



Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chair Alexander D. Hoehn-Saric
 Commissioner Peter A. Feldman
 Commissioner Richard Trumka Jr.
 Commissioner Mary T. Boyle
 Commissioner Douglas Dziak

ITEM:

Notice of Availability: Final Guidance for Estimating the Value per Statistical Life

(Ballot vote package dated March 20, 2024)

DECISION:

The Commission voted 3-2 to approve publication of the *Federal Register* notice announcing an issuance of final guidance for CPSC's application of the value per statistical life in the agency's analyses of benefits and costs.

Chair Hoehn Saric and Commissioners Boyle and Trumka voted to approve publication of the *Federal Register* notice, as drafted.

Commissioners Feldman and Dziak voted to *not* approve publication of the *Federal Register* notice.

For the Commission:

Alberta E. Mills
Commission Secretary

*Ballot vote due March 29, 2024
(Commissioner Dziak extended the vote due date from March 26 to March 29, 2024).

Chair Hoehn-Saric voted on March 25, 2024.
Commissioner Trumka voted on March 29, 2024.
Commissioner Feldman voted on March 29, 2024.
Commissioner Boyle voted on March 28, 2024.
Commissioner Dziak voted on March 29, 2024.

Attachments: Statement by Commissioner Trumka
Joint Statement by Commissioners Feldman and Dziak



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

**STATEMENT OF
COMMISSIONER RICH TRUMKA JR.**

April 2, 2024

**NEW CPSC GUIDANCE WILL DOUBLE THE VALUE WE PLACE ON SAVING
CHILDREN’S LIVES; I EXPECT THIS TO LEAD TO MORE PROTECTIVE
RULEMAKING BOTH AT CPSC AND ACROSS THE REST OF GOVERNMENT**

Americans see great value in prioritizing children’s lives. We do more, and spend more, to protect kids than we do to protect ourselves. Today, CPSC incorporates that reality into our decision-making in a way that will make it easier for us to pass rules to protect kids. CPSC now says we will value saving a child’s life twice as much as before. And today’s action will not just improve CPSC’s rules—it is a model that every government agency can adopt, and should.

CPSC fights to protect kids by creating rules to save them from deadly product hazards, from inclined sleepers that kill babies to dressers that crush children. Despite the life-saving benefits of these rules, CPSC often faces an uphill battle against different industries that seem to value profit over children’s lives. But in that battle, we have just won a major victory. We’ve decided that a child’s life is worth more, and from here on out, our rules will reflect that. This means that we can pay extra attention when a child is harmed by a dangerous product—as we must.

“Cost-benefit analyses” have been used for decades as an industry tool to kill or weaken policies that would benefit American families but would harm corporate profits. When we proposed to correct that imbalance of priorities, I was shocked, but not surprised, to see that the Toy Association opposed us—they said that children merited no special treatment, that they were nothing more than “an arbitrary specific section of the population.”¹ Really? I wouldn’t want anyone who thinks like that within a mile of my kids, let alone selling them toys.

Giving extra weight to fighting products that kill kids isn’t just common sense, it’s also backed by decades of research into what Americans value most. And now, CPSC has just become the first federal agency to officially take this approach to product safety. I am proud that our agency has made the right choice for Americans. I expect that every other agency that makes rules to save children’s lives will adopt the approach put forth today. Safety opponents don’t make it easy for federal agencies to pass rules to best protect our kids...but today, *we* did.

¹ The Toy Association, *Comment on Proposed Draft Guidance for Estimating Value per Statistical Life*, Dkt. No. CPSC-2023-0013 (May 23, 2023), <https://www.regulations.gov/comment/CPSC-2023-0013-0003>.

The message to anti-safety members of industry is clear: your values are not my values...I value children's lives a great deal. What I care about is saving the most valuable asset to our future as a nation—our children. I celebrate today's win with all American families. Our new policy will save countless kids from horrible deaths.

Faithfully,

Your consumer advocate at the Consumer Product Safety Commission

Commissioner Richard L. Trumka Jr.



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**JOINT STATEMENT OF COMMISSIONERS PETER A. FELDMAN AND DOUGLAS
DZIAK ON “VALUE OF STATISTICAL LIFE” DOUBLE COUNTING**

APRIL 3, 2024

The U.S. Consumer Product Safety Commission (CPSC) has adopted a new cost-benefit methodology that needlessly places future Commission rulemakings in jeopardy. CPSC will now calculate regulatory benefits using a “value of statistical life” (VSL) that counts the lives of people under 18 years old as being worth double those of anyone 18 or older. This unprecedented policy rejects how *every other* federal agency conducts such analyses. It is economically questionable and legally risky. Rules that are struck down in court offer zero consumer protection. Therefore, we oppose this change.

Inflating certain variables in cost-benefit analyses has already led to judicial disfavor, including with respect to protections for children. In the recent *WCMA v. CPSC* case, the U.S. Court of Appeals for the D.C. Circuit vacated a Commission rule that sought to make window blinds safer for children. In its decision, the D.C. Circuit criticized the lack of rigor and care with which CPSC conducts its cost-benefit calculations. Instead of heeding these warnings, the Commission has now decided to adopt this novel cost-benefit calculation. We believe this VSL will, at the very least, create the appearance that the Commission is putting its thumb on the scale to make regulatory benefits seem greater than they are. At worst, this VSL threatens the legal viability of future rulemakings. In any event, it harms the Commission’s credibility.