



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814
COMMISSIONER MARY T. BOYLE

COMMISSIONER MARY T. BOYLE STATEMENT ON BJ'S AGREEMENT TO PAY \$9.0 MILLION CIVIL PENALTY

Together with my fellow Commissioners, I voted to approve a proposed settlement agreement with BJ's Wholesale and to send an important message about retailer responsibility. The agreement, once finalized, will require BJ's to pay \$9.0 million in civil penalties, resolving staff allegations that BJ's knowingly failed to report to CPSC that portable air conditioners it distributed and sold contained a defect that created a fire and burn hazard. One of the air conditioners purchased from BJ's was involved in a house fire that resulted in the death of a mother of two young children, and as set forth in the allegations, BJ's never alerted CPSC to the risks associated with these products.

My vote for this agreement reaffirms my commitment to holding all companies accountable for safety—including retailers and distributors. Because CPSC does not provide pre-market approval of products, we must rely heavily on firms throughout the distribution chain to meet their legal obligation to report defects and hazards. Those firms are in the best position to know what is happening with their products. The law requires them to report, and it is critical that they do so. Lives depend on it.

I also believe that the cap on the maximum penalties allowed by statute should be raised. Companies with revenues in the hundreds of millions, and even billions, of dollars may consider the current penalty regime merely a cost of doing business. Protecting the public requires a meaningful deterrent. To penalize bad actors and to incentivize companies of all sizes to make consumer safety a top priority, I am urging Congress to significantly increase CPSC's penalty authority.