



March 22, 2023

The Honorable Dick Durbin
Majority Whip
United States Senate
Senate Hart Building 711
Washington, DC 20510

Dear Senator Durbin,

Consumer Federation of America (CFA) and Kids In Danger (KID) are nonprofit organizations dedicated to protecting consumers. We are strong supporters of the mission of the Consumer Product Safety Commission (CPSC) to protect the public from unreasonable risks of injury and death from consumer products. The agency has a broad mandate with jurisdiction over roughly 15,000 different types of consumer products used by 330 million American consumers in everyday life. However, the CPSC has been significantly underfunded for decades and therefore short staffed compared to other federal health and safety regulatory agencies. The CPSC's current budget is by far the smallest among federal health and safety regulatory agencies.

We have deep respect for the staff and leadership of the CPSC. We interact and work with them regularly, and it is clear that a substantial increase in funding is needed for an expansion of personnel to ensure that the agency can effectively and efficiently serve its mission, especially due to increases in eCommerce and consumers purchasing products from third-party sellers. Many programmatic and technological needs for the agency require a significant funding increase. We ask Congress to increase the agency's budget to \$212 million as requested by the agency to adequately fund CPSC's programs including:

Enforcing Product Safety Laws. The CPSC has successfully developed strong mandatory standards for dozens of consumer products, such as durable infant and toddler products, and more. The CPSC recently passed safety standards to prevent furniture tip-overs, window covering cord strangulation, and magnet ingestion, and has proposed rules to prevent button and coin cell battery ingestion and carbon monoxide poisoning from portable generators. The agency needs adequate resources to enforce these new and existing mandatory regulations and remove defective products from the marketplace through recalls and other corrective actions. With the increase in eCommerce, the CPSC requires additional resources to investigate hazardous consumer products including marketplace and Internet surveillance and investigating reports of hazardous products and potential violations by third party sellers. The agency's eSAFE Team monitors consumer products for sale online and conducts targeted online surveillance to identify violative imported products. The CPSC also requires additional resources to continue to issue public warnings or unilateral notifications to consumers when required, force mandatory recalls, and pursue civil penalties for violations.

Import Surveillance. The agency requires additional funding to effectively surveil imported consumer products entering the country at ports to ensure that products meet safety standards and

to address de minimis shipments that bypass the ports and arrive directly at the consumer's door through shipping companies. The CPSC is developing an eFiling program which will enhance CPSC's targeting capability at traditional ports and in the emerging eCommerce arena. The CPSC made progress through the one-time \$50 million allocation that Congress made to the agency in 2021 through the COVID-19 relief budget reconciliation legislation. Congress should provide additional funding so the CPSC can continue this work.

Communication and Equity. The CPSC communicates directly with consumers regarding recalls and warnings regarding hazardous products in a wide variety of outlets. The CPSC requires additional funding to better serve historically excluded communities through targeted communications and outreach. The agency has identified the need to micro-target vulnerable communities and increase collaboration, use of social media, and communicate through outdoor advertising campaigns to communities have limited access to other forms of media.

Recall Effectiveness and Compliance. Only about 10% of recalled products are actually corrected or removed from use. This means that dangerous products are still in use in homes and childcare facilities. With adequate funding, the CPSC can work more effectively with stakeholders to ensure that recalled products are remedied, and hold recalling companies accountable if they are not using their resources to adequately increase recall effectiveness by promoting the recall or notifying customers. The CPSC requires more funding and staff to ensure compliance and enforcement of recalls, whether through civil penalties or other methods. The CPSC's Freedom of Information Act (FOIA) office lacks the resources it needs to communicate recall information to consumers. Most reports are heavily redacted, even of publicly available information, such as counting social media posts about a recall. Many reports are not complete and provide data that is unreliable. The CPSC requires additional funding to prioritize the FOIA Office to create innovative updates.

Using Technology to Strengthen Safety. With additional funding, the CPSC will be able to use AI and other technology, areas in which the agency is currently lagging, with special attention to emerging and hidden hazards. The agency would be able to keep pace with advances in technology including machine learning and AI to identify hazards and hazard patterns, including geographic and demographic data to determine whether certain hazards impact particular communities and populations. The NEISS database is critical to evaluating injury statistics across the country. A more robust NEISS data set with additional demographic information could be used to better understand product-related injuries. Additional funding would incentivize hospitals to take part in the NEISS so the sample of hospitals included in the program reflects an accurate national composition which would result in more reliable injury data estimates.

Death and Injury Reports and SaferProducts.gov. A critical responsibility of the CPSC is to document and communicate deaths and injuries associated with products under the agency's jurisdiction. The CPSC issues numerous Annual Estimated Death and Injury Reports but some, such as Playground Estimated Death and Injuries, have not been updated since 2017. Annual estimated death and injury data is critical to the work of all CPSC stakeholders. With additional funds, the CPSC can also include demographics data to better identify and address racial disparities within each product category and more broadly. The agency aims to develop more data collection tools to analyze product safety incidents, injuries, and deaths that may reflect

disparities among diverse populations, and allocate safety work to address these disparities. We also support additional funds to further strengthen SaferProducts.gov, including developing a plan to increase use, folding additional data sources into SaferProducts.gov, analyzing data and releasing reports, and continuing to strengthen the process so more submitted reports are included in the public database.

The CPSC has a wide mandate to protect consumers, especially our most vulnerable populations such as children, and has been operating for decades on a shoestring budget. We urge Congress to increase the CPSC's budget to at least \$212 million so the agency can adequately protect our families.

Sincerely,

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