



**U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814**

**STATEMENT OF CHAIRMAN ELLIOT F. KAYE
TO THE CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY SUBCOMMITTEE
OF THE U.S. SENATE COMMERCE, SCIENCE, AND TECHNOLOGY COMMITTEE**

OVERSIGHT OF THE CONSUMER PRODUCT SAFETY COMMISSION

JUNE 17, 2015

Good morning Chairman Moran, Ranking Member Blumenthal and the members of the Subcommittee. Thank you for the invitation to come speak about the work of the United States Consumer Product Safety Commission today. I am pleased to be joined by my friends and colleagues from the Commission: Commissioners Adler, Buerkle, Mohorovic, and Robinson. In addition to a deeply dedicated and hard-working career staff in the federal government, we have a special group of talented, passionate and committed Commissioners, and I am honored to work with them at an agency that's mission is to save lives.

CPSC's vital health and safety mission touches us all in some way, each and every day.

From the parent of the baby who gently moves his or her child throughout the day from crib, to baby bouncer to stroller and back again to the crib; or the self-employed

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millennial who, on a warm spring day, relies on a room fan to stay cool and an extension cord to power a computer; to the baby boomer who purchased adult bed rails to help care for an aging parent who needed to move in, the products in CPSC's jurisdiction are inseparable from our lives.

We believe we provide an excellent return on investment for the American people. We run a lean operation, especially considering the thousands of different product categories in our jurisdiction. And we cover them all with a budget in the millions, not the billions.

We are very appreciative of the continued bipartisan support for the Commission and our work. We saw this support in the overwhelming, nearly unanimous vote to pass the Consumer Product Safety Improvement Act of 2008 (CPSIA) and the near unanimous passage of an update to CPSIA in 2011.

Your support has allowed our dedicated staff to drive standards development to make children's products safer, to increase our enforcement effectiveness and to better educate consumers about product-related hazards, especially drowning prevention, poison prevention, safe to sleep and TV/furniture tip-over prevention.

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Our staff has also been hard at work trying to reduce costs associated with third-party testing while assuring compliance with all applicable rules, regulations, standards and bans. Congress' inclusion of \$1 million as part of our funding for this current fiscal year has enhanced those efforts. Based on that funding, the Commission unanimously approved an amendment I offered to our operating plan to allocate that money toward a robust set of projects aimed at providing more carve-outs of materials that would not have to be third-party tested because they will not, nor would they ever likely, contain violative levels of lead, other heavy metals or phthalates.

We chose this approach in response to overwhelming feedback we received as a result of our sustained engagement with the stakeholders. I have emphasized prioritizing those actions most likely to provide the greatest amount of relief, especially to small businesses.

This is why, when I became Chairman, I detailed to my office one of our leading toxicologists at the agency to drive this work. The Commission is set to consider at least three different regulatory changes to provide relief this year with more in the works.

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While the burden reduction/assure compliance work proceeds, our continuing efforts to carry out and enforce CPSIA-driven enhancements to consumer product safety are reflected in our proposed budget. Unfortunately, not all of those priorities and requirements are achievable at our current appropriation levels. For that reason, we were pleased to see the President include in his budget two important consumer product safety initiatives. Both initiatives, if funded, will advance consumer safety and provide real value to those in industry making or importing safe products.

First, we are seeking a permanent funding mechanism to allow the agency to comply with the Congressional charge in Section 222 of the CPSIA. Section 222 called on the Commission to work with Customs and Border Protection and develop a Risk Assessment Methodology to identify the consumer products likely to violate any of the acts we enforce out of all consumer products imported into the United States. To provide some context, last year we estimate there were \$741 billion worth of consumer products imported into the US.

To meet our mandate, in 2011, we created a small-scale pilot that has been a success. However, the pilot alone does not fulfill the direction of Congress and without full implementation, we will not be able to integrate CPSC into the much larger US Government-wide effort to create a "Single Window" for import and export filing of all

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products. If CPSC can be fully integrated into the Single Window, we can transform Congress' vision of a national-scope, risk-based, data-driven screening at the ports into a reality – a reality that would mean faster entry for importers of compliant products, especially for trusted traders, and safer products in the hands of American consumers.

Our proposed budget also seeks to address critical emerging health and safety questions associated with the rapidly growing use of nanomaterials in consumer products. These materials offer many benefits. However, while the federal government has invested billions of dollars into driving research into the expansion of the use of nanomaterials, there has been a significant lag in assessing possible health effects of human exposure to nanomaterials in consumer products, especially to vulnerable populations such as our children. In light of the questions raised in the scientific community about the effect inhalation of certain nanoparticles might have on human lungs – concerns that center on identified similarities to asbestos exposure – we are proposing to significantly advance the state of the science as it relates to human exposure from nanomaterials in consumer products. In the absence of CPSC driving this work as it relates to consumer products, it will not be done by any other federal agency. All involved – companies already using the nanomaterials in the products they make, and parents whose children are already using those products — deserve to know sooner rather than later the answers to the health questions posed.

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Our nanotechnology request is modeled on collaboration, including with industry. As Chairman, I have sought to enhance significantly our working relationship with our stakeholder community. One example of our success in this area was the recent decision of the Recreational Off-Highway Vehicle (“ROV”) industry to reopen its voluntary standard for ROVs to provide the appropriate forum for a productive dialogue with the agency staff to improve substantially the ROV standard. We remain open to working with all willing collaborators to address safety issues in a mutually-acceptable manner.

Finally, I would like to discuss an additional priority of mine, one that is not reflected in dollars but, to me at least, makes a lot of sense. How we at the CPSC do what we do is often just as important as what we do. Since day one in this position, I have worked daily to try to establish a certain culture among the five of us at the Commission level. The Commission, and more importantly the American public, are far better served by an agency where we operate at the Commission level in a culture of civility, collaboration and constructive dialogue. Of course, for this to happen, it requires a commitment by all five of us. I am pleased to say that I believe any observer of our public meetings would agree such a positive and productive culture exists at the CPSC. There is no doubt we have policy differences, but we discuss them with respect and stay focused on merit-based policymaking.

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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.