



**Testimony of**

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Commissioner  
U.S. Consumer Product Safety Commission**

**To the  
Subcommittee on Consumer Protection, Product Safety, Insurance,  
and Data Security**

**“Overseeing the Consumer Product Safety Commission”**

**June 17, 2015**

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Subcommittee on Consumer Protection, Product Safety, Insurance, and Data  
Security**

I want to thank Chairman Moran, Ranking Member Blumenthal and Members of the Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security for providing the U.S. Consumer Product Safety Commission (CPSC) with this opportunity to appear at a public hearing and submit testimony. I have had the privilege of serving as Commissioner at the U.S. Consumer Product Safety Commission since July 2013.

I am delighted to have the opportunity to submit this testimony concerning “Overseeing the Consumer Product Safety Commission” and to give you a brief update on some of my priorities which are very much aligned with our FY16 budget request to Congress.

It is an honor to work with Chairman Kaye, my fellow Commissioners and with the amazing group of professionals who comprise the CPSC staff. Our small staff includes scientists, engineers, lawyers, compliance and communications professionals, field investigators, economists, epidemiologists, and import surveillance, operations and administrative staff. I am constantly amazed at how much we do with such a limited budget and staff. Our professionals are extraordinarily talented and have abundant career opportunities elsewhere. However, they stay at the CPSC because they know they are making a difference and believe in our mission of protecting the public and, particularly, our children, from unreasonably dangerous products. I very much share this mission.

I recently sat on a plane next to a woman from India who, when she learned where I work, told me she was very familiar with the CPSC and she had tears in her eyes as she said how

lucky the children and parents in the U.S. are to be protected by our agency. I wholeheartedly agree with her!

### **Priorities**

It is important to me that my priorities and the CPSC priorities are aligned. It is also important to me that my fellow Commissioners and I work together to do our parts in implementing the CPSC's agenda.

There are five key areas in which the CPSC must continue to engage and which must be funded at the appropriate levels. In order for the CPSC to carry out its critical public health and safety mission, it must be able to:

- Gather and analyze the most appropriate data on consumer product-related injuries and deaths;
- Inform and educate all populations across our diverse country concerning the real and often hidden hazards of certain products or situations;
- Effectively and efficiently monitor our ports for violative consumer products;
- Research and monitor the potential hazards to consumers of new emerging technologies being used in various consumer products; and
- Review current rules and regulations to ensure they are not overly burdensome on industry or inappropriate as a result of technological or other industry advances.

I would like to further explain these five areas and, in so doing, highlight the work my personal staff and I are doing to further support the CPSC's FY16 budget and public health mission.

(1) Gather and Analyze the Data

Within days of being sworn in as a Commissioner, I started meeting with various groups that had issues before the agency, including consumer groups, trade associations, standards development organizations, and representatives from small and large companies. Multiple times each week, I would hear arguments either for or against additional consumer safety rules, standards or initiatives. Inevitably, the data cited in support of the arguments were generated by the CPSC.

Additionally, I learned that most of our work here at the CPSC begins with an analysis of our data on consumer product-related incidents, injuries, and deaths and these data continue to be used throughout the rulemaking process. I quickly realized how vital our data are to virtually all product-safety decisions in this country and around the world. As a result, I am committed to ensuring that the CPSC gathers the best and most appropriate data possible and am constantly searching for new ideas to improve these data. My staff and I have been actively learning about the newest developments relating to data innovation. We have been attending events such as Health Datapalooza, Fedscoop summits, and similar conferences. We have also been talking with many of our counterparts at other government entities to learn how they have modernized the collection and utilization of their data to better serve the public.

I am pleased to note that my fellow Commissioners and our senior management also believe that data must be a high priority for the CPSC. To that end, we will be holding our first-ever public hearing on Data Sources and Consumer-Product Incident Information next week, on June 24, 2015, right after our annual Priorities Hearing. We have already received many enthusiastic responses to our announcement of the hearing, and we hope to hear from a diverse

panel of representatives who will help us build on and improve our current data practices and capabilities.

As many of you know, the CPSC collects consumer product-related incident data in a number of ways. The CPSC's statistically representative data are collected through the National Electronic Injury Surveillance System (NEISS). The NEISS was created over 30 years ago by CPSC epidemiologists. It is comprised of approximately 100 hospital emergency departments specifically selected to allow statistical extrapolation of consumer product-related injuries to the national level and assess injuries over time. The NEISS collects approximately 400,000 product-related injury reports annually from participating hospitals that represent a national estimate of over 14 million product-related injuries treated in hospital emergency departments.

The CPSC's non-statistical data are collected in several different ways. The sources of our non-statistical data have for many years included news media reports, consumer complaints to the CPSC Hotline, a limited number of death certificates, trade information, and the Medical Examiners and Coroners Alert Project.

In May 2011, the CPSC launched our searchable database, available at [www.SaferProducts.gov](http://www.SaferProducts.gov). This database allows anyone to submit a report of harm or risk of harm related to the use of consumer products or substances within CPSC's jurisdiction. To date, there are approximately 23,300 publicly available reports on [www.SaferProducts.gov](http://www.SaferProducts.gov), primarily received from consumers. CPSC staff begins their analysis of this data immediately upon receipt to identify potential emerging hazards.

As I noted earlier, I have been very focused on trying to identify ways in which we may improve our data sources as well as the public's use of it. To that end, I am pleased that the FY16 budget includes:<sup>1</sup>

- \$2.2 million for the NEISS;
- \$2.7 million for our Consumer Product Risk Management System (CPRMS), the CPSC's internal system that includes: [www.SaferProducts.gov](http://www.SaferProducts.gov), the publicly searchable incident reporting portal; the business portal; an internal application for CPSC staff to analyze and triage incident reports; and a case management system for CPSC to respond to incidents; and
- \$900,000 for our CPSC hotline.

These funds are absolutely essential to ensure that the CPSC may do the hard work required to protect consumers from hazardous and dangerous products. At its core, the CPSC is a data-driven agency. For those who seek to reduce burdens of unnecessary regulation, providing the critical, supporting data is a necessary first step towards that end.

(2) Inform and Educate all Populations of Hazards

The CPSC FY16 budget states that one of the most cost-effective methods of reducing incidents, injuries and deaths related to consumer products is by effectively, efficiently and quickly “[c]ommunicating safety responsibilities to industry and educating the public on the best safety practices and recalled products.”<sup>2</sup> The CPSC has committed \$8 million to “raise public awareness through timely and targeted information about consumer product safety issues”<sup>3</sup>

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<sup>1</sup> CPSC FY16 Budget Submitted to Congress, p.15.

<sup>2</sup> *Id.* at 9.

<sup>3</sup> CPSC FY16 Budget Submitted to Congress, p. 21.

including notifying consumers about recalls as well as ongoing hidden hazards. I fully support this commitment of CPSC's precious resources to this critical priority.

Our ability to collect and share the best data is central to our efforts to inform and educate the public about consumer product-related hazards. We recently completed a project formatting our recall data to make them more usable. We have already seen young innovative developers use these enhancements to create apps that can help keep the public informed of product recalls. I am pleased that the Commission voted unanimously to support my amendment to our Midyear to elevate the priority of a similar project that will make consumer reports on saferproducts.gov more accessible and useful.

a. *Improving Recall Effectiveness*

Because I believe one of the greatest ways of ensuring safety is to remove hazardous products from the marketplace, I am personally committed to figuring out ways to improve overall recall effectiveness of consumer products as a way to support the CPSC's larger goal of "Raising Awareness."<sup>4</sup>

Many of you have read the *Kids In Danger Report: A Decade of Data: An In-depth Look at 2014 and a Ten-Year Retrospective on Children's Product Recalls*.<sup>5</sup> I found the report both very encouraging and somewhat discouraging. It was encouraging to see that stronger standards and oversight by regulatory agencies such as the CPSC have had a measurable effect on product safety and there have been significant decreases in the past decade in incidents, injuries and deaths related to consumer products. However, it was very discouraging to read that "the

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<sup>4</sup> *Id.*

<sup>5</sup> [http://www.kidsindanger.org/docs/research/2015\\_KID\\_Recall\\_Report.pdf](http://www.kidsindanger.org/docs/research/2015_KID_Recall_Report.pdf).

majority of recalled children's products continue to remain in consumer hands (79.79%)."<sup>6</sup> And that "[o]nly 14% of all 2013 recalled children's products were destroyed or fixed."<sup>7</sup>

The *Kids In Danger Report* concludes that companies need to devote their social media to publicizing recalls as effectively as they do marketing products. Currently, "less than a quarter of companies with a Facebook presence use it to share recall information."<sup>8</sup> Companies using Facebook, Twitter, Instagram, or other social networking platforms to market toys should also use those social media tools when they have a product recall. Doing so is good for both consumers and business. One recent study showed that companies using certain types of social media in connection with their recall announcements experienced lower stock price reductions than those companies not using social media.<sup>9</sup> Perhaps research such as this will encourage companies to be more creative in using social media to get dangerous products off the market. I have spoken to and intend to continue to speak to industry about this issue as much as possible. Consumers deserve the same respect for their safety as companies give to their purchasing dollars.

b. *Hidden Hazard: TV and Furniture Tip Overs*

Another one of my priorities is increasing awareness of the dangers associated with the hidden hazards of TV and furniture tip overs. There were 430 tragic and preventable deaths between 2000 and 2013 involving young children trapped or crushed after a dresser, TV,

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<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

<sup>8</sup> [http://www.kidsindanger.org/docs/research/2015\\_KID\\_Recall\\_Report.pdf](http://www.kidsindanger.org/docs/research/2015_KID_Recall_Report.pdf), pps. 14-16 and 31.

<sup>9</sup> *The Role of Social Media in the Capital Market: Evidence from Consumer Product Recalls*, JOURNAL OF ACCOUNTING RESEARCH, Lian Fen Lee, Amy Hutton and Susan Shu, Accepted manuscript online: 3 FEB 2015 01:03AM EST, DOI: 10.1111/1475-679X.12075, p. 33. ("First, we find that corporate social media, in general, attenuates the negative price reaction to product recall announcements. This finding is consistent with social media increasing the effectiveness of the recall process itself including limiting harm, as well mitigating the repercussions of the recall for the firm's brand equity and reputation.").

bookcase, table, appliance, or other large item fell on them.<sup>10</sup> Our statistics show that a child dies every two weeks from a piece of furniture, a TV, or a piece of furniture and a TV falling onto him or her and every 24 minutes, a child is taken to an Emergency Department due to a tip-over incident.<sup>11</sup>

I am delighted that Commissioner Mohorovic is also committed to this issue. Together, we can leverage our positions as Commissioners to bring more awareness to this issue. We met with major retailers of both furniture and electronics at the International Consumer Product Health and Safety Organization Annual Conference in February to brainstorm ideas beyond just education, and we will be following up on these to try to make some real progress in this area

Just earlier this month, CPSC launched its “*Anchor It!*” campaign to reach all consumers and educate them on the serious dangers of TV and furniture tip overs. This national campaign encourages everyone to anchor TVs and furniture appropriately to avoid these completely preventable serious injuries and deaths. The campaign includes a public service announcement, a comprehensive website: [www.anchorit.gov](http://www.anchorit.gov), and partnerships with safety advocates and other stakeholders. Going forward in FY16, education and outreach on TV and furniture tip overs will continue to be one of the areas the CPSC’s Communications department works on as part of the \$8 million allocated to them.

### (3) Monitor our Ports

During calendar year 2013 alone, more than 235,000 importers brought approximately \$723 billion of consumer products under the CPSC’s jurisdiction into the country.<sup>12</sup> That

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<sup>10</sup> *Product Instability or Tip Over Injuries Associated with Televisions, Furniture and Appliances: 2014*, CPSC August 2014, p. 2.

<sup>11</sup> <http://www.cpsc.gov/en/Safety-Education/Safety-Education-Centers/Tipover-Information-Center/>

<sup>12</sup> CPSC FY16 Budget Request to Congress, p. 9.

averages nearly \$2 billion per day in imports of consumer products under the CPSC's jurisdiction.<sup>13</sup> Since 2008, four out of five product recalls in the United States have involved an imported product.<sup>14</sup>

As you know, the Consumer Product Safety Improvement Act of 2008 (CPSIA) was enacted, in part, because of a wave of noncompliant imported children's products.<sup>15</sup> As part of the CPSIA, the CPSC was required to develop a risk assessment methodology (RAM) and work with U.S. Customs and Border Protection (CBP) to address the influx of noncompliant children's products and to date, on a pilot basis, our Office of Import Surveillance has done so.<sup>16</sup>

The CPSC's FY16 budget prioritizes scaling up the pilot import surveillance program nationwide. The FY16 budget further requests Congress to authorize a product safety user fee in FY16 with collections beginning in FY17 in order to fund the expansion of the surveillance program to meet the requirements of the SAFE Port Act of 2006 and Section 222 of the CPSIA.

I have made it one of my priorities to understand the CPSC's critical import issues since I began as a Commissioner. To that end, I visited our port in Los Angeles and Long Beach and discussed these issues with CPSC's import surveillance staff at headquarters and in the field. I also toured the National Commercial Targeting and Analysis Center, and earlier this fiscal year, I met with CBP and Consulate staffs in Guangzhou and Hong Kong to discuss many of the complicated safety and import issues that result from a large percentage of this country's manufactured goods coming from abroad. In addition, I have been discussing the expansion of the RAM program, the requested user fees, the comments to our proposed rule on Certificates of Compliance designed to comply with the spirit of Presidential Executive Order 13659 requiring

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

electronic “single window entry,” and the development of our pilot program on e-filing with our stakeholders and sister agencies. All of these issues are interconnected, necessary, and critically important to a comprehensive and well-grounded consumer product safety import surveillance program.

I am also pleased to note the CPSC’s efforts in working with our stakeholders to better understand their concerns regarding e-filing. Chairman Kaye has taken the extraordinary step of holding two closed meetings with the Advisory Committee on Commercial Operations (“COAC”) and the Commission has also held an open meeting to discuss the e-filing pilot. Our staff has taken our stakeholders’ comments seriously and I look forward to the upcoming announcement of our e-filing pilot program.

It is for these reasons that I fully support our proposal for imports in CPSC’s FY16 budget.

(4) Research New Emerging Hazards

CPSC is responsible for researching new and emerging hazards. The earlier the CPSC identifies trends in incidents or injuries from unreasonably dangerous products, the more quickly we may move to eliminate those dangers.

The CPSC Directorate of Epidemiology dedicates much of its time to analyzing the data that I described earlier to identify these types of trends. However, this “early trend identification and analysis” has limitations when we are dealing with a chronic hazard.

Another approach to identifying new and emerging hazards is to focus on key materials or products in which advances in technology and new technical discoveries have created opportunities for industry to make products with these new materials or new product prototypes. The CPSC’s continuing work on nanotechnology is just that.

Nanotechnology “enables scientists to produce a wide array of materials in the size range of 1 to 100 nanometers (nm), with unique physical and chemical properties that can be incorporated into products to improve performance in areas such as greater strength, flexibility, stain resistance, or cleaning ability.”<sup>17</sup>

The National Science Foundation estimates that over \$3 trillion will be spent around the world on incorporating nanotechnology into finished consumer products by the year 2020.<sup>18</sup> Nanotechnology will become increasingly prevalent in all consumer products over time, yet not much is known about the safety of these new and innovative materials when they are included in consumer products. There are potentially dangerous implications for using these nanomaterials in consumer products.

The CPSC has followed the lead of other federal government agencies as well as the National Nanotechnology Initiative (NNI) in conducting specific research on nanotechnology and the commercialization of products containing nanomaterials. The CPSC has been a part of the NNI since 2003 and during the past 12 years, the CPSC has committed an average of just under \$1 million per year to studying the question of human exposure to nanotechnology in consumer products. However, due to the complexities of nanotechnology and the rapidly evolving technology of developing nanomaterials, the CPSC does not yet have the appropriate testing methods for characterizing and quantifying nanomaterials; the capability to identify, characterize and readily quantify consumer exposures to nanomaterials in consumer products; the capability to assess the potential health risks of exposure to nanomaterials in consumer products, or the ability to obtain reliable data on identifying new products containing

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<sup>17</sup> CPSC FY16 Budget Request to Congress, p. 12.

<sup>18</sup> *Id.*

nanomaterials or information on consumer use and interaction with these products once they are introduced into the marketplace.

For these reasons, I support the major investment of an additional \$5 million for the creation of the Center for Consumer Product Applications and Safety Implications of Nanotechnology (CPASION) in the CPSC FY16 budget. This allocation is necessary to adequately fund research on nanomaterials and the development of technology to test, quantify and analyze nanomaterials and our exposures to those same nanomaterials in consumer products and most importantly to determine what, if any, hazards result from such exposures.

(5) Rule Review

Sometimes, government overlooks outdated regulation when it is clear that new information, data, or technology provides a better solution to a historical problem. The CPSC should regularly revisit its regulations, especially when it is clear that certain rules are potentially unduly burdensome to various stakeholders. Presidential Executive Orders 13563 *Improving Regulation and Regulatory Review*, 13579 *Regulation and Independent Regulatory Agencies*, and 13610 *Identifying and Reducing Regulatory Burdens* state the same principles.

I proposed an amendment to the FY15 operational plan that was accepted and that directs staff to review the more than 40-year-old fireworks rule in light of current fireworks technology and provide the Commission with a briefing package on options to possibly revise this rule. After visiting fireworks manufacturing, production and testing facilities in Liuyang, China several months ago, and understanding the burdens on manufacturing and testing to the current CPSC standard, I was convinced this standard needed to be reviewed. I look forward to receiving a recommendation from our technical staff on this issue in FY15 and to the notice of proposed rulemaking included in the CPSC FY16 budget. I also voted in favor of Chairman

Kaye's mid-year amendment instructing staff to draft a CPSC Retrospective Review Plan for the Commission's consideration. I look forward to reviewing their proposal.

Another issue with which I have become intimately familiar is the desire of many of the CPSC's key stakeholders, as well as all five Commissioners, to reduce certain third party testing burdens for children's products while assuring compliance with all applicable rules, bans, regulations, and standards. It is my understanding that many of you on this Subcommittee are deeply concerned with CPSIA's potentially burdensome third party testing requirements for children's products as well. I recently partnered with Commissioner Buerkle to elevate the priority of a burden reduction-related project as part of our mid-year funding cycle, and was pleased that the Commission voted unanimously in favor of this change. I am also pleased that we voted as a Commission to release three upcoming burden reduction rule proposals as "direct to final" rules, which should expedite the implementation of our burden reduction efforts.

In FY15, Congress provided the CPSC with \$1 million to conduct work targeted at meaningful reduction of third party testing costs of children's products consistent with assuring compliance with all applicable rules, regulations, bans, and standards. I have spent much time on this issue since I arrived at the CPSC. I have had detailed discussions with staff and many stakeholders, visited toy manufacturers and testing facilities both in the U.S. and China, attended the CPSC Workshop on this issue, and reviewed stakeholder comments. I know that all five Commissioners are deeply committed to this issue and I am hopeful that we are going to see real, concrete change soon. I expect to receive a recommendation from staff by the end of the FY15 and hopefully, as is directed in the FY16 budget, receive a recommendation for a final rule next year.

### Ensuring the Safety of Recreational Off-Highway Vehicles

One area that has been receiving a great deal of attention both at the CPSC and in Congress is our proposed mandatory rule to make recreational off-highway vehicles (“ROVs”) safer.

On October 29, 2014, the CPSC voted to publish a notice of proposed rulemaking (“NPR”) proposing a mandatory standard for ROVs. I was proud to vote in favor of this important first step in addressing the unreasonable risk of injury and death posed by ROVs. Many ROVs, as currently designed, are unreasonably dangerous. Among the hazards associated with these dangerous ROVs are their high propensity to roll over, and the fact that they exhibit unpredictable handling, which contributes to rollover risk. CPSC’s data show that in the vast majority of ROV incidents involving injury and death, the ROV rolled over.

For many years before the NPR, CPSC engineers and representatives of the Recreational Off-Highway Vehicle Association (“ROHVA”) and its members had ongoing communications concerning a proper safety and testing standard for ROVs. ROHVA developed a voluntary standard in 2011 and, again, in 2014 through an American National Standards Institute (“ANSI”) process known as the canvass process, which it led and dominated. As part of that process, the CPSC engineers informed ROHVA repeatedly that, based on CPSC testing and accident data, they did not believe either of the ROHVA/ANSI voluntary standards went far enough in making ROVs safer for consumers, particularly with respect to vehicle stability, handling, and occupant protection. Further, based on CPSC’s experience with the Yamaha Rhino repair program, CPSC engineers informed ROHVA that the changes that would be required to meet the safety requirements advocated by the CPSC are relatively easy and inexpensive to make.

When the CPSC concerns were not addressed in the draft that became the 2014 ROHVA/ANSI standard, CPSC staff proposed a mandatory standard that included the safety measures they had repeatedly and unsuccessfully asked ROHVA to incorporate in the voluntary standard. CPSC's proposals in this NPR included a thorough analysis of the draft 2014 voluntary standard, which was identical in all key respects to what became the final voluntary standard. CPSC engineers are confident that compliance with the proposed mandatory standard would make ROVs much safer than compliance with the ROHVA/ANSI voluntary standard would. Their position is based on CPSC's thorough accident and testing data.

Since CPSC published its NPR, CPSC has dedicated significant staff time and resources meeting with industry representatives. CPSC staff has been listening with an open mind to industry's comments on the proposed rule. Industry finally appears to be willing to rethink the inadequate 2014 voluntary standard. On June 2, 2015, ROHVA informed CPSC's staffs that its board has decided to reopen the voluntary standard. ROHVA also expressed its hope that CPSC would be engaged in the voluntary standard process, as it has been throughout. This is very encouraging news, and is exactly what CPSC has been urging industry to do. Only industry has the power to revise the voluntary standard. Some of my fellow Commissioners and I have repeatedly urged industry to improve the voluntary standards so that a mandatory standard will not be needed. We are pleased to see that they have taken a first step in that direction.

The pace of industry's progress on improving the safety of their products has increased exponentially since the CPSC published its NPR. It is clear that the threat of a mandatory standard was the catalyst for these positive developments. CPSC and industry have been working closely together to address these safety concerns over the last several months. The unreasonable risk to life and limb posed by ROVs compels CPSC to continue working towards completing a

mandatory standard, but, as we have stated repeatedly throughout this process, we would like nothing more than to see industry develop a robust voluntary standard that would obviate the need for such a mandatory standard.

Unfortunately, all this progress may be put to an end if the pending ROV In-Depth Examination Act (“RIDE Act”) becomes law. The RIDE Act is a misguided piece of legislation. The RIDE Act would delay, if not derail, improvements in ROV safety, and thus result in unnecessary deaths and injuries. The RIDE Act would essentially halt CPSC’s current rulemaking, thus removing the very incentive that has finally spurred industry action to curb the risks posed by ROVs. Second, requiring CPSC to contract with the National Academy of Sciences (“NAS”) to study CPSC’s proposed standard would be a waste of taxpayer money. CPSC would have to pay NAS hundreds of thousands of dollars to carry out tests that CPSC is already undertaking as part of the development of the final rule. Third, diverting scarce CPSC resources to a contract with NAS would prevent CPSC from fully engaging in the newly reopened voluntary standard process. Finally, the NAS study would require an examination of the impact of the proposed rule on ROVs for military use. Nothing in our proposed rule affects military vehicles, nor is it within our purview.

The comment period on the proposed rule is still open. CPSC is actively testing and analyzing the current proposal as part of the development of the final rule. CPSC and industry are actively and productively engaged in discussions on the best way to make ROVs safer. Industry has also heeded CPSC’s call and reopened the voluntary standards. It would be tragic if the RIDE Act derailed these lifesaving developments.

## Conclusion

Finally, this is my first job in government and I continue to learn many new things every day. This is one of the most rewarding positions I have held in my career. As I said before, I am grateful for this opportunity to be a Commissioner at the CPSC and to testify before you here today about these extremely important and mission-critical issues.

Nevertheless, there are some discouraging things about this job, most prominently the length of time it takes to get a mandatory standard passed when industry refuses to pass an appropriate voluntary standard that adequately reduces the risks of death or injury. While I understand the process takes time, it is frustrating that consumers continue to be unnecessarily at risk and harmed.

I have learned much about Sections 7 and 9 of the Consumer Product Safety Act (CPSA) that are unique to the CPSC. These provisions require the CPSC to not only do a cost/benefit analysis of the regulatory choice we have made—a requirement of all regulatory agencies under Section 553 of the Administrative Procedure Act which I very much support—but also of each and every regulatory choice we rejected. This is extremely burdensome and time consuming and results in needless delay in passing safety standards that are truly needed to properly protect the public.

When Congress relieves the CPSC of the unique requirements of Sections 7 and 9, the rulemaking process moves forward more effectively and efficiently—as it did when a bipartisan Congress tasked the CPSC with passing drywall safety rules, and with mandatory rulemaking under CPSIA on durable infant products. Since the passage of CPSIA seven years ago, the CPSC has issued 14 final rules on durable nursery products. Compare that with a total number of 10 rules completed since 1981 when Congress amended Sections 7 and 9 of the CPSA.

History shows us that when Congress wants effective, efficient, and timely rulemaking, Congress directs CPSC to use APA Section 553 rulemaking. The APA Section 553 process is the most appropriate process to use for critical consumer product safety rules. I am hopeful that Congress will provide the CPSC with many more opportunities to address unreasonable consumer product hazards by conducting rulemaking under APA Section 553 in the future.

I want to end on a positive note and say that that I am proud of having been a part of the CPSC's work since 2013. One example of government working at its best was our rulemaking on small rare earth magnets sets.

In 2012, pediatric gastroenterologists came to the CPSC when they found a precipitous increase in young children being severely injured from swallowing these tiny magnets with eight times the magnetic force as is allowed in children's products. When more than one was swallowed, the child's intestines would clamp together from the magnetic force causing blood flow to be cut off and, because the parents often did not know the child had swallowed magnets and the first symptom was vomiting, the diagnosis was frequently delayed until permanent intestinal damage had been done. The CPSC worked with various industry members including retailers and others to educate people on the hazard, do recalls and, ultimately, prepare the mandatory standard that requires magnets sold in magnet sets to either be the much-weaker strength allowed in children's products or be large enough that a child cannot swallow them. The CPSC worked with interested parties and stakeholders to get this right. I am proud that I was able to be a part of this process.

Thank you again Chairman Moran, Ranking Member Blumenthal, and the Members of the Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, for this opportunity to submit this statement for the record.