



**U.S. CONSUMER PRODUCT SAFETY COMMISSION  
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**STATEMENT OF COMMISSIONER ELLIOT F. KAYE  
TO THE SUBCOMMITTEE ON CONSUMER PROTECTION AND COMMERCE  
OF THE U.S. HOUSE OF REPRESENTATIVES ENERGY AND COMMERCE COMMITTEE**

**HEARING ON “PROTECTING AMERICANS FROM DANGEROUS PRODUCTS:  
IS THE CONSUMER PRODUCT SAFETY COMMISSION FULFILLING ITS MISSION?”**

**APRIL 9, 2019**

Good morning, Chairman Schakowsky, Ranking Member McMorris Rodgers and Members of the Subcommittee. Thank you for holding this critical oversight hearing and for inviting us to speak about the important work of the United States Consumer Product Safety Commission (CPSC or Commission). I am pleased to be here with my friends and colleagues: Acting Chairman Buerkle and Commissioners Adler, Baiocco and Feldman.

Today, we are representing the work of approximately 550 dedicated CPSC career staff. I am truly honored to work with them and my fellow Commissioners in furtherance of the CPSC’s mission of saving lives and protecting the public from unreasonable risks of harm associated with consumer products.

The CPSC is tiny compared to our sister federal health and safety agencies, such as the U.S. Food and Drug Administration or the National Highway Traffic Safety Administration. Our budget has hovered around \$127 million the past few years. Accordingly, we run a lean operation and provide an excellent return on investment considering our increasingly complex global economy with billions of consumer products entering commerce each year.

Every day our actions affect the lives of all Americans, whether they realize it or not. From a child sleeping in her crib, to the toys that she plays with, to the smoke and carbon monoxide alarms that warn her parents of imminent danger, to the child–

resistant packaging that keeps her from getting into poisonous medicines and household cleaners, we take very seriously our jurisdiction and its accompanying responsibility to keep consumers safe.

When the CPSC is at our best, we are using our limited resources and our full authorities as a federal regulatory agency to drive both voluntary and mandatory standards development to make consumer products safer. We are funding innovative safety research, writing effective testing protocols and driving much safer product designs to market.

When the CPSC is at its best, we are leading the charge to end persistent hazards such as furniture tipping over and killing young children, infants suffocating in unsafe sleep environments and toddlers strangling on dangerous window covering cords. To that end, I have published a statement that outlines the steps necessary to end ten of the most persistent consumer product safety hazards that continue to take lives and devastate families.<sup>1</sup>

When the CPSC is at its best, we are addressing hazards associated with exposures to classes of toxic chemicals in toys, art supplies, kitchenware, playgrounds, clothing, furniture and household cleaners.<sup>2</sup>

When the CPSC is at our best, we also are concurrently using our enforcement authorities aggressively and appropriately to robustly enforce our existing laws and regulations and keep unsafe products out of the marketplace. We are promptly recalling dangerous products with comprehensive and consumer-friendly recalls and corrective action plans,<sup>3</sup> using our litigation authority when necessary. We are assessing and pursuing civil penalties as appropriate to deter bad actors from selling recalled goods and failing to report to us as required under Section 15(b) of the Consumer Product Safety Act (CPSA). And, we are creating a level playing field and an environment where good actors can thrive. We do this by enforcing safety-oriented

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<sup>1</sup> See my statement on persistent hazards at: <https://www.cpsc.gov/s3fs-public/Commissioner%20Kaye%20Consumer%20Product%20Safety%20Persistent%20Hazards%20Paper%20%20April%202019%20%28Final%29.pdf?Dgcsfq65qctBf5z2X2VhrRvERv7wIXi5>.

<sup>2</sup> For one example of the importance of the CPSC's work on chronic hazards, see my statement on organohalogen fire retardants: [https://www.cpsc.gov/s3fs-public/Commissioner\\_Kaye\\_Statement\\_on\\_Organohalogen\\_Fire\\_Retardants\\_Petition\\_9.20.17.pdf?caGuQ1LWIZyZBwqIgZwED0EpFIDVtCjQ](https://www.cpsc.gov/s3fs-public/Commissioner_Kaye_Statement_on_Organohalogen_Fire_Retardants_Petition_9.20.17.pdf?caGuQ1LWIZyZBwqIgZwED0EpFIDVtCjQ).

<sup>3</sup> See my statement on the six basic principles of consumer-friendly recalls at: <https://www.cpsc.gov/about-cpsc/commissioner/elliott-f-kaye/statements/statement-of-commissioner-elliott-f-kaye-on-consumer>.

voluntary and mandatory standards and removing from the market the products of those few bad actors who do not have safety in mind.

When the CPSC is at our best, we are prioritizing our presence at the ports and are working with our partner agencies both domestically and internationally to stop violative or unsafe products from entering the stream of commerce.

When the CPSC is at our best, we are anticipating safety problems with emerging technological innovations. We are able to keep pace with the global expansion of the Internet of Things and stay ahead of the potential effects on consumer safety from all aspects of the market for networked products.<sup>4</sup> We are dedicating resources to research and understand high-energy density battery technology to prevent batteries from combusting and harming people and their property. We are keeping abreast of and promoting safety in fast-moving tech trends, such as electronic rideshare scooters.

When the CPSC is at its best, we give careful thought to special, vulnerable populations, such as children and senior citizens.

I believe that the CPSC and our outstanding staff can do all of these things. I have seen them do it, and whether you all have seen it too, we are all safer because of the CPSC staff.

But even at our best, we still need help. Even our best is sometimes not good enough to prevent some deaths and injuries. For that, we desperately need additional authorities and adequate funding.

While this is not an exhaustive list, we need revisions to our statutes to eliminate unnecessary hurdles to developing mandatory safety standards. We need enhanced authorities to get dangerous products recalled and off the market quickly. We need additional authorities so we can assess fines at our ports to prevent violative and defective products from reaching the stream of commerce. And, we need the anti-consumer safety and anti-transparency requirements of Section 6(b) of the CPSA to be eliminated so we can provide the public with vital product safety information in a timely manner. People die because of Section 6(b). It is that simple.

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<sup>4</sup> See my paper setting forth a framework for safety across the Internet of Things at: [https://cpsc.gov/s3fs-public/A\\_Framework\\_for\\_Safety\\_Across\\_the\\_Internet\\_of\\_Things\\_1-31-2019\\_0.pdf?1KJ.t4Tn04v9OtEBr2s0wyLAP.KsuuQ3](https://cpsc.gov/s3fs-public/A_Framework_for_Safety_Across_the_Internet_of_Things_1-31-2019_0.pdf?1KJ.t4Tn04v9OtEBr2s0wyLAP.KsuuQ3).

We also desperately need more resources. When Congress last reauthorized our agency in 2008, it voted overwhelmingly to incrementally increase our funding levels annually, authorizing our budget at approximately \$136 million for Fiscal Year 2014. We have yet to be funded at that level despite our budget justifications.

I know this is not an appropriations hearing, but our current budget of \$127 million is just not enough. At every budget cycle, we cut important and meaningful projects that could ultimately save lives and decrease the pain and suffering of millions of American families because there is just not enough money to do everything that needs to be done.<sup>5</sup>

We lack funding for anything more than the most basic research and demonstration projects. We lack funding for adequate coverage of dangerous products coming into the country through our ports. We lack funding to adequately monitor online sales channels. We lack funding to maintain our data infrastructure so it operates smoothly and securely well into the future. We lack funding for timely fulfillment of FOIA requests. We lack funding to recruit and retain our talented investigators, enforcement officers, engineers, scientists, economists, communication specialists, lawyers and support staff.

It's truly amazing to me how underfunded consumer product safety actually is. It's kind of sad, really. It is also totally unnecessary.

With Congress' support for additional authorities, adequate funding and continued robust oversight, we can stay true to our safety mission.

Thank you, again, for the invitation to speak to you about the CPSC and the life-saving work undertaken by our staff. I look forward to answering questions you may have.

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<sup>5</sup> See my statement and amendment to the CPSC's FY 2020 Budget Request to Congress: <https://cpsc.gov/about-cpsc/commissioner/elliott-f-kaye/statements/Statement-of-Commissioner-Elliott-F-Kaye-on-the-Fiscal-Year-2020-Performance-Budget-Request-to-Congress>.