



April 7, 2022

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. Many programmatic and technological needs for the agency require a significant funding increase. We ask Congress to increase the agency's budget to \$350 million to provide adequate funding for CPSC's programs, including:

Safety Standards Setting. The CPSC has successfully developed strong mandatory standards for dozens of consumer products, such as durable infant and toddler products, and more. The agency needs adequate resources to finalize standards for products such as crib bumper pads which have led to dozens of infant deaths and clothing storage units to prevent furniture tip-overs. According to the CPSC, a child is sent to the emergency department every 60 minutes due to a tip-over incident. With additional support, the agency will be able to adequately protect children from ingestion hazards that can be deadly such as button cell batteries, laundry packets, small powerful magnets, liquid nicotine, and certain polymer balls that expand with fluid. The agency should also be fully funded to evaluate new products as they enter the marketplace or preferably, develop standards that would apply before new untested products could be sold.

Portable Generators. Portable generators in or near homes pose a hidden hazard to consumers who do not realize the serious risk of carbon monoxide (CO) poisoning that these products pose. The average fatality rate over an 11-year period between 2010 through 2020 is 64 deaths per year when only a generator was involved, and 68 deaths per year when a generator and another CO-producing consumer product was involved. In February 2022, the CPSC issued, "Briefing Package on Assessment of Portable Generator Voluntary Standards' Effectiveness in Addressing CO Hazard, and Information on Availability of Compliant Portable Generators," and found that

generators compliant with the Portable Generator Manufacturer Association (PGMA) G300 standard would avert nearly 87 percent of deaths that occurred with baseline generators, and generators compliant with the other standard, Underwriters Laboratories (UL) 2201, would avert nearly 100 percent of the deaths. The CPSC further found that compliance with UL 2201 appears to be minimal; compliance with PGMA G300, although greater, is still lacking for most models or units currently being sold. The CPSC began rulemaking in 2006 and published an ANPR in December 2006 to consider whether there may be an unreasonable risk of injury and death associated with portable generators. The CPSC needs additional funding to take enforcement actions to protect consumers from products that do not comply with an adequate standard and to finalize a rulemaking.

Recreational Off-Highway Vehicles. Recreational off-highway vehicles (ROVs) pose hazards to consumers and the CPSC's staff has documented 556 reported fatal incidents from 2016 through 2018. The CPSC has estimated an annual average of 4,300 injuries due to utility task vehicles (UTVs) and ROVs. The CPSC has documented fatal incidents associated with off-highway vehicles (OHVs) by vehicle and has found that ROV fatalities have increased from 155 deaths in 2016, to 179 deaths in 2017, and 172 deaths in 2018. We are concerned about the increasing number of ROV related fatalities, the increasing number of ROV recalls, and that more effective action is not being taken for known fire hazards posed by ROVs. While the CPSC now includes ROV data in the Annual Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels and the CPSC issued an ANPR for OHV Fire and Debris Penetration, we urge that more funds be appropriated to support the CPSC's work on ROVs, including enforcement, compliance and finalizing the rule.

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. We urge that additional funds be appropriated to support the Commission to add five additional annual Estimated Death and Injury Reports to its work each year. With additional funds, the CPSC can also better identify and address racial disparities within each product category and more broadly. We also support additional funds to further strengthen SaferProducts.gov, including: develop a plan to increase use; fold additional data sources into SaferProducts.gov; analyze data and release reports; and continue to strengthen the process so more submitted reports are included in the public database.

Recall Effectiveness and Compliance. Only 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 of a recall. Many reports are not fully completed 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. The agency would be able to develop innovative tools such as using Internet surveillance to locate recalled or unsafe products, or through product reviews and retailer reporting, could find unsafe products even before a recall or incident occurs. The NEISS database is critical to evaluating injury statistics across the country. A more robust NEISS data set could include additional demographic information 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.

Import Surveillance. The agency requires additional funding to monitor 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 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 in the future.

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 \$350 million so the agency can adequately protect our families.

Sincerely,

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