



# Consumer Federation of America

May 7, 2024

**Testimony of Courtney Griffin, Director of Consumer Product Safety  
Consumer Federation of America**

**Before the U.S. Consumer Product Safety Commission**

**Hearing on “Agenda and Priorities FY 2025 and/or 2026”**

Consumer Federation of America (CFA) appreciates the opportunity to provide testimony about the Consumer Product Safety Commission’s (CPSC) agenda and priorities for Fiscal Year 2025 and 2026. CFA is a non-profit association of approximately 250 pro-consumer groups that was founded in 1968 to advance the consumer interest through advocacy and education.

**I. Introduction**

The CPSC is an incredibly important independent agency because its mission - to protect the public from unreasonable risk of injury or death associated with the use of consumer products - impacts every American, every day. The CPSC’s mission relies upon agency action to issue mandatory standards, assess civil and criminal penalties, work on voluntary standards, conduct recalls, collect death and injury data, and educate consumers. There are numerous tools to fulfill this mission and all tools must be used singularly or in combination to protect consumers. To effectively use these tools, however, the agency must have adequate funds appropriated to it. Given CPSC’s critical mission, the CPSC budget should be vastly larger and fully funded. CPSC should not be forced to make compromises in its mission to protect the American public because of its limited budget.

CFA applauds CPSC’s work on many critical safety issues recently, including furniture stability, button cell batteries, adult bed rails, and infant products. These issues have posed significant harm to consumers for far too long, and we appreciate the CPSC’s robust action to address the hazards. We urge the CPSC to continue to use its tools to protect consumers and to hold non-compliant entities accountable.

**II. CPSC must continue to invest in and improve its ability to meet evolving safety issues.**

**A. Recall Effectiveness**

Recalls are an important tool to mitigate and correct the risks of unsafe consumer products. Recalls are also an integral risk communication strategy. Yet recalls occur in an increasingly complex, global, and online world, which presents challenges to CPSC, consumers, and businesses. Many

considerations effect recall effectiveness, including the quality and frequency of communications to consumers, product value, product lifespan, risk level, and traceability.

CPSC should continue to assess and improve the ways in which recall effectiveness is measured, encourage businesses to offer incentives that motivate consumer participation, and work towards simplifying the recall process as much as possible for consumers. The CPSC should regularly review the effectiveness of different communication platforms and methods. Further, CPSC should ensure that emerging technologies are leveraged to improve safety and the recall process for consumers, such as with IoT-enabled products.

### **B. Section 6(b) of the Consumer Product Safety Act**

Section 6(b) of the Consumer Product Safety Act continues to restrict the flow of critical safety information to consumers. While the CPSC has historically collected consumer complaints, most are hidden from the public for long periods of time until (and if) a recall is announced. This means that too often, consumers are unwittingly using products CPSC and manufacturers know pose safety hazards. The reach of section 6(b) also impacts the CPSC's ability to name specific products in their research. CPSC's slow and incomplete communication to the public about infant deaths associated with inclined sleep products demonstrates the information imbalance section 6(b) causes and the real-life consequence of the imbalance. For this reason, CFA continues to support the modest changes to section 6(b) CPSC recently proposed but also urges the CPSC to consider additional opportunities to promote information transparency. For example, CPSC should track and report how often section 6(b) is invoked and the cost to the agency.

### **C. Continued Emphasis on eCommerce Activity**

eCommerce is now central to how Americans interact with consumer products, especially with the dramatic increase of imported low-value, direct-to-buyer shipments of consumer products. Consumers have the right to assume that their online purchases are safe but the CPSC's robust action in 2023 demonstrates that there are many challenges to consumer safety. CFA strongly supports CPSC's commitment to expand its regulatory and legal staff to investigate reports of hazardous and violative products on third-party platforms. Further, we support efforts to improve eCommerce safety for consumers by working with online marketplaces to take more responsibility for the products sold on their platforms and to hold third party sellers accountable.

### **D. SaferProducts.gov**

SaferProducts.gov is a valuable public database. The CPSC must increase awareness and use of the database among the public, healthcare professionals, and other permitted reporters. To support more equitable public health outcomes, the CPSC must use communication strategies to increase SaferProducts.gov reporting in communities disproportionately impacted by product hazards. The CPSC should also consider how to improve data access and transparency with more consumer-friendly interfaces, training, and outreach.

## **E. Chronic Hazards**

CPSC has a key role in protecting consumers from chronic hazards. CFA applauds the Commission's adoption of new chronic hazard guidelines. We urge CPSC to expand its work on chemicals in consumer products. We also urge the CPSC to develop guidance materials on PFAS in consumer products, like the 2017 organohalogen flame retardant (OFR) guidance document.<sup>1</sup>

### **III. CPSC should act on additional research, rulemaking, and consumer education programs on these products to protect consumers.**

#### **A. Custom Window Coverings Rule**

CFA 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.<sup>2</sup> Yet more than 40 years and several voluntary standards later, hundreds of families have suffered unspeakable tragedies. CPSC's data 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.”<sup>3</sup>

CFA urges CPSC to finalize a rule that fully considers the hazards presented by looped cords and chains on custom window coverings.

#### **B. Window Coverings Consumer Education Campaign**

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 presenting a potentially fatal hidden hazard. Consumers deserve a uniform, evidence-based education campaign to ensure safety within their homes and communities.

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<sup>1</sup> CPSC, Guidance Document on Hazardous Additive, Non-polymeric Organohalogen Flame Retardants in Certain Consumer Products, 82 Fed. Reg. 45, 268 (Sept. 28, 2017).

<sup>2</sup> CPSC, Accidental Strangulations (Ligature) of Children Less than 5 Years of Age (May 1981), pg. 18.

<sup>3</sup> CPSC Comment Letter to WCMA, WCMA 2022 Ballot (Aug. 2022).

### **C. Child Injuries and Deaths Related to Off-Highway Vehicles (OHVs)**

CFA urges the CPSC to seriously analyze and act on the safety hazards OHVs pose to children. As of September 2022, CPSC staff received reports of 2,126 fatal off-highway vehicle-related incidents that occurred between 2017 and 2019, which resulted in 2,178 deaths.<sup>4</sup> Approximately 283 – or 13% - of the OHV-related deaths were children under 16 years of age. CPSC further estimated that there were 517,700 emergency department-treated injuries related to OHVs from 2017 through 2021. 140,000 – or 27% - of the estimated emergency department-treated OHV injuries are children under 16 years of age.

CFA and its partners documented 498 OHV-related fatalities in 2023.<sup>5</sup> At least 94 of the fatalities – or 19% - were children under 16 years of age. Several of the fatalities were children as young as 3 or 4 years old. Most fatalities of children under 16 years of age were related to ATVs (57%), followed by ROV use (38%). At least 53% of the children killed in an OHV-related accidents last year were driving the vehicle. CFA and its partners are aware of at least 14 child fatalities in 2024, with a few fatalities of children as young as 5 years old. These numbers are likely underestimates 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.

### **D. On-Road OHV Use**

We also urge the 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. Data from the CPSC and from the National Highway Transportation Safety Administration’s (NHTSA) Fatality Analysis Reporting System (FARS) document that most ATV deaths take place on roads. CFA’s data confirm and underscore this fact. In 2023, at least 67% of the OHV-related deaths occurred on roads.

Even the industry association representing ATV manufacturers and distributors unequivocally opposes the use of ATVs on roads.<sup>6</sup> The design of ATVs makes them incompatible with operation on roads. ATVs have a high center of gravity, and narrow wheelbases, which increase the likelihood of tipping when negotiating turns. The low-pressure knobby tires on ATVs are explicitly designed for off road use and may not interact properly with road surfaces.

Additionally, the CPSC should 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

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<sup>4</sup> CPSC, 2022 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels (May 2023).

<sup>5</sup> [https://consumerfed.org/press\\_release/2023-fatality-data-another-devastating-year-for-off-highway-vehicle-riders-and-occupants/](https://consumerfed.org/press_release/2023-fatality-data-another-devastating-year-for-off-highway-vehicle-riders-and-occupants/).

<sup>6</sup> Specialty Vehicle Institute of America, “Opposition to On-Road Operation of ATVs,” available for download at <https://svia.org/opposition-to-on-road-use/>.

releasing OHV death and injury data. The data are critical to understand the scale of the safety challenges.

### **E. Internet of Things (IoT) – Connected Products**

As more and more consumer products are connected, it is imperative that the CPSC lead efforts to address and prevent product safety risks. The CPSC held a hearing in May 2018 on IoT which sought to gather stakeholder input about the CPSC’s role in regulating connected consumer products. At that hearing, CFA identified product risks and recommended that such risks posed by connected products should be addressed as early as possible in the design of the products. Manufacturers of connected products must show the same commitment to addressing product risks regardless of whether the cause is due to a software, hardware, or other design defect. While mandatory standards are often preferable because they are enforceable, efforts to create voluntary standards are underway, and CFA as well as the CPSC are involved in ASTM’s efforts to develop a standard for connected products. We urge the CPSC to continue its engagement and ensure it is a leader on this issue.

### **IV. Conclusion**

The CPSC plays a critical role in ensuring that consumers are safe from product hazards. We urge the Commission to use all the tools Congress gave it to protect consumers from potentially hazardous consumer products. We urge the Commission to prioritize and address the issues we outlined today, and Consumer Federation of America looks forward to working with the Commission to accomplish that end.