



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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Statement on the Fiscal Year 2020 Operating Plan
Commissioner Peter A. Feldman
October 16, 2019

Today we met to consider the Fiscal Year 2020 Operating Plan and I am pleased my fellow Commissioners found common ground to define agency priorities, advance our safety mission, and clearly communicate to taxpayers how we intend to use precious public resources.

I would like to thank my fellow Commissioners, and Acting Chairman Adler's staff in particular, for their hard work on this year's Operating Plan. I would also like to thank the career agency staff for the work they have done in putting together this document and will continue to do in its implementation.

As I noted at the outset of this process, the Operating Plan did not initially reflect all my priorities. There are still areas where I believe this plan should be more forward leaning. But I am pleased that a number of my amendments to modernize and improve the agency were accepted.

In particular, the Commission unanimously accepted my amendments to create new roles within the agency for a Chief Technologist and Chief Analytics Officer. The inclusion of these positions in the Operating Plan addresses longstanding and well-known skills gaps at the agency and provides a starting point for a more fulsome discussion on how the positions will be implemented. As the agency defines its role in the 21st Century, it is important that it does so in a way that protects consumers, promotes innovation, and maximizes CPSC's competency and credibility.

It is my hope that the Chief Technologist will serve as the Commission's principal advisor on innovation and potential safety implications associated with emerging technologies. This role will expand agency expertise and provide strategy and leadership across various offices and directorates. The Chief Technologist will support the agency's safety mission with respect to emerging technologies, including but not limited to the Internet of Things (IoT)/connected devices, wearables, artificial intelligence, among other things. The position is modeled after similar roles at sister agencies, including FCC, FTC, and NASA, among others.

Similarly, it is my hope that the Chief Analytics Officer (CAO) will serve as the Commission's principal advisor on matters concerning data analysis. Without replicating current agency functions, the CAO will advise the Commission about advances in data analytics and best practices. This role is needed to expand the agency's capability to process large data sets and

understand more fully the critical safety implications they contain. The CAO should also assist in improving agency transparency by facilitating better sharing of agency information with outside stakeholders, consistent with our statute.

The Commission unanimously accepted my amendment to include enforcement of the Child Nicotine Poisoning Prevention Act (CNPPA) as a top priority for the agency's Office of Compliance and Field Operations. This amendment emphasizes the removal of noncompliant product, consistent with the law's intent, but does not preclude a consumer-level recall if necessary. My view is that the CPSC's enforcement of the CNPPA has been inconsistent and I believe the Commission should bring to bear the full weight of its authorities to ensure children are protected from this deadly hazard.

I am pleased that my amendments addressing IoT, emerging hazards, and e-commerce were accepted. One of these amendments would build on CPSC's leadership and continue our coordination with sister agencies on potential safety issues related to IoT. A second amendment would improve staff participation in the standards development process for emerging technologies, including IoT, wearables, and 3D printing, among other things. A third amendment would allow the Commission to implement a number of staff's proposals to improve our surveillance of e-commerce shipments entering the United States.

To improve agency transparency and accountability, I introduced an amendment to require CPSC's Office of Communications to provide documentation supporting the safety claims it makes in official agency communications. This amendment was accepted by a bipartisan majority of the Commission.

With respect to burden reduction, I would like to thank Commissioner Baiocco and her staff in particular for their work and collaboration to reduce burdensome regulations that do not impact consumer safety. It's been said that that consumers do not benefit from, and consumer safety is not advanced by, regulatory actions that needlessly result in higher costs, less competition, and fewer choices. For these reasons, I'm glad that both of our burden reduction amendments were accepted.

There are additional provisions in the underlying Operating Plan that I would like to highlight.

First, the plan calls for the Commission to proceed to a final rule on Table Saws in the current fiscal year. I want to clarify that this does not predetermine the outcome of the rule. Based on the findings of staff's 2017 study of emergency department-treated table saw blade contact injuries—which found the risk of injury on table saws manufactured with a modified blade guard to be approximately seven times lower than the risk of injury on a table saw manufactured with a traditional blade guard—it is possible that compliance with the current voluntary industry standard for table saws, UL 987 *Stationary and Fixed Electric Tools*, adequately reduces the risk of injury it seeks to address.

Second, the plan calls for CPSC to proceed with an NPR for a mandatory standard to address Clothing Storage Unit tipover hazards. Staff will continue its work to finalize protocols and test ANPR use cases for furniture stability. Staff will also pursue additional strength testing and

explore alternative test methods that better map real world environments. Furniture stability now has the agency's highest attention. It is my hope that industry, families, and other subcommittee members will find a consensus solution. If not, a mandatory safety standard is needed. That is why I introduced an amendment to include funding to expedite a mandatory standard in CPSC's most recent budget request. I am pleased that this work will continue as a top priority in the current fiscal year.

Third, the plan calls for CPSC to continue studying portable generator standards. This is important work that will allow the agency to make an informed evaluation of carbon monoxide (CO) shutoff and emission reduction technologies. Industry has made good progress on developing technologies to reduce deaths and injuries related to CO poisoning, in large part due to prodding by CPSC. There are now two voluntary standards. One requires a lowering of CO emissions plus shutoff technology. The other standard calls for shutoff technology alone. The CPSC should continue to educate consumers about the risks of CO poisoning and the available new technologies. I'm pleased that this Operating Plan will allow the agency to do that. The plan will also allow the agency to continue its evaluation of the two technologies, along with National Institute of Standards and Technology. This is important ongoing work to keep consumers safe.

In closing, it is my view today's process produced a consensus product of which we can all be proud.