



UNITED STATES  
**CONSUMER PRODUCT SAFETY COMMISSION**  
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COMMISSIONER PETER A. FELDMAN

**STATEMENT OF COMMISSIONER PETER A. FELDMAN  
EXPRESSING CONCERNS ABOUT LEGAL FOUNDATION OF  
FINAL AGENCY ACTION ON CSU RULE**

**OCTOBER 19, 2022**

Today, the Commission issued a final rule to address the unreasonable risk of injury associated with clothing storage units (CSUs). While I am encouraged that the Commission has put in considerable effort to address CSU tip-overs, I voted no on the final rule because I believe this rule should have been put out for a Supplemental Notice of Proposed Rulemaking (SNPR) to strengthen it.

I have long-championed strong agency action to protect children, including offering an [amendment](#) to initiate this mandatory standard. We have done too much work and invested too many resources to push through a final rule that I believe has legal vulnerabilities. A rule that is stayed or overturned offers zero consumer protections.

Due to these concerns, today I offered an amendment that would have required an SNPR that could have been completed quickly. The draft final rule differed from what we put out for public comment, including changes to the scope and definition of the rule, test methods used to ensure compliance, CSU marking and labeling, and requirements to provide performance and technical data. I am concerned that the rule's implementation may result in even greater delays when it is challenged. I believe an SNPR would have strengthened our legal standing.

The SNPR serves another purpose. Recently, the Senate [passed](#) the Stop Tip-Overs of Unstable, Risky Dressers on Youth (STRUDY) Act to address these furniture tip-over issues. The short time needed to complete the SNPR would provide an opportunity to see if the STURDY Act would become law. This would avoid any confusion between a statute and a CPSC regulation.

Many of the advocates, from whom I have heard for years, [tell me](#) the Senate-passed STURDY Act is a consensus bill enjoying support of both industry and advocacy groups alike. The fact that the STURDY Act passed unanimously is no small feat and reflects the considerable work from all parties involved.

Although I am disappointed this rule was not put out for an SNPR, as some of the advocates have stated, there are now two potential solutions to protect consumers from tip-over dangers.

## **COPF Clothing Storage Units Amendment**

In the nature of a substitute –

1. Purpose: To provide supplemental public notice of significant changes to the proposed rule to cure logical outgrowth vulnerabilities and strengthen the final rule.

2. Background: Staff's September 28, 2022, briefing package reflects (*see* Staff Briefing Package Appendix D1) that the draft final rule before the Commission today includes significant changes from the Commission's Notice of Proposed Rulemaking to establish requirements regarding Clothing Storage Unit stability (87 FR 6246), including changes to:

- (a) Scope and definitions;
- (b) Test methods;
- (c) Requirements for marking and labeling; and
- (d) Requirements to provide performance and technical data by labeling (hang tag).

3. Supplemental Notice: Staff is directed to issue a Supplemental Notice of Proposed Rulemaking reflecting these revisions and seeking additional public comment on the Notice of Proposed Rulemaking for Clothing Storage Units.