



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

**CHAIR ALEXANDER D. HOEHN-SARIC**

**Remarks of Chair Alexander D. Hoehn-Saric**

**International Consumer Product Health and Safety Organization (ICPHSO)  
2023 International Symposium**

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Thank you, Len [Morrissey], for that kind introduction and congratulations on ICPHSO's 30<sup>th</sup> Anniversary.

It's great to see so many familiar faces and it's a pleasure to be in Almhult – gathering once more to discuss global efforts to improve product safety.

This October marked the start of my third year as Chair of the Consumer Product Safety Commission. In my time at the Commission, I have seen what an incredible job our staff does to protect American consumers and the effect their work has on product safety internationally.

Over the past year, CPSC conducted more than 300 recalls; assessed more than \$52 million in civil penalties from companies that failed to comply with our safety laws; provided product safety training to over 600 industry representatives outside the United States; and screened more than 60,000 potentially harmful products at our borders.

CPSC also finalized 14 mandatory safety regulations including standards that address hazards caused by ingesting small, button cell batteries and powerful magnets; furniture tip-overs that can crush children; and adult portable bedrails that can trap the elderly.

We are also advancing new and previously delayed rulemakings to propose safety regulations for nursing pillows, infant rockers, portable generators, and table saws. All of which further our mission to keep consumers safe from serious hazards associated with common household products.

But there is more work to be done. And as I look towards the next phase of my time as Chair of the CPSC, I plan to tackle a problem that is so pervasive, it has impacted every regulator here today. Every day, unknowingly, consumers are purchasing recalled, non-compliant, and hazardous products that are sold online.

It seems like for every product hazard that we've addressed with a new regulation or recall, you can still find an illegal version of that product online. Whether it's through a third-party seller on a website like TeMu or your next-door neighbor on a site like Facebook Marketplace, dangerous products remain available to all of our consumers. Over the last 12 months, CPSC has requested removal of nearly 50,000 hazardous, often recalled products from e-commerce sites.

And, yet it is far too common for CPSC to issue take down requests repeatedly for the same hazardous product as different merchants seek to sell it on the same platform. For example, it took too long for marketplaces to remove crib bumpers after they were banned in the U.S. For months, CPSC highlighted alternative search terms like "bompers" to marketplaces because these search terms were returning pages of illegal product listings.

To add to the confusion, depending on whether the online marketplace is operating as a retailer, providing distribution services for a third-party, or selling third parties' access to its users, different laws and obligations apply in the U.S. But consumers don't know that – and shouldn't have to. Consumers expect the products they purchase online to be as safe as those purchased in their local store. And if there is a problem, they expect the online marketplace to stand behind that sale.

CPSC staff will continue to do their job, but it is incumbent on online marketplaces to do much more to help protect their customers. At a minimum, they must act responsibly by monitoring their websites to stop dangerous products from being posted in the first place, and removing merchants who repeatedly sell violative products.

There are some online marketplaces that are doing better than others but those that fail to prioritize safety are undermining consumer trust for the entire industry.

I recognize different countries have taken different approaches to this problem. The EU has recently enacted regulations requiring certain online marketplaces to combat the sale of illegal products on their sites. Australia, Canada, Japan and Korea have entered into voluntary agreements with online marketplaces regarding the products sold in their countries. I've enjoyed meeting with my colleagues in London and hearing their updates on this work and look forward to more discussion on this topic.

In the United States, CPSC has ongoing relationships with the major e-commerce platforms. Our E-Safe team works to identify hazardous products and then works with the online marketplaces to get those product listings taken down promptly. When consumers purchase recalled or

hazardous goods from third party sellers, CPSC routinely requests online marketplaces to provide direct notice to purchasers of the dangerous product. This is particularly important when a manufacturer refuses to conduct a recall or is unreachable; in those instances, we issue warnings to the public and ask the marketplaces to share those warnings with consumers.

But too much of the focus has been reactive as opposed to proactive. And there continue to be new platforms entering the U.S. market that are more focused on gaining market share than prioritizing the safety of their users. What is lacking are baseline consumer product safety practices adopted by all e-commerce platforms.

Over the past year, I've urged industry to work with CPSC to address the hazards posed by recalled, non-compliant and dangerous products online. I've met with half a dozen of the largest online marketplaces, written letters to Facebook Marketplace asking them to remove recalled products like the Fisher Price Rock N' Play and Boppy Infant Lounger from their site, and called for companies to adopt commonsense practices to establish a foundation for product safety. Because product safety should be built into all aspects of online marketplaces – in other words they need to have Product Safety by Design.

To me, Product Safety by Design has three core principles. One, promoting a corporate culture of safety. Two, holding third party sellers accountable. And three, empowering consumers with safety tools and information.

### *Promote a Culture of Safety*

Online marketplaces should create a corporate structure that prioritizes product safety and establishes clear responsibility and accountability for the integration and execution of safety measures. Many reputable manufacturers have a senior officer responsible for product safety. As part of their structure, online marketplaces selling consumer products should designate a Chief Product Safety Officer who has the authority and resources to ensure that product safety is an integral part of the platform's business.

This person should be tasked with: Ensuring corporate compliance with all federal and state safety laws; Training employees on product safety; Preventing the sale of all recalled and banned products; and Identifying and reporting product safety risks, including reports of death or injuries, to senior management and appropriate authorities.

Product Safety by Design also means inviting all employees to be part of the solution. Everyone from website designers to marketers should be incentivized to prioritize product safety as part of their everyday work. Far too often safety is not viewed as a marketing tool or selling point, but there are consumers who recognize and reward marketplaces when they feel that safety is a top priority.

### *Hold Online Sellers Accountable*

Online marketplaces also must take more responsibility for the products listed on their sites and the merchants who sell through them. Too often consumers are left holding a defective product while the online marketplace they purchased it from points the finger of blame at a seller the marketplace allowed on its site.

Products should be thoroughly vetted to ensure compliance with all applicable standards before they can be listed on a marketplace. And when a hazardous product is identified, the platform as well as the manufacturer should stand behind the sale and provide a remedy to buyers.

Consumers rightly assume that sellers on online sites have been approved and are as safe and reputable as if they were purchasing the product in a brick-and-mortar store. As we know, that is not always the case. Too often unscrupulous manufacturers can operate in the dark and disappear after being contacted by CPSC about a hazardous product. And even when CPSC is able to get the online marketplace to take a listing down, that same product listing can reappear on the same marketplace under a different manufacturer's name within days.

This game of online whack-a-mole must stop, and it is the online marketplaces who are in the best position to prevent these listings from appearing even before consumers see them. Sellers who fail to follow safety standards or comply with a platform's safety terms and conditions, or whose products cause injuries without recourse should be sanctioned, banned, and prevented from reappearing under a new name. Online marketplaces have the tools – and resources – to make this happen.

### *Empower Consumers with Safety Tools and Information*

Finally, consumers need accurate and fulsome information to make the safest decisions for themselves and their families. This starts with adequate safety warnings in online listings but should be much broader to include the availability of relevant safety educational material prior to making a purchase and vigorous direct notification tactics in the event of a recall.

Many products, especially those intended for babies and small children, come with clear warnings on their packaging. But when buying online, this information can be lost or missed if the consumer doesn't read the fine print on a listing. Online marketplaces should be proactive about prominently displaying relevant safety information in a clear manner that is consistent across their sites.

Safety information shouldn't just include warnings but also advice on how to use products safely and how to choose which products are safer. Online marketplaces should work with regulators and trusted consumer advocates to provide this advice – whether it's how to use a portable generator properly, how to prevent furniture tip-overs, or what to buy for your baby's nursery.

Now even in the best of cases, products will be sold that are defective and need to be recalled. Online marketplaces use some of the most cutting-edge technologies to market to their users. They should take advantage of these capabilities to send safety information as well, including notices of recalls.

Direct messaging of a recall should be more than just an e-mail. It should include a text, a push message on an app, a banner when you login, and every other idea a platform can come up with.

Finally, information sharing should be interactive. Consumers are often the first to identify potentially dangerous products that raise red flags. Online marketplaces should also provide a simple way for consumers to not only post reviews about the quality of a product, but to report dangerous products, suspicious manufacturers, or recalled products so that marketplaces and CPSC can act to protect others from harm.

The good news is that some platforms are taking steps in the right direction. Amazon rolled out its “Your Recalls and Product Safety Alerts” page and is providing safety information from the U.S. National Highway Traffic Safety Administration to potential car seat buyers. eBay and others are investing in machine learning to develop better mechanisms to scan product postings and take down those that violate their terms and conditions. And Target has implemented a rigorous application process for third party sellers that want to sell through their Target Plus program.

These practices are promising, but they are not enough, and they are not widely adopted throughout the industry.

The need for Product Safety by Design was brought into clear focus this summer when CPSC held an all-day forum on lithium-ion battery safety. We heard from the Fire Department of the City of New York as well as a wide range of industry and consumer stakeholders about the dangers of lithium-ion battery fires. The common refrain was that consumers looking for a low price are too often buying products online that don’t meet baseline industry standards and put lives at risk.

It is nearly impossible for a consumer to know if a battery they view online is safe or made on the cheap by a shoddy company looking to make a quick buck off the boom in e-bike sales.

Online marketplaces need to put a system in place to verify that lithium-ion batteries on their sites are compliant with the existing standards. Industry should be vigilant and should cease work with suppliers and sellers that skirt safety standards. And that should be the practice for all consumer products, not just ones that are in the news today.

I am in the process of compiling a list of best practices that I hope all online marketplaces will

adopt. I will share that list in the coming months. I also am heartened by the bipartisan Congressional interest in strengthening product safety practices online in the United States. I believe a good next step would be legislating baseline protections for consumers purchasing products through those platforms as well as providing CPSC with additional tools to better oversee the marketplace.

As I said earlier, this is not a problem unique to the U.S. There are new online marketplaces popping up every day that are driving the market and flooding it with recalled, non-compliant, and hazardous products. To keep up, we need international regulatory cooperation. I was happy to meet in London earlier this week with my fellow regulators and am looking forward to continuing to work with all of you on this effort.

On behalf of myself and CPSC staff, thank you so much for your commitment to product safety and thank you for including me in today's event.