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May 19, 2015

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Statement by Ranking Member Frank Pallone, Jr., submitted for the record
House Energy and Commerce Committee
Subcommittee on Commerce, Manufacturing and Trade
Hearing on “Oversight of the Consumer Product Safety Commission”

May 19, 2015

Thank you, Chairman Burgess, and welcome to the Commissioners.

While I know this is a rescheduled hearing, and we face time constraints, I want to start by saying that I am sorry that Commissioner Robinson is unable to be here due to prior commitments. This is particularly true today, as she has raised concerns about the length of time it takes to get a mandatory standard passed when the voluntary standard is inadequate. Her views would have been of value to the subject of today’s second panel, since the potential delay of a proposed rule for strengthening the safety of Recreational Off-Highway Vehicles (ROVs) is being discussed.

The first part of today’s hearing examines the ongoing work of a relatively small, yet essential federal agency – the Consumer Product Safety Commission (CPSC).

After years of CPSC being ineffective and reactive, members of Congress worked together and produced landmark bipartisan legislation, the Consumer Product Safety Improvement Act of 2008 (CPSIA). In 2011, Congress again passed bipartisan legislation, giving CPSC additional flexibilities in implementing CPSIA (C*P*S*I*A). As a result, CPSC is now both an effective and proactive agency.

Passage of CPSIA was a tremendous victory for consumers and improved the safety of products sold in the United States. CPSIA’s successes include getting lead and toxic phthalates out of children’s products and toys, strong safety standards for infant and toddler products such as cribs and highchairs and a publicly-accessible database of reported unsafe products.

As the Product Safety Commission finishes implementing stronger safety standards for products such as cribs, walkers, bath seats, toddler beds, and infant swings, we see the number of

dangerous products on the market falling, the number of recalls falling, and the number of injuries falling.

The Product Safety Commission now is moving beyond CPSIA implementation, and there is still a lot of hard work ahead. The Commission has worked aggressively to engage industry in the process of setting voluntary safety standards. And while that is essential, sometimes voluntary standards are not enough.

That is why I am pleased it has begun the rulemaking process to protect children from the preventable strangulation hazard posed by cords in window blinds. In addition, the Product Safety Commission should ensure that any new federal requirements regarding upholstered furniture flammability offer real public safety benefits and do not require or drive the use of harmful flame retardants.

Unfortunately, some of the efforts of the Commission to protect consumers are being met with opposition by industry and members of this Committee. Today's second panel will focus on legislation that would unnecessarily delay the implementation of important safety standards for ROVs that would save lives.

ROVs can be very dangerous, especially when they are built without key safety measures. These vehicles, which look like something between a car and a go-cart, can rollover on top of the driver or passengers, badly hurting or killing them. In other cases, people have lost limbs when ejected from the vehicle or when a foot or arm struck an object outside the vehicle.

This is another case in which voluntary standards are simply not providing adequate protection for consumers. CPSC found that between 2003 and April of 2013, there were 335 reported deaths and 506 reported injuries related to ROV accidents.

The reasonable standards being proposed by the Product Safety Commission require manufacturers to build certain safety measures into ROVs, including a minimum level of resistance for preventing rollovers and minimum protection to keep occupants inside the vehicle.

We are very fortunate to have Heidi Crow-Michael, who has travelled all the way from Winnsboro, Texas, to join us today. In 2007, Ms. Crow tragically lost her 9 year-old son, J.T., in a ROV accident. I believe that her story is an important one for everyone on this Subcommittee to hear.

Ms. Crow-Michael has been advocating for the type of safety standards included in the Commission rule, so that the same tragedy does not befall another family. Unfortunately, the fact is that preventable deaths continue to occur because important safety features are not being built into ROVs.

The time to get this done is now—no more delays.

Thank you and I yield back the balance of my time.