



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
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## STATEMENT OF COMMISSIONER NANCY NORD ON THE VOTE FOR THE FALL 2011 REGULATORY AGENDA AND PLAN

September 6, 2011

The CPSC Fall 2011 Regulatory Agenda calls for the staff to prepare a briefing package on a final rule for the periodic testing requirements mandated by § 14(d) of the Consumer Product Safety Improvement Act (CPSIA), with a vote on the final rule to occur early this fall. I offered an amendment to direct the staff to prepare a re-proposal package instead, so that we could consider the public's comments about the economic impact of our periodic testing requirements and how to minimize those impacts. My proposal put forth a timeline so that this work would be done without undue delay. Unfortunately, a majority of my colleagues rejected my amendment. I am not sure why.

The majority is determined to push a final rule through the Commission without any economic analysis. But an economic analysis is absolutely warranted by this rule. We all understand that it will impose significant costs, but because we have not quantified them we do not know how big those costs will be or how to minimize them. The President just called on government agencies to review the costs and benefits of regulations, so that the agencies could tailor their regulations and reduce their burden on the American economy. Congress likewise directed the Commission to get the public's input on testing costs only weeks ago, in H.R. 2715. And in conversations with staff, I learned that they support re-proposing the periodic testing rule, given Congress's direction in H.R. 2715.

But the majority is preparing a final rule that lacks the supporting data and analysis that such a major rule merits. When issued, it will be only the third major rule the Commission has approved in nearly 40 years. It's imperative that we get this right, especially in today's economic straits. Getting this wrong will mean lost jobs and reduced economic growth with questionable safety gains. It is unfortunate that this is where the majority is headed.