

July 16, 2021

The Honorable Patrick Leahy, Chairman
The Honorable Richard Shelby, Vice
Chairman
U.S. Senate Committee on Appropriations
S-128 The Capitol
Washington, DC 20510

The Honorable Chris Van Hollen, Chair
The Honorable Cindy Hyde-Smith, Ranking
Member
Subcommittee on Financial Services and
General Government
U.S. Senate Committee on Appropriations

Dear Chairman Leahy, Vice Chairman Shelby, Chair Van Hollen, and Ranking Member Hyde-Smith:

As organizations working to improve product safety and prevent needless deaths and injuries, we strongly urge you and your colleagues on the Senate Appropriations Committee to significantly increase FY 2022 annual funding for the U.S. Consumer Product Safety Commission (CPSC). We reached out last month as part of a broad coalition of stakeholders—including manufacturers, retailers, safety and environmental health groups, and parent advocates—that supports providing the funding necessary for a properly resourced CPSC.¹ We, the undersigned, reach out again today to further specify our position.

In particular: We welcome the CPSC's formal budget request of \$170 million in FY 2022 as representing a significant boost to the long-underfunded agency. We also urge the Committee, in recognition of the CPSC's extensive needs, to provide funding beyond that request. Specifically, we urge the Committee to provide the CPSC with annual FY 2022 appropriations of at least \$281 million and an additional one-time allocation, as outlined in CPSC Acting Chairman Bob Adler's March 1, 2021, letter to Congress.²

We also urge you to remove the provision prohibiting the CPSC from using funds to finalize, implement, or enforce the proposed 2014 rule on recreational off-highway vehicles (ROVs) until a study is completed by the National Academy of Sciences. The CPSC already extensively studied the issues in the rule, and this provision has prevented the agency from protecting consumers from hazards posed by ROVs. Further, sales of ROVs have been increasing, according to data from the CPSC.³

¹ "Joint letter from industry and public interest groups to Congress strongly supporting the CPSC's mission and a substantial increase in funding" (June 2, 2021) (online at: www.advocacy.consumerreports.org/research/joint-letter-from-industry-and-public-interest-groups-to-congress-strongly-supporting-the-cpsc-mission-and-a-substantial-increase-in-funding).

² CPSC, "Fiscal Year 2022 Performance Budget Request to Congress" (May 28, 2021) (online at: www.cpsc.gov/s3fs-public/FY-2022-CPSC-Performance-Budget-Request.pdf); *See, e.g.*, CPSC, "Letter to Chairwoman Rosa DeLauro from CPSC Acting Chairman Robert Adler" (March 1, 2021) (online at: www.cpsc.gov/s3fs-public/Reinventing_CPSC_-_DeLauro.pdf).

³ Federal Register. 16 CFR Chapter II [Docket No. CPSC-2021-0014]: Off-Highway Vehicle (OHV) Fire and Debris-Penetration Hazards; Advance Notice of Proposed Rulemaking; Request for Comments and Information, (May 11, 2021) (online at: <https://www.govinfo.gov/content/pkg/FR-2021-05-11/pdf/2021-09881.pdf>, at 25821).

Established by Congress in 1972, the CPSC is charged with a critical mission to protect the public from hazards associated with over 15,000 different types of consumer products. Its statutes give the Commission the authority to set mandatory safety standards; participate in voluntary safety standards; require labeling; force the removal of hazardous products from store shelves and order product recalls and other corrective actions; collect injury, death, and incident data; and educate the public about consumer product safety.

The CPSC is responsible for protecting the public from product hazards, but its funding and staffing levels are insufficient to fully carry out its mission. The agency's scope of work is enormous; for example, the CPSC reviews about 8,000 unintentional product-related death certificates each year, and is aware of at least 15.5 million emergency department-treated injuries per year associated with consumer products.⁴ The societal costs of consumer product incidents amount to more than \$1 trillion annually.⁵

The increased funding for the CPSC would allow the agency to fulfill its mission more effectively in numerous specific ways, including by expanding testing capabilities, modernizing testing and data collection infrastructure, and increasing its presence at major U.S. ports, among other things. The funding would provide the CPSC the resources necessary for increased oversight and recall participation, which would help remove recalled products more completely from the marketplace and homes. It would also allow the agency to bolster its critical work on strong mandatory safety standards for product hazards tied to a significant number of injuries and deaths, including those associated with portable generators, high-powered magnets, and dresser tip-over incidents. Furthermore, the funds would allow the agency's compliance department to investigate more incidents and address serious product safety concerns more quickly.

Consumers depend upon the CPSC to protect them from unsafe products, especially as the consumer product marketplace rapidly changes. If the CPSC is not adequately funded, people will not receive adequate protection from either longstanding hazards or newly emerging ones.

We look forward to working with you to ensure that the CPSC receives the funding it needs to keep the public safe from product hazards and protect consumers from product-related deaths and injuries, many of which can be prevented.

Sincerely,

American Academy of Pediatrics

Kids In Danger

Consumer Federation of America

U.S. Public Interest Research Group

Consumer Reports

cc: Members of the U.S. Senate Committee on Appropriations

⁴ CPSC, "2017 Annual Report to the President and Congress" (Aug. 8, 2018) (available online at www.cpsc.gov/s3fs-public/FY17-CPSC-Annual-Report.pdf).

⁵ CPSC, "Fiscal Year 2019 Performance Budget Request to Congress" (Feb. 12, 2018) (online at: www.cpsc.gov/s3fs-public/FY2019PBR.pdf).