Comments of Courtney Griffin, Director of Consumer Product Safety
Consumer Federation of America
Before the U.S. Consumer Product Safety Commission
Request for Comment: "Agenda and Priorities FY 2027 and/or 2028"

Consumer Federation of America is an association of over 200 national, state, and local consumer groups that was founded in 1968 to advance the consumer interest through research, advocacy, and education. For over 50 years, Consumer Federation of America has been at the forefront of ensuring that the marketplace is fair and safe. Consistent with this work, Consumer Federation of America has long advocated for a strong, effective Consumer Product Safety Commission.

Prior to the creation of the Consumer Product Safety Commission (CPSC), Americans faced greater dangers in their own homes than when driving on highways.[1] A pattern of industry negligence and regulatory failure resulted in preventable deaths and injuries that threatened every American family, turning the most basic acts of daily life into death traps. Confronted with a national crisis of 20 million annual product-related injuries and 30,000 deaths, Congress recognized "modern technology poses a threat to the physical security of consumers," and authorized a Commission to study the issue in 1968.[2] The National Commission on Product Safety (NCPS) issued its report in 1970, finding the "threat to be bona fide and menacing," and that "without effective governmental intervention, the abundance and variety of unreasonable hazards associated with consumer products cannot be reduced to a level befitting a just and civilized society."[3]

A few years later, Congress adopted the recommendations of NCPS and enacted the Consumer Product Safety Act (CPSA) and created CPSC in order "to protect the public against unreasonable risks of injury associated with consumer products" and "to assist consumers in evaluating the comparative safety of consumer products."[4] As then-chair of the Administrative Office of the Courts Antonin Scalia identified, Congress acknowledged the NCPS's findings that 20 million Americans "were injured each year in the home as a result of accidents connected with consumer products" and "that industry self-regulation, the common law, existing federal programs, and state and local agencies were inadequate to protect the public from this excessive hazard."[5]

Today, Americans expect that the products they introduce into their homes and to which they expose their families are safe. This expectation is based on, in large part, CPSC's fifty-year safety track record.

Unfortunately, just as Congress recognized in the 1960s, modern technology still poses a threat to the physical security of consumers. Today, this is found in new, unsafe products entering the

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[1] NATIONAL COMM'N ON PROD. SAFETY, FINAL REPORT TO THE PRESIDENT AND CONGRESS 9 (1970), 9.
[2] *Id.* at vii; Pub. L. 90-146 (1967).
[3] NATIONAL COMM'N ON PROD. SAFETY, *supra* note 1, at vii.
[4] *CPSC v. GTE Sylvania, Inc.*, 447 U.S. 102, 104 (1980) (quoting 15 U.S.C. §§ 2052(b).
[5] Antonin Scalia & Frank Goodman, *Procedural Aspects of the Consumer Product Safety Act*, 20 UCLA L. REV. 899, 900- 901 (1973).

market, e-commerce and a high volume of imported products, AI-enabled products and services, and other emerging technologies and market trends. To meet these challenges, CPSC must maintain its unwavering commitment to public safety and resist pressure from industry and political actors to weaken or politicize its safety mission. The agency must prioritize protecting the public from unsafe products over political considerations and deregulatory agendas.

Further, consistent with the spirit and requirements of the CPSA, as well as the Acting Chairman's own comments regarding "accountability in governance" and "transparency," we call on CPSC to hold a public hearing on the upcoming fiscal year's agenda and priorities. Pursuant to the CPSA, 15 U.S.C. § 2053(j), "at least 30 days before the beginning of each fiscal year, the Commission shall conduct a public hearing on the agenda and priorities and shall provide reasonable opportunity for the submission of comments." While written comments are essential, they do not replace the intangible value that oral testimony provides. Public hearings ensure the Commission hears directly from key stakeholders, including parents and consumer advocates, victims and victim advocates, industry representatives, elected officials, and other stakeholders. This format fosters transparency and public trust, and it also allows for dynamic engagement and input on emerging hazards. Indeed, stakeholder participation—especially consumer participation—exemplifies the spirit of the CPSA, which is distinguished by its provisions providing that consumers should participate actively in the administration and enforcement of rules designed to protect them and their loved ones from unreasonable risks of harm.

Over the years, parents and other advocates have reminded the Commission during these hearings that CPSC's rules and actions can be the difference between a family celebrating a child's next birthday or mourning the loss of a loved one. This is consistent with the CPSA's vision of an open and transparent regulatory process. Those who benefit from the CPSC's rules and actions have too much at stake to leave these decisions solely to industry or regulators. Unfortunately, last year and potentially again this year, the Commission has departed from the spirit and requirements of the CPSA by failing to hold this annual hearing with public participation. This is inconsistent with the Acting Chairman comments regarding "accountability in governance" and the need for the Commission to "operate with transparency," as found in the Strategic Plan 2026-2030.[6] Because replacing such a meeting with written submissions alone deprives stakeholders of an opportunity to participate in the regulatory process and undermines public confidence in the process, we strongly encourage the Commission to return to holding hearings with public participation for its priorities and agenda setting.

For the upcoming fiscal year, Consumer Federation of America makes the following recommendations to ensure the agency is an effective regulator and enforcer, capable of addressing today's product safety challenges:

1. **The CPSC must continue its strong enforcement posture**.

The Consumer Federation of America believes CPSC needs stronger authorities to enforce its rules and deter bad actors, which is why we, along with the other leading U.S. consumer groups, strongly endorse the *Consumer Advocacy and Protection Act of 2026*. However, we applaud the CPSC's continued commitment to robust enforcement under its existing authorities. We

[6] U.S. CONSUMER PROD. SAFETY COMM'N, *CPSC 2026–2030 Strategic Plan* 2 (Apr. 2026)

encourage the CPSC to continue to use every tool at its disposal to protect American consumers, including criminal referrals when appropriate.

We also commend the CPSC's creation of a state attorneys general liaison. State-level enforcers are a vital partner in consumer protection. We are optimistic that this CPSC initiative will strengthen state engagement on product safety issues. To that end and consistent with strategic goal three (operations) of the [Strategic Plan 2026-2030](), we strongly encourage the CPSC to provide the liaison with the resources and institutional support necessary to ensure the position's long-term success.

2. **CPSC must remain open to the public it serves**.

CPSC is no longer serving the public with a Consumer Ombudsman. This is a departure from one of the central principles underlying the agency's creation. The NCPS, the landmark study which served as the blueprint for CPSC, envisioned an Office of Consumer Advocate. Despite the common notion that "we are all consumers," in reality most public policymaking is a compromise between competing factions that do not include consumer perspectives at all.[7]

> On day-to-day matters of product safety, however, the consumer has no official champion. The assumption that Federal officials represent the general public interest breaks down when, in a bargaining situation, no one bargains for the consumer. Frequently, instead of serving the consumer, the Federal agency merely provides the forum where the consumer is an affected but helpless bystander.[8]

To address this blatant power imbalance, the NCPS called for the institutionalization of consumer representation through an official Consumer Advocate:

> We propose that, through him, the consumer will be assured the same rights as any other interested group: access to information and the resources for asserting and defending his rights. There is a clear justification for an office which will defend public interests against bureaucratic excess or private indifference.[9]

Similarly, American legal scholar Cary Coglianese stated this week:

> Another essential part of engagement is with the individuals that the regulations are designed to protect. The regulator needs to engage with these beneficiaries of regulation. Historically, they have had less voice and input into regulations, either in their making or their enforcing. So, special efforts may need to be made by regulators to make sure that those voices are heard.[10]

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[7] NATIONAL COMM'N ON PROD. SAFETY, *supra* note 1, at 6.
[8] *Id.*
[9] *Id.*
[10] Paulien de Winter & Pieter Welp, Regulatory Excellence in a Dynamic World, *The Regulatory Review* (Aug. 9, 2026), https://www.theregreview.org/2026/08/09/spotlight-regulatory-excellence-in-a-dynamic-world/

Many years ago, CPSC created a Consumer Ombudsman, which served several important functions for consumers, victims, and victim advocates. The Consumer Ombudsman provided agency perspective to consumers and a consumer perspective to the agency, explained agency processes and technical information to consumers in plain language, ensured that consumer voices were represented within the agency processes, served as an educator for individual consumers, and built relationships to ensure consumer engagement with the agency's mission.[11] This was a vital resource for consumers, victims, victim advocates, and the other non-regulated stakeholders that engage with CPSC.[12] Eliminating the role further distances the Commission from the public it was created to serve. It also weakens an important mechanism for ensuring that consumers, victims, and victim advocates have a meaningful voice in the agency's work. To that end and consistent with the Strategic Plan 2026-2030 emphasis on external stakeholders, Consumer Federation of America strongly urges the Commission to reinstate the essential resource of the Consumer Ombudsman.

3. **CPSC needs to modernize its injury surveillance system, but not at the cost of privacy and data protection violations.**

The National Electronic Injury Surveillance System (NEISS) is one of CPSC's most important tools, allowing the agency to monitor and estimate injuries.[13] NEISS is widely regarded as the gold standard for injury surveillance and serves as a model for injury surveillance systems around the world.[14] At the same time, consistent with strategic goals one (readiness) and two (intelligence) of the Strategic Plan 2026-2030, NEISS modernization is necessary. The program would benefit from updating, additional resources, thoughtful modernization, and an expansion of participating hospitals.

Unfortunately, recent reporting about CPSC's "AI-enabled workflows" and efforts to "modernize"[15] raises serious transparency and consumer protection concerns.[16] First, CPSC leadership has provided little public information about what modernization means, how data collection methodologies may change, how the agency intends to expand the program, and how the agency will preserve statistical integrity. The lack of transparency is particularly troubling given NEISS's invaluable, central role in the agency's work.

Second, and perhaps even more concerning, recent reporting indicates that CPSC, through a private contractor, has requested that some participating hospitals to provide *all* emergency department patient records, including personally identifying information, rather than limiting the

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[11] U.S. CONSUMER PROD. SAFETY COMM'N, CPSC Announces Appointment of Agency's New Consumer Ombudsman, Release No. 20-136 (June 12, 2020), https://www.cpsc.gov/Newsroom/News-Releases/2020/cpsc-announces-appointment-of-agencys-new-consumer-ombudsman

[12] *Id.*

[13] U.S. CONSUMER PROD. SAFETY COMM'N, *National Electronic Injury Surveillance System (NEISS)*, https://www.cpsc.gov/Research--Statistics/NEISS-Injury-Data (last visited Aug. 7, 2026).

[14] *Id.*

[15] Peter A. Feldman, Acting Chairman, U.S. CONSUMER PROD. SAFETY COMM'N, Remarks at Toy Fair (Feb. 16, 2026), https://www.cpsc.gov/s3fs-public/Feldman-Remarks-at-2026-Toy-Fair.pdf

[16] Amanda Seitz, Maia Rosenfeld & Darius Tahir, Trump Administration Demands Hospitals Share Emergency Room Records, KFF Health News (July 27, 2026), https://kffhealthnews.org/health-industry/cpsc-consumer-product-safety-commission-trump-er-injury-data-grab-neiss-konza/

collection of data to NEISS-eligible cases.[17] If accurate, this would represent a significant departure from NEISS's practices and most recent Coding Manual.[18] It raises serious questions about privacy, data security, statutory authority, and the necessity of some of the information being sought.

The CPSC must suspend such broad data requests until it publicly explains the purpose, authority, privacy safeguards, and benefits of this approach. Modernizing NEISS is necessary, but it must be done transparently and in a way that protects Americans' privacy.

4. **CPSC cannot solve modern consumer challenges without engaging with the world.** Most of the consumer products under CPSC's jurisdiction are imported.[19] The Acting Chairman's comments on "America First" does not and cannot change this reality. Furthermore, Consumer Federation of America appreciates CPSC's strong enforcement efforts against companies that violate the CPSA and related statutes under the agency's jurisdiction. However, enforcement alone is not sufficient to protect Americans from unsafe products. Proactive international engagement is an effective and efficient approach to protecting the public. For that reason, the Office of International Programs was created to ensure businesses making and selling imported products comply with CPSC's rules before the products ever enter the stream of commerce, as well as work with international partners to improve manufacturing and regulatory coordination, and to encourage the use of best practices.[20] Consumer Federation of America is concerned about the agency's recent actions connection to international programs and partners.

First, educating manufacturers and promoting best manufacturing practices reduces consumer harm. These efforts encourage compliance with U.S. product safety requirements *before* products even enter the U.S. marketplace. Second, in today's global marketplace, international regulatory cooperation is not only smart, it's indispensable. For this reason, Consumer Federation of America was disappointed that the CPSC discontinued its regular trilateral dialogue with the European Commission and Chinese regulators, announcing the decision without providing a clear explanation.[21] Confusingly, the Acting Chairman stated that engaging with its regulatory peers at such a dialogue "risked advancing external agendas while weakening U.S. consumer protections and diluting American safety standards."[22] But in today's global marketplace, CPSC must strengthen engagement with other key international partners to address shared product safety challenges and coordinate responses to emerging technologies and changing market trends. To do otherwise is to directly undermine operational readiness. Particularly when addressing a global crisis like that of unsafe products sold through online marketplaces, no single regulator can fully address these risks. Coordinated enforcement and information sharing are

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[17] *Id.*
[18] U.S. CONSUMER PROD. SAFETY COMM'N, *NEISS Coding Manual* (Jan. 2025), https://www.cpsc.gov/s3fs-public/JANUARY-2025-NEISS-CPSC-only-Coding-Manual-Rev-1_0.pdf
[19] U.S. CONSUMER PROD. SAFETY COMM'N, *International Programs*, https://www.cpsc.gov/Business--Manufacturing/International (last visited Aug. 7, 2026).
[20] *Id.*
[21] Peter A. Feldman, Acting Chairman, U.S. CONSUMER PROD. SAFETY COMM'N, *Acting Chairman Feldman Highlights Key Safety Accomplishments of President Trump's CPSC* (Jan. 20, 2026), https://www.cpsc.gov/About-CPSC/Chairman/Peter-A-Feldman/Statement/Acting-Chairman-Feldman-Highlights-Key-Safety-Accomplishments-of-President-Trumps-CPSC
[22] *Id.*

needed now more than ever. As such, Consumer Federation of America calls the CPSC to protect American consumers by ensuring the agency is keeping pace with the global marketplace, consistent with strategic goals one (readiness), two (intelligence), and three (operations) of the Strategic Plan 2026-2030.

5. CPSC must finally address the OHV safety failings.

Consumer Federation of America and its partners have long documented horrifying safety failings related to OHV fatalities. We identified at least 583 OHV-related fatalities last year.[23] Among these preventable deaths, children aged 15 years or younger represented the largest group, accounting for 108 fatalities.[24] Another 48 deaths involved adolescents between the ages of 16 and 19.[25] Altogether, individuals aged 19 years and younger accounted for 27 percent of all OHV-related fatalities.[26] These numbers are likely underestimated as they are based solely on media reports and may grow as more data become available regarding additional deaths. We urge the CPSC to protect children from these preventable, horrific injuries and death.

We also urge CPSC to be a strong voice in opposing the operation of OHVs on roads, and to be a leader in educating consumers about the dangers of on-road OHV use. According to Consumer Federation of America's 2025 fatality data, OHV fatalities disproportionately occurred on roads (66 percent).[27] Even industry groups have opposed the use of OHVs on public streets, roads, or highways because these vehicles are not designed, manufactured, or intended for this use.[28] Unfortunately, roadway crashes are more likely to involve multiple fatalities, collisions, and head injuries. Victims in roadway crashes are less likely to wear protective gear, such as helmets, and were more likely to be carrying passengers, both things that are risk factors for ATV-related fatalities and injuries.

Finally, the CPSC must improve the reporting of OHV death data by including how many deaths occur on private versus public roads and should seek to reduce the significant time lags in releasing OHV death and injury data. The data is critical to understanding the scale of the safety challenges.

6. CPSC must finally act on custom window coverings and develop a comprehensive consumer education campaign.

Consumer Federation of America calls on CPSC to finalize a strong rule for custom window coverings that adequately addresses hazardous looped cords and chains. CPSC identified window cords as a "particularly insidious hazard" in 1981.[29] Yet more than 40 years and several voluntary standards later, hundreds of families have suffered unspeakable tragedies. CPSC's data

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[23] Consumer Fed'n of Am., *Off-Highway, High Consequences: Children and Families Continue to Pay the Price* (June 29, 2026), https://consumerfed.org/news/reports/off-highway-high-consequences-children-and-families-continue-to-pay-the-price/

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] Specialty Vehicle Inst. of Am., *Position in Opposition to On-Road Operation of ATVs* (2016), https://svia.org/opposition-to-on-road-use/

[29] U.S. CONSUMER PROD. SAFETY COMM'N, Accidental Strangulations (Ligature) of Children Less than 5 Years of Age (May 1981), pg. 18.

demonstrate that looped operational cords have the highest death and injury rate of all cord types. CPSC staff has stated that

> "[t]o prevent the strangulation hazard to children, window coverings should be inherently free of accessible strangulation hazards, meaning not presenting a strangulation hazard as manufactured, and should not require any consumer intervention with the product to address the hazard. Incident data demonstrate that tension devices may come off the wall, may not be installed at all, or may not keep continuous loops taut enough to prevent incidents. As shown in the incident data, window coverings that inherently address the strangulation hazard, and do not rely on the consumer or a third party installer to install a safety device, are the most effective approach to addressing the strangulation hazard."[30]

We also call on the CPSC to develop and implement a consumer education campaign to provide the public with critical safety information about the hazards posed by window coverings. Over the decades, CPSC and industry have shared a variety of safety strategies that are now known to be ineffective. Window coverings are a ubiquitous consumer product with a fatal hidden hazard. Consumers deserve a uniform, evidence-based education campaign to ensure safety within their homes and communities.

Conclusion

Consumer Federation of America appreciates the opportunity to comment on the upcoming fiscal year's agenda and priorities. For the sake of all Americans, we strongly urge the Commission to prioritize those whom the agency is charged with protecting: consumers.

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[30] U.S. CONSUMER PROD. SAFETY COMM'N to Window Covering Manufacturers Association, WCMA 2022 Ballot (Aug. 2022).