UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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COMMISSIONER MARY T. BOYLE

Commissioner Mary T. Boyle Statement on the Passage of the Fiscal 2023 Operating Plan

October 26, 2022

Today, the Commission approved the Fiscal Year 2023 Agency Operating Plan, taking decisive action to expand the possibilities for safety work in the coming year. With a 3-1 vote, a clear majority supported the plan, which was enhanced by crucial amendments I offered to emphasize safety priorities that belong at the top of the agency's list: baby safety, senior safety, battery ingestion, and chronic hazards impacting children and families – both PFAS and gas stoves. My amendments called attention to underserved communities across the spectrum of our work, from data collection to communications, and urged increased attention to gender and age disparities. They also set an expectation that battery safety work should include a focus on other safety solutions, beyond packaging and warning labels, and directed staff to focus on civil penalties for those who jeopardize the safety of American consumers.

Finally, I was also pleased to support Commissioner Trumka's amendments pressing CPSC to move forward expeditiously with rulemaking on portable generators and off-highway vehicle (OHV) fire hazards, as well as the marker he set down, through development of a Request for Information, for CPSC to engage in a serious way in the coming year with the dangers of gas stove emissions. This is important work, and I appreciate his eloquent advocacy for consumers and his commitment to addressing the hidden hazards in our homes.

I was, however, disappointed that my amendment on baby safety was not adopted as part of the final Operating Plan. As I have done throughout my career at CPSC, today I advocated for infant safety as a top priority for the Commission. Through my amendment, I intended to emphasize the need for continued baby safety research should the agency receive additional funds, and to clarify the difference between nursing pillows and infant pillows—a point of confusion that was evident during our briefing on the Operating Plan.

Within this amendment, I asked my fellow Commissioners to support the goal of expediting our infant pillow rulemaking to a final rule that will update and clarify the scope of the existing ban. This proposal builds on staff work authorized in last year's Operating Plan. The market has changed over the last two decades, and this action is overdue. I included language

intended to remove artificial deadlines associated with rulemaking, endorsing the goal of a notice of proposed rulemaking (NPR) this year while signaling the need to continue working towards the earliest possible date for a final rule (FR) upon completion of the NPR. This is a paradigm shift from past years and was adopted elsewhere in the FY23 Plan.

Through my years at the agency, I know that what may seem impossible today may be possible tomorrow. It is for that reason I believe that operating plans should be living documents, in which we strive to make the impossible possible year after year—and an issue in which babies' lives are at stake should be at the top of our priority list.

Although I am disappointed, my message is clear. We need continued baby safety research. We need to live up to our commitment to protect infants, families, and caregivers, with up-to-date rules and reliable guidance on products on the market today. Baby safety is not just a women's issue, but in our society, women are by and large tasked with childcare and with choosing safe products to use. I am proud of CPSC's contributions, and I plan to continue to use my voice as a commissioner to press for progress and to set high expectations for protecting the vulnerable among us.

I want to thank staff for their conscientious efforts in putting together this document, and for the expertise they consistently bring to the work of implementing agency priorities. Finally, I also want to thank the Chair and my fellow Commissioners for their partnership.