

*** Consumer Federation of America * Consumers Union ***
*** Kids in Danger * Public Citizen ***
*** National Research Center for Women & Families ***
*** U.S. Public Interest Research Group ***

March 6, 2008

Dear Senator:

Our organizations write to strongly urge you to oppose Senator Vitter's Amendment SA 4097 to S. 2663, the Consumer Product Safety Commission (CPSC) Reform Act. This amendment would enact a "loser-pays" rule in actions by state attorneys general to enforce consumer product safety laws and recalls.

The Vitter amendment would place an unprecedented burden on Americans, both as taxpayers and as consumers. Under the amendment, an attorney general who seeks an injunction to halt safety violations would be required to pay the defendant's attorneys' fees if a court denies the injunction. This type of "loser-pays" rule for plaintiffs applies virtually nowhere in American law, and particularly not with respect to law enforcement efforts.

Attorney-general enforcement of product safety laws and recalls will provide a vital supplement to the CPSC's efforts. But state attorneys general are already over-burdened and under-resourced. A "loser-pays" rule will harm American consumers by making attorneys general far more hesitant to bring enforcement actions to protect the public from product hazards. In the worst cases, it will harm Americans doubly – the second time as taxpayers – by forcing the government to pay litigation expenses for private businesses. We urge you to vote against this amendment.

Sincerely,

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