging hazards. One such hazard before us today is e-bike fires that are causing

massive damage, and fatalities across the country. We have been dealing with lithium-ion battery fires for years on a product-by-product basis. It remains to be seen whether these batteries will become so pervasive and common in our lives that we need to develop a more comprehensive approach to safety. We're working closely with state and local agencies to study these incidents with an eye toward solutions that make them safer.

Other emerging hazards remain more theoretical. Take for example artificial intelligence and machine learning. Consumer products that rely on machine learning to adapt over time may present new and unexpected hazards long after they are introduced into the marketplace – and these changes may not be fully under the control or understanding of the manufacturer. There's a movie out called M3GAN where an AI doll evolves from child's companion to murderous protector. This is fiction, of course, but it is a cautionary tale. It begs the larger question: what happens if a product "evolves" through its programming and becomes a hazard to people? I don't have the answer to this, but I do believe it's an issue we'll need to address sooner than we think.

Modernization also means revamping the way we are monitoring imports for unsafe products to better target and stop hazardous products before they reach store shelves and consumers' homes. We will be kicking off our eFiling beta project later this year, and I understand that quite a few stakeholders in the room will be participating in that. I want to take a moment to thank you for your support of this important pilot and let others know they can still sign up to participate if they've been waiting.

When it is up and running, eFiling will improve CPSC's targeting and enforcement capabilities, by incorporating certificate of compliance data into our Risk Assessment Methodology (RAM). If we get it right, eFiling will enable us to target shipments that put Americans at risk while allowing known shippers with a strong history of safety to move their products through the ports quickly.

And finally, with the dominance of e-commerce in our lives, it is incumbent on all of us to make sure consumers are equally protected from hazards, regardless of whether they purchase a product in a store or online. Online marketplaces and platforms that did not exist a decade ago are now driving the market. And through these marketplaces, consumers can buy directly from companies that operate in the shadows overseas and may have little regard for product safety laws.

Unfortunately, the big platforms do not take enough responsibility for all of the products sold on their sites at times leaving consumers unprotected. Some sites also fail to adequately vet the sellers and products sold on their platforms. While their terms and conditions may require sellers to meet mandatory and voluntary standards, far too often the CPSC finds violative products on these sites. It is not enough to respond to take down requests – of which CPSC issued nearly 60,000 last year. Online marketplaces should proactively review the sellers and products they allow on their sites to ensure the safety of their customers.

In the meantime, our E-Safe team will continue to scour the internet looking for recalled and defective products being sold online. This work will not end. We will continue to find and notify marketplaces of likely thousands of violative products each month. Just last week, at the drowning prevention conference, I was presented with numerous illegal drain covers that were sold online.

CPSC shouldn't have to spend time and taxpayer dollars identifying illegal products and requesting that the marketplaces pull them down. The marketplaces are better positioned to

identify these products and have more resources to find ways to prevent the sale altogether. The technology exists, they just need to use it.

Last fall, the Commission approved an ambitious Operating Plan. We listed more than 80 voluntary standards activities that staff are actively involved in; and 29 packages related to mandatory standards that are to be submitted to the Commission.

We are tackling carbon monoxide poisoning, infant sleep safety, the hazards presented by button and coin cell batteries, and much more.

But we can't do this alone. Just as the original founders of ICPHSO realized 30 years ago, we need all voices in the room as joint stakeholders in the service of consumer health and safety. This means having industry work with us and incorporating the voices of consumer representatives on voluntary standards committees. It means working quickly with us on recall notices when we identify product hazards so consumers can take action to avoid harm.

It also means reinforcing our safety messaging with your audiences and stakeholders. Our safety tips and statistics are publicly available, and we would welcome the opportunity to collaborate on ways to share this vital information with your networks and markets. Letting your customers, constituents, clients, members, and colleagues know about the hazards associated with consumer products – benefits all of us, especially the consumers we all ultimately serve.

I look forward working with ICPHSO to keep consumers safe as you start your next 30 years.

Thank you for your time and attention. I look forward to seeing you again soon.